

THE PUBLIC HEALTH ACT, 2009
ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY PROVISIONS

Section *Title*

1. Short title and commencement.
2. Application.
3. Interpretation.

PART II
ADMINISTRATION

4. Duties of the Minister.
5. Duties and functions of the Authorities.
6. Authorities to make by-laws.
7. Functions of the authorized officers.
8. Notice to cleanse and disinfect premises.

PART III

NOTIFICATION AND CONTROL OF INFECTIOUS OR COMMUNICABLE AND NON
COMMUNICABLE DISEASES AND CONTROL OF MOSQUITOES

(a) Notification of Infectious or Communicable and Non-Communicable Diseases and Isolation of Infected Persons

9. Notification of infectious diseases.
10. Duty to notify notifiable infectious diseases and communicable diseases.
11. Powers of entry.
12. Isolation of infected persons.
13. Diseases to be notified to the Chief Medical Officer.

(b) Prevention and Control of the Spread of Infectious Diseases or Communicable Diseases

14. Advice and directives of the Chief Medical Officer.
15. Prevention of the spread of diseases.
16. Offences and penalties relating to notifiable diseases.
17. Diseases to be notified in the *Gazette*.
18. Rabid animals.

(c) Vaccination against Childhood and Other Communicable Diseases

19. Immunization of children and pregnant women.
20. Orders.
21. Vaccination of persons entering or living in Mainland Tanzania.
22. Exemption for payment of immunization or vaccination fees.
23. Immunization card for school children.
24. Emergency of infectious disease and vaccination for risk population.

(d) Control of Epidemic and Endemic Diseases

25. Epidemic, endemic and pandemic diseases.
26. Duties of the authorized officer to publish orders for the control of diseases.
27. Powers of entry.
28. Notification of sickness or mortality in animals.
29. The duty of the Regional Medical Officer to report notification of epidemic diseases.

(e) Control of Mosquitoes, Other Disease Vector, Vermin and Any Other Disease Causative Agent

30. Duties of occupiers and owners to keep premises free from breeding sites of mosquitoes.
31. Duties of occupiers and owners to keep vessels intended for storage of water fitted with sufficient cover.
32. Duty of protecting drainage systems for occupiers and owners of premises.
33. Destruction of mosquito larvae.
34. Penalty for refusal to carry out an order or of obstruction.

(f) *Port Health Services*

35. Powers of the Port Health Officer.
36. Health requirement.
37. Prohibition to pollute body of water.
38. Prohibition to dump waste.
39. Powers of the Port Health Officer to interfere with any port.
40. Inspection of vessels.
41. Inspection of aircrafts.
42. Inspection fee.
43. Prohibition of communication between vessels and shore prior to the granting of a certificate for *free pratique*.
44. Offences and penalties.
45. Powers of Port Health Officer in respect of medical surveillance.
46. Measures for vessel, vehicles, trains, aircrafts, etc from infected area.
47. Medical surveillance.
48. Outward vessels, vehicles and aircrafts, trains, etc. from infected area.
49. Powers of Port Health Officer when Mainland Tanzania is declared an infected area.
50. Powers to inspect passengers traveling by land.
51. Inspection of imported used clothes or foot wears.

PART IV

ANITATION, HOUSING AND HYGIENE

(a) *Nuisance*

52. Author of nuisance.
53. Contents of nuisance.
54. Prohibition of nuisance.
55. Duty of Authority to maintain cleanliness and prevent nuisance.
56. Examination of building or premises.
57. Notice for abatement of nuisance.
58. Service of notices, orders and other documents.
59. Power of closure.
60. Failure to comply with the requirements of the notice.
61. Penalties relating to nuisances.
62. Court order for execution of works in certain cases.

63. Overcrowding of lodging house, room, dwelling house, etc.
64. Powers of the Authority to sale property.
65. Demolition of dangerous or dilapidated premises.

(b) Housing and Human Settlement

66. Prior approval of new buildings or premises.
67. Grounds for disapproval of plans.
68. Penalty for contravention of sections 66 and 69.
69. Dangerous or dilapidated buildings or premises.
70. Application to rescind or vary a notice.
71. Clearance of slum areas and re-housing of inhabitants.
72. Powers of the Minister to make regulations relating to environmental health.

(c) Solid and Liquid Waste Management

73. Duty of the Authority to perform and undertake services.
74. Keeping and maintenance of dumping sites.
75. Management of solid and liquid wastes.
76. The duty of the Authority to undertake studies.
77. Collection of solid and liquid waste.
78. Designation of transfer stations.
79. Factors for choice of methods of solid wastes disposal.
80. Guidelines on disposal of solid and liquid wastes.
81. Transportation and disposal of liquid wastes.

(d) Gaseous Waste Management

82. Gaseous wastes.
83. Gaseous wastes from dwelling houses.
84. Control of industrial gaseous wastes and wastes from vehicles.

(e) Excreta Waste Management

85. Excreta waste.
86. Excreta waste management by the Authority.

(f) Hazardous and Health Care Waste Management

87. Hazardous and health care wastes.
88. Importation hazardous wastes.
89. Management of health care wastes.

90. Management of hazardous wastes.
91. Environment Health Impact Assessment for hazardous wastes.
92. Handling and disposal of health-care wastes and other wastes.

(g) Sewerage and Drainage

93. Construction of a public sewer.
94. Drain or private sewer to be connected with public sewer.
95. Disapplication of construction of a public sewer and drain.
96. Construction and maintenance of public sewers.
97. Vesting of public sewers.
98. Rights of owners of premises.
99. Size of public sewers.
100. Prohibition to interfere with any sewer or drain.
101. Drain or public sewer to be connected with public sewer.
102. Rights of owners of premises and owners of public sewers.
103. Communication with public sewer.
104. Notice for lateral drainage into public sewer.
105. Drainage provisions in building and extension plans.
106. Provision of latrines in building or premises plans.
107. Violation of building rules.
108. Powers of the Authority to issue notices in respect of existing building or premises.
109. Notice to provide a latrine and additional latrines.
110. Ineffective latrines, septic tanks, etc.
111. Violation of building latrines.
112. Drainage in combination.
113. Appeals.
114. Effects of failure to execute works in time.
115. Recovery of incurred expenses.
116. Recovery of additional expenses.
117. Manners of recovering expenses.
118. Powers of entry and inspection.
119. Notice and documents.
120. Powers of the Minister to make Regulations.
121. Supply of safe water.
122. Powers of the Authority to issue orders.
123. Offences and penalties.
124. Tampering with soak pits, etc.
125. Interference with waste water treatment area.

(g) *Cemetery and Crematoria*

126. Powers of the Authority to designate burial sites.
127. Notification of closure burial grounds.
128. Reimbursement of expenses to the Authority.

(h) *Funeral Homes, Mortuaries and Coffins Business*

129. The licensing of funeral undertakers.
130. Powers of the Authority to permit the establishment of mortuaries and funeral homes.
131. Locations of mortuaries and funeral homes.
132. Regulations in respect of funeral homes and mortuaries.
133. Powers of the Authority to make by-laws.

PART V

FOOD, FOOD HYGIENE, NUTRITION AND MARKET PLACES

(a) *Food and Food Hygiene*

134. Treatment and disposal of unfit food.
135. Approval of slaughter facility.
136. Records.
137. Inspection of meat and poultry.
138. Registration of food manufacturers.
139. Register of food manufacturers.
140. Place of manufacturing of foods.
141. Maintenance and adherence of public health standards by food manufacturers.
142. Labeling and importation of food additives.
143. By-laws.

(b) *Shops, Supermarkets and Market Places*

144. Establishment of markets and shops.
145. Markets not to be established without permission from the Authority.
146. Penalty and penalty.
147. Conditions for insurance of a permit or licence.
148. Closure of shops, Supermarkets and markets, and withdrawal of licences and permits.
149. Powers of the Authority to make by-laws.

PART VI
INSTITUTIONS GENERALLY

(a) Lodging, Hotels and Guest Houses

150. Conditions to operate a lodging, hotel etc.

(b) Hair Dressing Salons, Beauty Salons, Barber Shops and Other Salons

151. Hair dressing salons, beauty salons, barbershops and the like.

152. Sanitary measures.

153. Inspection of hair dressing salons, beauty saloons, barber shops and the like.

154. Offences and penalty.

155. Powers of the Minister to make regulations in respect of salons.

(c) Swimming Pools, Public Bathes and Massage Parlours

156. Application for establishment of public baths, swimming pools, saunas, massage parlours and bathing places.

157. Closure of public baths, swimming pools, saunas, massage, parlours etc.

158. Existing swimming pools, public baths, saunas, massage, parlours etc.

159. Powers of the Authority to make by-laws.

160. Conditions for the establishment of swimming pools, etc.

161. Closure of a bathing places swimming pool or massage parlours during outbreaks of infectious diseases.

(d) Schools and Training Institutions

162. Operation of schools.

163. Public health requirements for operating a school, etc.

164. Health inspection of schools.

PART VII
MISCELLANEOUS PROVISIONS

165. Protection against legal proceedings.

166. Indemnity of authorized officers

167. Contravention by a corporate entity, director, etc.

168. Welfare and health of workers

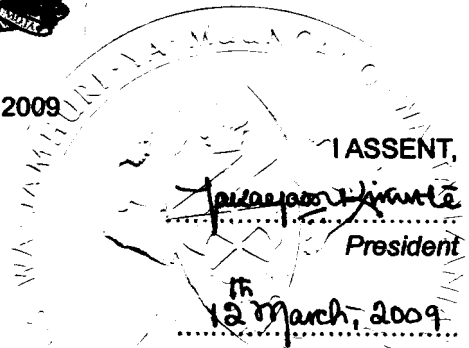
169. Worker's health surveillance.
170. Management of bars, restaurants, public baths, swimming pools, saunas, etc.
171. Regulations.
172. Reporting of maternal death.
173. Prohibition of advertisement on matters or issues related to public health.
174. Prohibition of natural call in areas other than toilets.
175. Amendment of the Schedule.
176. General penalty.
177. Repeals and savings.

SCHEDULES

THE UNITED REPUBLIC OF TANZANIA



NO. 1 OF 2009



I ASSENT,

President

12 March, 2009

An Act to provide for the promotion, preservation and maintenance of public health with a view to ensuring the provisions of comprehensive, functional and sustainable public health services to the general public and to provide for other related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I

RELIMINARY PROVISIONS

1.-(1) This Act may be cited as the Public Health Act, 1008.

Short title and commencement

(2) This Act shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

2. This Act shall apply to Mainland Tanzania.

Application

3. In this Act, unless the context otherwise requires- "adult" means a person who is of or above the age of eighteen years; "Authority" means a district authority or an urban authority; "authorized officer"-

Interpretation

- (a) in relation to the Authority, means a Medical Officer of Health, District Medical Officer, Environmental Health Practitioner or any appointed public officer; and
 - (b) in relation to the Ministry, means a Medical Officer of Health, District Medical Officer, Regional Medical Officer, Environmental Health Practitioner or any public officer appointed by the Minister;
- “basement” means any room which exceeds one-third of a standard height measured from the level of the floor below the surface of any ground within three meters of the wall of such room;
- “building” or “premises” means any structure or erection and any part of any structure or erection of any kind whatsoever whether permanent, temporary or movable, and whether completed or uncompleted;
- “burial” means burial in earth, interment, any other form of *sepulchre*, the cremation or any other mode of disposal of a dead body;
- “breeding sites” means breeding sites of mosquitoes and other vermins, bottles, vessel, timber, cask or other articles, whole or broken, whether fixed on walls or not, tins, boxes, calabashes, earth ware vessels, shell or any other article and tree standing or fallen, which are kept so as to retain water or carry out any activities which may lead to the breeding of mosquito and includes—
- (a) any collection of water, sewage, waste or other conditions which permit or facilitate the breeding or multiplication of mosquitoes, tsetse flies, rats, simulium, black fly, ticks, lice, snails or parasites of human beings or animals which may cause the infection of human beings or domestic animals;
 - (b) any collection of water in any well, pool, gutter, channel, depression, excavation, barrel, tub, bucket or any other article, found to contain any of the immature stages of the mosquito or other vermins; and
 - (c) any cesspit, latrine, urinal, dung-pit or ash-pit found to contain immature stages of the mosquito or other disease causing agents or vermins;
- “carrier” means a person harboring disease agents without symptoms or signs of the disease;
- “cellar” means any room of the floor; other than basement of the floor lower than a ground within three meters of that room and includes any vault or underground room;

- “cesspool” includes a settlement tank or any other tank for the reception or disposal of foul matter from a building or premises;
- “child” means a person under the age of eighteen years;
- “communicable or infectious disease” means an illness caused by an infectious agent or its toxic products, which is transmitted directly or indirectly from an infected person or animal or through the agency of a mediate environment;
- “contact” in relation to communicable disease means a person who has been in contact with a case or suspected case of communicable disease within the recognized incubation period of that disease;
- “concurrent disinfection” means the disinfection of infected articles used by the patient during the time of that patient's illness;
- “court” means the High Court and the courts subordinate thereto;
- “day” means an interval of twenty four hours;
- “dairy farm” includes any farm-house, cowshed, milk-shop or other place from which milk is supplied or in which milk is kept or used for purposes of sale or used for the manufacturing of butter, ghee, dried milk or condensed milk or any other milk products ;
- “dairy farmer” includes any cow-keeper, purveyor of milk or occupier of a dairy farm, and in case where a dairy is owned by a corporation or company, farm manager or other person managing such dairy;
- “deratting” means the procedure whereby health measures are taken to control or kill rodent vectors of human diseases present in baggage, cargo, containers, conveyance, facilities, goods and postal parcels at the point of entry;
- “disease causative agent” means a biological pathogen that causes a disease;
- “disinfection” means the procedure whereby health measures are taken to control or kill infections agents on a human or animal body surface or on baggage, cargo containers conveyances, goods and postal parcels by direct exposure to chemical or physical agents;
- “earth-closet” means a pit latrine, privy or a closet having a movable receptacle for the reception of faecal matter;
- “Environmental Health Practitioner” means any officer duly qualified in environmental health sciences and registered under the Environmental Health Practitioners (Registration) Act, 2007;
- “free pratique” means permission for a ship or an aircraft to enter a port, embark or disembark, discharge or load cargo or stores;
- “food” shall have a meaning ascribed to it under the Tanzania Food, Drugs and Cosmetics Authority Act;

- “garbage” means non-liquid materials arising from construction and demolition activities, garden trimmings, mining operations, dead animals, abandoned car, scraps and swill;
- “health care facility” includes a hospital, a health centre, a dispensary, a clinic, a nursing home and a health post;
- “health personnel” means any person who has undergone training and qualified in health sciences and who is registered by the professional body concerned;
- “infected person” means a person suffering from or in the incubation stage or contaminated with the agent of any infectious disease or a carrier;
- “infectious agent” means a disease organism causing infection;
- “inspection chamber” means a chamber constructed on a drain to allow access for its inspection and cleansing;
- “institution” means higher learning institution, office, hospital, police or army barrack, prison, religious building, camp, convent and includes any other organization or entity which the Minister may declare it to be an institution for the purposes of this Act;
- “isolation” means a separation of ill or contaminated persons or affected baggages, containers, conveyances, goods or postal parcels from others in such a manner as to prevent the spread of infections or contaminations;
- “lateral drain” means a portion of a system of drain or private sewer, which in relation to-
- (a) soil and waste water, lies between the intercepting chamber and the public sewer, including the intercepting trap and sewer connection; or
 - (b) storm water, lies between the last inspection chamber and the public sewer or where there is no inspection chamber, between the curtilage of the premises and the public sewer;
- “market” means a premises or place for buying or selling of fruits, vegetables or any food, animal or materials;
- “man hole” means a hole used with accessories by sewer men when there is a need to descend and climb into for examination purposes;
- “maternal death” means a death of a woman while pregnant or within forty two days of delivery, miscarriage or termination of pregnancy from any cause related to or aggravated by the pregnancy or its management, but not from accidental or incidental causes;
- “meat inspector” means a person appointed by the Authority for purposes of conducting meat inspection;

“medical observation” means the isolation or detention of persons for the purpose of medical examination;

“medical officer” means a Government medical officer and includes any registered medical practitioner duly authorized to carry out the duty of the Government in accordance with this Act;

“Medical Officer of Health” means -

- (a) the Chief Medical Officer or any duly qualified medical practitioner in the service of the Government authorized by the Minister to act as a Medical Officer of Health; and
- (b) in any City, Municipality or other area of the Authority, any duly qualified medical practitioner appointed to be a Medical Officer of Health by the district council, city council, municipal council or other authority where -
 - (i) that appointment was made with prior approval of the Minister; or
 - (ii) the appointment was made without prior approval of the Minister, the medical practitioner has been authorized by the Chief Medical Officer to exercise the powers conferred upon a Medical Officer of Health;

"medical practitioner" has the meaning ascribed to it under the Medical and Dentist Practitioners Act; Cap. 152

"medical surveillance" means the keeping of a person under medical supervision;

"Minister" means the Minister responsible for health;

"Ministry" means the Ministry responsible for health;

"notifiable disease" and "notifiable condition of ill health" means those diseases, injuries or other conditions of ill health designated as such under section 13 of this Act;

"nuisance" means anything which is in such a condition, used, disposed of, situated, constructed or is unclean as to be-

- (a) dangerous to human life and limb;
- (b) injurious to human health or animal;
- (c) offensive;
- (d) likely to give rise to or facilitate the spread of diseases;
- (e) likely to harbour mosquitoes, flies, rats or vermins of any kind;
- (f) likely to be injurious or to affect food and water supply of any area; or
- (g) injurious to environment;

“occupier” means a person in actual occupation of land or premises irrespective of the nature of the title under which that person occupies,

- and in case of premises subdivided and let to lodgers or various tenants, and it includes the persons receiving rent payable by the lodgers or tenants whether in that person's own account or as an agent for any person actually occupying that land or premises, as the case may be;
- “owner” in relation to any premises means the person holding or who is deemed by any written law to be holding such premises under a right of occupancy, and includes any person claiming or holding himself out as being the owner and entitled to a right of occupancy in respect of the premises, or in the case where the owner of such premises can not be found, the person in actual occupation of such premises;
- “pandemic” means a widely spread deadly disease resulting in the death of many people and so named by recognised authority;
- “parent” includes the father or mother of a child, and a person having the care or custody of a child;
- “place of entertainment” means theatre, cinema, club, restaurant, casino or any other place which in accordance to this Act may be used for recreational activities;
- “port” shall have a meaning ascribed to it under the Ports Act;
- “Port Health Officer” means any Environmental Health Practitioner registered under the Environmental Health Practitioners (Registration) Act, 2007;
- “premises” means land, buildings, structures, basements and vessels, and includes any cartilage, forecourt, yard or place of storage used in connection with building or part of that building; and in relation to vessels, includes aircrafts, a carriage or receptacle of any kind, whether open or closed;
- “public health” means a national health, community health and individual health which is primarily aimed at increasing the well-being of the population by providing essential public health services to all citizens of Mainland Tanzania;
- “public latrine” means any latrine to which the public is permitted to use upon payment of a user fee or otherwise;
- “public sewer” means any sewer vested in or constructed by or on behalf of or under the control of the Authority;
- “recreational ground” means a piece of land set aside for public recreation;
- “salon” includes a barber shop, hair dressing salon, beauty salon and any other premises used for the related or like purposes;
- “sanitary accommodation” includes water closets, urinals and latrines;
- “scavenger” means a person who sorts articles for use from refuse or waste bins, heaps, bays and dumps;

Cap. 166

Act No.20
of 2007

- “stray animal” means an animal which, for the time being, has no identified owner;
- “septic tank” means a masonry structure for the reception and biological treatment of sewage;
- “slop-hopper” means any fitting intended for the reception of soil water;
- “soakage pit” means a pit constructed purposely to receive and allow water to soak away efficiently from septic tank or storm water;
- “soil water” means any discharge from water-closets, slop-hoppers, urinals and water containing any excremental liquid or substances;
- “storm water” means surface or rain water;
- “vector” means an insect or other animal which transports an infectious agent that constitutes a public health risk;
- “vermin” includes rodents, rats, mice, squirrels, molls and any other pests associated with carrying of diseases;
- “vessel” means a ship, tug, lighter, boat, barge, canoe, schooner or dhow;
- “water-closet” means latrine used, adapted, designed or intended to be used in connection with a water carriage system and comprising of a provision for the flushing of the receptacle by means of an approved water supply.

PART II

ADMINISTRATION

4.-(1) The Minister shall promote, preserve and maintain a comprehensive, functional and sustainable public health system in Mainland Tanzania for the purpose of -

Duties of
the
Minister

- (a) securing improvement in the health habits and lifestyles of people living in Tanzania;
- (b) securing environmental sanitation and hygiene;
- (c) preventing and controlling living infectious or communicable and other diseases; and
- (d) providing guidance to the Authority and other authorities in regard to matters affecting public health.

(2) The International Health Regulations, 2005 adopted by the World Health Assembly shall apply in tandem with the provisions of this Act.

Duties
and
functions
of the
Authorities

Cap.191

5. Every Authority shall -

- (a) take lawful, necessary and reasonable measures to prevent the occurrence of or deal with any out-break or prevalence of any infectious or communicable and non-communicable disease;
- (b) cause an appropriate Environmental Health Impact Assessment Study to be conducted for all activities as may be provided for under the Environmental Management Act;
- (c) safeguard and promote the public health standards;
- (d) issue notices for rectification of any breach of public health standards;
- (e) implement and enforce public health standards through by-laws;
- (f) promote public health standards in its area through creation of awareness and educational campaigns;
- (g) carry out inspections; and
- (h) exercise the powers or perform duties in respect of the public health in accordance with this Act or any other written law.

Authorities
to make
by laws

6. The Authority may, in consultation with the Minister, make by-laws in order to facilitate the effective operation of public health services in connection with any public health matter.

Functions
of the
authorized
officer

7. The functions of the authorized officer shall be to-

- (a) carry out inspections;
- (b) serve notices;
- (c) institute legal proceedings;
- (d) take samples;
- (e) conduct environmental health research;
- (f) conduct public health education;

- (g) plan and implement various programs relating to malaria, HIV and AIDS, vaccinations and any other disease preventive programs; and
- (h) perform other duties as may be assigned by the Authority.

8. Where any Environmental Health Practitioner or authorized officer is of the opinion that the cleansing and disinfection of any premises, building or its part or of any article is likely to retain infection, he shall give notice in writing to the owner or occupier of such premises, building or its part or article, specifying the steps to be taken to clean and disinfect such building or part of it within a specified time.

Notice to
cleanse and
disinfect
premises

PART III

NOTIFICATION AND CONTROL OF INFECTIOUS OR COMMUNICABLE AND NON COMMUNICABLE DISEASES AND CONTROL OF MOSQUITOES

(a) Notification of Infectious or Communicable and Non-Communicable Diseases and Isolation of Infected Persons

9.-(1) The Minister, in consultation with the authorized officer, shall notify the public by a publication in the local newspaper circulating in the area notice boards on the area or any other method which may be considered fit on the occurrence, existence of any infectious, communicable and non-communicable disease prescribed in the First Schedule to this Act.

Notification
of
infectious
diseases

(2) Without prejudice to the provisions of subsection (1), in controlling the spread of any disease, the Medical Officer of Health may, by the notice of the Minister, prohibit or restrict the free movement of people from visiting the infected area.

10.-(1) Any person suffering from any notifiable infectious disease shall himself, the occupier, any person or any relative residing in that premises inform -

Duty to
notify
notifiable
infectious
diseases
and
communi-
cable
diseases

- (a) a nearest authority; or
- (b) the authorized officer or Medical Officer in-charge of any health care facility or medical practitioner in that locality.

(2) Every medical practitioner or authorized officer attending on or called in to visit the patient shall, on becoming aware that the patient is suffering from any notifiable infectious disease, submit to the nearest Medical Officer of Health, a certificate stating the name of the patient, the location of the premises and the nature of the notifiable infectious disease from which the patient is suffering from.

(3) The medical practitioner or authorized officer shall inform the head of the household or the occupier of the premises or any person in attendance of that patient of -

- (a) the nature of the infectious disease; and
- (b) the precautionary measures to be taken to prevent its spread.

(4) Where a medical practitioner or authorized officer has been called in, the obligation to notify an infectious disease shall lie on that medical practitioner or other authorized officer.

(5) Every Medical Practitioner or Medical Officer of Health who becomes aware through the conduct of post-mortem examination or otherwise that a person has died of a notifiable or infectious disease, he shall immediately furnish a written certificate to the nearest authorized officer, and inform the head of the household or the occupier of the premises or any person who has been attending that deceased person of-

- (a) the infectious nature of the disease; and
- (b) the precautions to be taken to prevent its spread.

(6) Where the deceased person is from foreign land, notification shall be made to the Chief Medical Officer.

(7) Where a private health facility receives a patient suffering from infectious or communicable diseases, it shall report the matter immediately to the Medical Officer of Health or authorized officer in the area, who shall publish a notice of the occurrence of the infectious or communicable disease in the local newspaper widely circulating in that area or post notice in public place.

11.—(1) Any authorized officer may, in collaboration with the Authority or the officer from the nearest Authority any time between the hours of seven in the morning and six in the evening or during which the business is in progress-

Powers of entry

- (a) enter any premises or any carriage or other conveyance for the purpose of carrying out his duties or any lawful order;
- (b) inspect any premises which he has reasons to believe that any person suffering or who has recently suffered from any infectious disease is or has recently been present or any inmate who has recently been exposed to the infection of any notifiable infectious disease present or has recently been present; and
- (c) examine any person in that premises for the purpose of ascertaining whether that person is suffering or has recently suffered from or is a carrier of any of such disease.

(2) Any authorized officer may cause a post-mortem examination to be made on any corpse for the purpose of ascertaining whether the death has been caused by an infectious disease or a notifiable disease.

12.—(1) Any patient suffering from a notifiable or infectious disease shall be isolated from other persons.

Isolation of infected persons

(2) Where a medical practitioner or an authorized officer confirms the diagnosis or has reasonable grounds to believe that a person is suffering from a notifiable or infectious disease, he shall order the infected person to be isolated, moved into a hospital or treatment centre and be quarantined.

(3) Where a person notifying a notifiable or infectious disease is not a medical practitioner, he shall seek the opinion of the Medical Officer of Health, except that where he fails to do so he may himself order the patient to be moved to a hospital or a place of isolation.

13.—(1) Where the Medical Officer of Health or the District Medical Officer has received a notification under section 9, that a person is suffering from one of the diseases set out in the First Schedule to this Act, he shall, within six hours of receipt of that notice, notify the Regional Medical Officer who shall notify the Chief Medical Officer by the most expeditious means available.

Diseases to be notified to the Chief Medical Officer

(2) Notification of the infectious diseases under this Act shall be made on the prescribed Form set out in the Second Schedule to this Act.

(b) Prevention and Control of the Spread of Infectious or Communicable Diseases

Advice and directives of the Chief Medical Officer

14. Upon receiving notification of infectious or communicable disease under this Act, the Chief Medical Officer may advise and issue directives to the Regional Medical Officer or the Medical Officer of Health, the District Medical Officer or authorized officer, as the case may be, to take appropriate measures of preventing the spread of the disease including the management of the outbreaks.

Prevention of the spread of diseases

15.—(1) Where a portion or the whole of a district has an outbreak of one or more of the diseases listed in the First Schedule to this Act, the Medical Officer of Health or the District Medical Officer may-

- (a) by an order published in the *Gazette*, and widely circulating news papers specify quarantine measures that will facilitate the scaling down of the outbreak;
- (b) order vaccination or immunization of any contacts of the case using the appropriate vaccine; or
- (c) carry out such concurrent or terminal disinfections and disinfestations as may deem necessary.

(2) The quarantine measures may include-

- (a) banning of certain activities or businesses that perpetuate the spreading of the infection;
- (b) restriction of entry into households or premises with infected persons, treatment centers or crossing of borders;
- (c) creation of sites for temporary treatment centers; or
- (d) taking any other appropriate management measure to prevent the outbreaks.

(3) The Medical Officer of Health or the District Medical Officer may lift the quarantine and restrictions when considers it medically fit and safe to do so.

16. Any person who -

- (a) knows or has reasons to think that he is suffering from a notifiable or infectious disease likely to expose other persons to the risk of infection by his presence or conduct in any street, public place, public transport, vehicle, place of entertainment, assembly, club, hotel, restaurant, shop, premises or any other place;
- (b) is taking care of a person whom he believes is suffering from a notifiable or infectious disease, causes or permits that person to expose other persons to the risk of infection by his presence or conduct in any of the places;
- (c) gives, lends, sends, transmits or exposes, without previous disinfection or disinfestation, any clothing or beddings which is known to have been exposed to infection from a notifiable or infectious disease or any article which he knows to have been exposed and which may carry such infection;
- (d) rents, hires or lends any premises where there has been a case of infectious or notifiable disease prior to the terminal disinfection being carried out or where there is a patient suffering from a notifiable disease,

commits an offence and upon conviction shall be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both.

17. Where there is occurrence of a disease not listed in the First Schedule to this Act, the Minister shall, by a notice in the *Gazette* and in any local widely circulating newspaper, declare such occurrence as a disease under that Schedule.

18.-(1) Where a person has been bitten by a rabid animal or a suspected rabid animal, efforts shall be made to trace that animal and the patient shall be diagnosed and vaccinated or dealt with in accordance with the prevailing medical practice.

(2) Where the diagnosis made under subsection (1) is positive, the animal shall be destroyed immediately.

Offences
and
penalties
relating to
notifiable
diseases

Diseases
to be
notified
in the
Gazette

Rabid
animals

(c) *Vaccination Against Childhood and Other Communicable Diseases*

Immuni-
zation of
children
and
pregnant
women

19.-(1) Every parent or guardian of a child born in Mainland Tanzania shall, within twelve months from birth, cause that child to be immunized against polio, tuberculosis, diphtheria, pertussis, tetanus, measles, hepatitis "B" and any other immunizable diseases which may be prescribed by the Minister in the *Gazette*.

(2) The parent or guardian of the immunized child shall obtain an immunization card as prescribed in the Third Schedule to this Act.

(3) Every pregnant woman shall, throughout her pregnancy, ensure that she undertakes immunization against tetanus and any other infectious immunizable diseases as the Minister may prescribe in the *Gazette*.

Orders

20.- The Minister may, by order published in the *Gazette*, declare-

- (a) any area to be a compulsory vaccination area against diseases and shall specify a period within which the vaccination against those diseases shall be carried out;
- (b) that a disease of an infectious or contagious nature, not mentioned in this Act is an infectious disease; and
- (c) any matter which is necessary or convenient to be prescribed under this Act.

Vaccination
of persons
entering or
living in
Mainland
Tanzania

21.-(1) Any person entering Mainland Tanzania shall be required to produce a yellow fever certificate of vaccination or prophylaxis as prescribed in the Fourth Schedule, provided that the person is not a resident of Tanzania Zanzibar.

(2) A person referred to under subsection (1) who does not carry the certificate shall be required to be vaccinated at a fee in a designated place at a port of entry.

Exemption
for
payment of
immun-
ization or
vaccination
fees

22. A fee shall not be charged to any child or pregnant woman who is a citizen of Tanzania for any certification granted, immunization or vaccination done in Mainland Tanzania.

23.—(1) A child shall not be admitted or allowed to attend any primary school until there has been produced to the person in charge of that school an immunization card with respect to that child, has been complied with.

Immunization card for school children

(2) Where the child fails to meet such conditions, a parent or guardian of the child or the officer in charge of the school shall arrange for immediate immunization.

24.—(1) The Authority or any authorized officer may, in any occurrence of infectious diseases in any area -

Emergency of infectious disease and vaccination for risk population

(a) require any person within that area, who has or is suspected to have been exposed to infectious diseases, to attend at health care facilities and undergo medical examination, vaccination or re-vaccination as circumstances may require,

(b) by a notice in respect of infectious diseases, publish in the local newspaper widely circulating in such area or posted in public places or as may be deemed proper; or

(c) require any person in that area to furnish satisfactory proof, including the exhibition of vaccination scars or certificate of vaccination, that he has been successfully vaccinated within the specified period immediately preceding the date of that requirement.

(2) Any person who fails to comply with the provisions of subsection (1) as regards to furnishing of proof for himself or any child whom he is the parent or guardian or refuses to allow himself or that child to be vaccinated, commits an offence and upon conviction is liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term of three months or to both.

(d) Control of Epidemic, Endemic and Pandemic Diseases

25. The provisions of this Part shall apply to plague, cholera, cerebral-spinal meningitis, malaria, schistosomiasis, tuberculosis, dysentery, typhoid, viral hemorrhagic-fevers and any other disease which the Minister may, by notice in the *Gazette*, declare that disease to be an epidemic, endemic or pandemic disease for the purpose of this Act.

Epidemic, endemic and pandemic diseases

26.—(1) Where any part of Mainland Tanzania appears to be threatened by any disease under section 25, an authorized officer shall report to the Chief Medical Officer and the Authority.

Duties of the Authorized officer to

publish orders for the control of diseases

(2) Subject to subsection (1), the authorized officer may issue a notice to the public through a daily widely circulating local newspaper to declare that part as an infected area.

Powers of entry

27. An authorized officer may enter into any premises, aircraft, vehicle or vessel for the purpose of inspecting, executing or superintending the performance of functions or the exercise of powers under this Act.

Notification of sickness or mortality in animals

28.—(1) Any person who becomes aware of any unusual sickness or mortality among rats, mice, cats, dogs or other animals susceptible to plague or other epidemic, endemic or pandemic diseases not caused by poison or other obvious cause, shall immediately report the case to authorities specified under subsection (1) of section 10.

(2) Any person who fails to report the case under subsection (1) commits an offence and upon conviction, is liable to a fine not exceeding one hundred thousand shillings to imprisonment for a term of two months or to both.

The duty of the Regional Medical Officer to report notification of epidemic diseases

29. Every Regional Medical Officer shall, within six hours after receiving the information, report to the Chief Medical Officer by the most expeditious means-

- (a) the particulars of every notification received by that authority of a case or suspected case of any epidemic disease;
- (b) unusual sickness;
- (c) death of human beings; or
- (d) mortality in animals.

(e) Control of Mosquitoes . Other Diseases Vectors, Vermins and Any Other Disease Causative Agent

Duties of occupiers and owners to keep premises free from breeding sites of mosquitoes

30.—(1) Any occupier or owner of any premises shall keep his premises free from breeding sites of mosquitoes, other disease vectors, vermins and other diseases causative agents.

(2) Any occupier or owner of any premises who contravenes the provisions of this section commits an offence and upon conviction shall be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term of six months or to both.

31.-(1) Every person who keeps or allows any collection of water to be kept in any well, barrel, tub, bucket, tank or other vessel, shall ensure that the same is fitted with sufficient cover.

Duties of occupiers and owners to keep vessels intended for storage of water fitted with sufficient cover

(2) Any person who contravenes the provisions of subsection (1), commits an offence and upon conviction shall be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two months or to both.

32.-(1) The occupier or owner of any premises shall cause any drainage system to be properly protected or inspected to the satisfaction of an authorized officer in order to prevent the ingress of mosquitoes, other disease vectors, vermins or other disease causative agents.

Duty of protecting drainage systems for occupiers and owners of premises

(2) Any person who contravenes the provisions of this section commits an offence and on conviction is liable to a fine not exceeding one hundred thousand shillings.

33.-(1) Where a mosquito larvae is found in any breeding site on any premises or land, the Environmental Health Practitioner, Medical Officer or a person duly appointed or authorized in writing by that Environmental Health Practitioner or Medical Officer may take immediate steps to destroy such mosquito larvae.

Destruction of mosquito larvae

(2) The Authority shall take such necessary actions to prevent the recurrence of the breeding site on the premises or land which may render the pools or collections of water unfit for health reasons.

(3) The Environmental Health Practitioner may order the owner or occupier of the premises to take the necessary action to prevent settling of water on the premises in order to prevent mosquitoes breeding.

34. Any person who -

(a) refuses to carry out an order made under section 33; or

(b) obstructs an authorized officer empowered to carry out the provisions of this Act,

Penalty for refusal to carry out an order or obstruction

commits an offence and shall be liable on summary conviction to not exceeding five hundred thousand shillings or to imprisonment term not exceeding three months or to both.

(f) *Port Health Services*

Powers of
the Port
Health
Officer

35.—(1) For the purposes of preventing the entry of infectious communicable diseases into Mainland Tanzania, the Port Health Officer shall have the powers to—

- (a) restrict or prohibit the entry into Mainland Tanzania, a person other than a citizen of the United Republic of Tanzania from an infected country;
- (b) restrict or prohibit the entry into Mainland Tanzania of an animal, vessel, aircraft, vehicle, article, food or thing;
- (c) require a person to undergo medical examination, detention, quarantine, disinfection, vaccination, isolation, medical surveillance or the examination, detection or disinfection of such persons, articles or things entering into the country;
- (d) in consultation with a veterinary officer at the port of call, deal with the animal as he may deem appropriate.

(2) Where there is a suspected case of communicable or infectious disease on any aircraft or vessel or where a person has been in contact with a case of communicable or infectious disease, the Port Health Officer may—

- (a) detain that person for medical examination;
- (b) require clothes, article or anything of that person to be disinfected;
- (c) prevent that person from leaving the aircraft or vessel;
- (d) require the captain of the aircraft or vessel to take precautionary steps to prevent the spread of that communicable or infectious disease; or
- (e) examine appropriate International Health Certificate, if available, and vaccinate that person where the International Health Certificate is not available.

(3) A person entering Mainland Tanzania while suffering from infectious or communicable disease or have failed to prove that he had undergone vaccination shall be vaccinated after the payment of a prescribed fee.

(4) Where a person entering Mainland Tanzania is found with communicable or infectious disease refuses to comply with the requirements of subsection (1), he shall be repatriated to his country of origin at his own costs.

(5) A person who contravenes the preceding provisions of this section commits an offence and shall on conviction be liable to a fine not exceeding five million shillings or to imprisonment to a term not exceeding twelve months or to both.

36. Every Port Manager or any person acting on his behalf shall ensure there is availability of -

Health
require-
ment

- (a) sufficient supply of potable water;
- (b) means of disposal of waste;
- (c) storage facilities specifically for perishable goods;
- (d) sufficient toilets for male and female;
- (e) sufficient methods for the control of disease vectors and vermins infestation; and
- (f) provision of health care facilities.

37.-(1) A person shall not discharge into waters of the seaport, lake port or river port, any oil, grease, ballast, waste, sewage or any other substance likely to pollute the water or the coastline which may be detrimental to navigation or cause any inconvenience to the shipping industry, aquatic life and recreational activities which may create any health hazard to the public.

Prohibition
to pollute
body of
water

(2) Any person who contravenes the provisions of subsection (1) commits an offence and shall, upon conviction be liable to a fine of not less than one million shillings or imprisonment for a term not exceeding one year or to both.

38.-(1) A person shall not dump or discharge or cause to be dumped or discharged any waste, either solid or liquid or any other substance

Prohibition
to dump
waste

which may cause or likely to cause pollution into the land within the defined port area.

(2) Any person who contravenes the provisions of subsection (1) commits an offence and shall, upon conviction be liable to a fine of not less than one million shillings or imprisonment for a term not exceeding one year or to both.

Powers of
the Port
Health
Officer to
interfere
with any
port

39. Where there is a danger to public health, the Port Health Officer may, in consultation with other related authorities, order the detention of passengers animals, cargo, storage, goods, maintenance or cessation of other operations at any port or section

Inspection
of vessels

40.-(1) The Port Health Officer may at any time-

- (a) board any vessel and inspect any part or anything in that vessel;
- (b) medically examine any person and any animal on board; and
- (c) require any person to respond to any question for the purposes of ascertaining whether or not infection exists or has recently existed on such vessel.

(2) The Master of an incoming ship shall –

- (a) fly or show appropriate signals as laid down in the International Code of Signals;
- (b) continue to fly or show appropriate signals until the ship has been cleared by the Port Health Officer;
- (c) complete the Maritime Declaration of Health Form set out in the Fifth Schedule to this Act;
- (d) report any case of an infectious or communicable disease where the ship is in port and the Master shall complete the Maritime Declaration of Health Form except where sickness occurs within four weeks of that declaration;
- (e) prohibit anyone from leaving the ship until it has been cleared by a Port Health Officer;

- (f) produce a valid Ship Sanitation Control Exemption Certificate or a valid ship Sanitation Control Certificate in the prescribed form as set out in the Sixth Schedule to this Act;
 - (g) where a Ship Sanitation Control Certificate has expired or there is evidence of presence of rats on-board, arrange for its renewal after deratting measures have been carried out to the satisfaction of the Port Health Officer.
- (3) Where the Port Health Officer is satisfied that -
- (a) a communicable or infectious disease is not on board;
 - (b) the responses on the Maritime Declaration of Health Form are negative;
 - (c) the Ship Sanitation Control Certificate or Ship Sanitation Control Exemption Certificate is valid; and
 - (d) there is no other reason for the ship to be further inspected, he shall grant certificate for *free pratique* and allow the ship to enter the port as prescribed in the Seventh Schedule to this Act.
- (4) The Master under subsection (2) shall be required to complete the Ship Cargo Manifest Form set out in the Eighth Schedule to this Act.

41.-(1) The Port Health Officer may at any time -

Inspection
of aircraft

- (a) board any aircraft and inspect any part or anything in that aircraft;
- (b) medically examine any person on-board; and
- (c) require any person present in that aircraft to respond to any question for the purposes of ascertaining whether or not infection exists or has recently existed on such aircraft.

(2) The captain of any aircraft shall be required to complete the Aircraft Passenger Manifest Form or Aircraft Cargo Manifest Form set out in the Ninth and Tenth Schedule to this Act respectively.

42. The owner of the vessel or aircraft or his agent shall be required to pay an inspection fee or other fees as may be prescribed by the Minister.

Inspection
fee

Prohibition of communication between vessels and shore prior to the granting of a certificate for *free pratique*

43. Except in the case of danger, the Master of a vessel arriving at any port or place in the country and a person on board the vessel, shall not communicate or attempt to communicate with the shore or any other vessel, other than by signal, until a certificate for *free pratique* has been granted to that vessel in accordance with the provisions of this Act and any other relevant laws.

Offences and penalties

44. Subject to sections 40, 41 and 43, any person who -

- (a) refuses to allow a Port Health Officer to board any vessel for purposes of performing inspection or medical examination;
- (b) obstructs or hinders a Port Health Officer in the execution of his duty; or
- (c) fails or refuses to give any information which he may have or gives that Port Health Officer information knowing it to be false or misleading,

commits an offence and shall on conviction be liable to a fine not exceeding ten million shillings.

Powers of Port Health Officer in respect of medical surveillance

45. Where a person is arriving from an infected area of internationally notifiable disease, the Port Health Officer may—

- (a) place that person under medical surveillance; and
- (b) transfer that infected person to a hospital or centre and detain him for treatment.

Measures for vessel, vehicles, trains, aircrafts, etc. from infected area

46. The Port Health Officer may, upon arrival of—

- (a) any vessel, train, aircraft, vehicle, train or any other article or thing from infected area or suspected to be from that infected area; or
- (b) any vessel, aircraft, vehicle, train or any other article or thing which has during the voyage been in transit in an infected area with plague, cholera, yellow fever or any other communicable or infectious disease,

order the implementation of the measures to deal with that vessel, vehicle, train, aircraft or any other article or thing in accordance with the provisions of this Act.

47.—(1) Where a person on board of any vessel, train, vehicle, aircraft or any other article or thing is believed to have been recently exposed to any infection and may be in the incubation stage of any notifiable infectious disease, the Port Health Officer may require that person to -

Medical
surveillance

- (a) remain on board of that vessel, aircraft, vehicle, any other article or thing alternatively; or
- (b) land and proceed direct to his place of destination and report him to the Medical Officer of Health or District Medical Officer for medical surveillance by that Medical Officer of Health or District Medical Officer until that person is considered free from infection.

(2) Where a person is placed under surveillance for plague or cholera, the period shall start from the date of his leaving the infected area.

(3) A person from an infected area and who is unable to produce a valid certificate of vaccination against yellow fever or any other infectious or communicable disease shall be isolated until his certificate becomes valid or until a period of not more than six days has elapsed, whichever occurs first.

(4) A person placed under surveillance shall-

- (a) be subjected to a medical examination as may be required by the Medical Officer of Health or District Medical Officer; and
- (b) co-operate with the Medical Officer of Health or District Medical Officer.

(5) Where a person under surveillance moves to an address different from the address given when placed under surveillance, he shall inform the Medical Officer of Health or District Medical Officer of his new address.

48.—(1) Subject to the International Health Regulations, 2005, a Port Health Officer may examine all persons embarking on an outward aircraft,

Outward
vessels,
vehicles and

aircrafts,
trains, etc.
from
infected
area

vessel, vehicle, train and any other article or thing if he suspects any person to be suffering from a disease and may prohibit that person, article or thing from getting out of the aircraft, vessel, vehicle, train or any other article or thing.

(2) A person who is already under surveillance may be allowed to proceed with the journey after the examination has been carried out.

Powers of
Port
Health
Officer
where
Mainland
Tanzania is
declared an
infected
area

49. Where any area of the Mainland Tanzania is declared to be an infected area, the Port Health Officer -

- (a) shall demand a valid International Vaccination Certificate against specified disease from embarking passengers or crew against specified disease;
- (b) may examine embarking passengers or crew;
- (c) may demand for the disinfection of a vessel, train, vehicle, aircraft or any other article, thing or any of its part;
- (d) may inspect beddings, clothing or any other article or thing, where plague is suspected, and order for the disinfection and disinfestations; and
- (e) shall prohibit a suspected article or thing to be taken on board to prevent further infection.

Powers to
inspect
passengers
traveling
by land

50. The Port Health Officer shall have powers in respect of passengers traveling on land to -

- (a) inspect any passenger, train or vehicle or any other article or thing;
- (b) examine suspected cases of communicable or infectious diseases;
- (c) detain cases or suspected cases of communicable or infectious disease for further examination, and may order for the disinfection or disinfestations of clothes, baggages and vehicles, any article or thing;
- (d) require the person in-charge of a vehicle or train to give that Port Health Officer every assistance, and shall require that person to take all necessary steps to prevent the spread of infectious or communicable diseases;

- (e) where upon arrival of a vehicle or train from outside Mainland Tanzania on which a death has taken place other than by an accident or the vehicle or train has come from an infected area, detain the vehicle or train and passengers for further examination;
- (f) where a vehicle, train or passenger has arrived from an infected area, place that vehicle, train or passenger under surveillance; and
- (g) where a vehicle, train or passenger travelled from an infected area, ensure sanitary measures are carried out in accordance with the International Health Regulations.

51.—(1) Any used clothes or foot wears shall be subjected to an inspection and upon compliance with the required standards, be granted a Health Certificate for Imported Used Clothes or Foot Wears as set out in the Eleventh Schedule to this Act.

Inspection of imported used clothes or foot wears

(2) The Minister may make regulations prescribing importation of used clothes, footwear and the like.

PART IV

SANITATION, HOUSING AND HYGIENE

(a) Nuisance

52. For the purposes of this Part, the expression "author of nuisance" means a person by whose act, default or suffering causes nuisance to exist or continue to exist whether as the owner, occupier or as any other person.

Author of nuisance

53. For the purposes of this Part, "nuisance" includes the following-

Contents of nuisance

- (a) any vehicle which is in such a state or condition to be injurious, hazardous or dangerous to health;
- (b) any building or premises or its part which is under construction or in a dirtiness state, verminous or damp as likely to be injurious, hazardous or dangerous to health or which is liable to favour the spread of any infectious disease;
- (c) any street, road or part, stream, pool, ditch, gutter, water course, sink, water tank, cistern, water closet, earth closet, privy, urinal, cesspool, soak away pit, septic tank, cesspit, soil pipe, water pipe, drain, sewer, garbage receptacle, dustbin, dung pit, refuse pit, latrine, slop tank, ash-pit or

manure heap, so foul or in a state, situated or constructed as to be offensive or likely to be injurious or dangerous to health;

- (d) any growth of weeds, long grass, trees, under growth, hedge, bush or vegetation of any kind which is injurious, hazardous or dangerous to health and any vegetable that is in itself is dangerous to children or others either by its sewage effluent or through its leaves, seeds, fruits or any of the eaten part;
- (e) any well, other source of water supply, any cistern or other receptacle for water, whether public or private, the water used or likely to be used for human consumption or in connection with any dairy or milk products shop or manufacturing or preparation of any article of food intended for human consumption which is in a condition liable to render such water injurious, hazardous or dangerous to health;
- (f) any noxious matter or waste water flowing or discharged from any premises, wherever situated, into any public street, gutter, side channel of any street, any gully, swamp, watercourse, irrigation channel or its bed not approved for reception of such discharge;
- (g) any collection of water, sewage, rubbish, refuse or other fluid or solid substances which permit or facilitate the breeding or multiplication of animal or vegetative parasites of human being or domestic animals or of insects or other agents, which are known to carry such parasites or which may otherwise cause or facilitate the infection to domestic animals;
- (h) any collection of water of any well, pool, gutter, channel, depression, excavation, barrel, tub, bucket or any other article found to contain any mosquitoes larvae;
- (i) any cesspit, latrine, urinal, dung-pit found to contain any mosquitoes larvae;
- (j) any stable, cow shed or other building or premises used for keeping of animals or birds which is constructed, situated,

- used or kept as to be offensive or which is injurious, hazardous or dangerous to health;
- (k) any stray dog, cat or any other animal so kept as to be offensive, injurious or dangerous to health;
 - (l) any accumulation or deposit of refuse, offal, manure or other matter whatsoever which is offensive or injurious, hazardous or dangerous to health;
 - (m) any accumulation of stones, timber or other materials of any nature where it is likely to harbour rats or other vermins;
 - (n) any building or premises which is overcrowded as to be injurious, hazardous or dangerous to the health of the inmates or is dilapidated or defective in its lighting or ventilation or it is not provided with or is situated in a place that it cannot be provided with sanitary accommodation to the satisfaction of an authorized officer;
 - (o) any building which is situated, constructed, used or kept as to be unsafe, injurious, hazardous or dangerous to health;
 - (p) any factory or trade premises in a dirty condition or with offensive smell arising from any drain, privy, water closet, earth closet or urinal, not ventilated so as to destroy or render harmless and inoffensive as far as practicable, any gases, vapours, dust or other impurities generated, overcrowded, badly lighted or ventilated as to be injurious, hazardous or dangerous to the health of those employed by it or its community;
 - (q) any factory or trade premises causing or giving rise to smell or sewage effluents which is injurious, hazardous or dangerous to health;
 - (r) any area of land kept or permitted to remain in an offensive state or likely to cause any infectious, communicable disease, injury, hazard or danger to health;
 - (s) any cemetery, burial place, crematorium or other place of sepulchre situated, crowded or otherwise conducted as to be offensive, injurious, hazardous or dangerous to health;

- (t) any gutter, drain, chute, stack pipe, down spout, water tank or cistern which by reason of its insufficiency or its defective condition causes dampness in any building;
- (u) any deposit of material on any building or lane which causes damp in such place so as to be injurious, hazardous or dangerous to health;
- (v) any dwelling house, public building, trade premises, workshop or factory provided with insufficient sanitary latrines or with latrines which are in such a state as to be injurious, hazardous or dangerous to public health and safety; and
- (w) any noise likely to be dangerous, hazardous or injurious to health and which is made by a person or group of persons, whether originating from a dancing hall, club, bar, restaurant, hotel, social hall, theatre, playground, dwelling house, premises or not, made irrespective of musical instrument or any other source.

Prohibition
of nuisance

54. A person shall not cause or suffer from a nuisance, likely to be injurious or dangerous to health, existing on any land, premises, air or water.

Duty of the
Authority
Duties to
maintain
cleanliness
and preven
Notice of
abatement

of
nuisances

55.—(1) Every Authority shall have the duty to-

- (a) take necessary practicable measures for keeping and maintaining its area to be in a clean and sanitary condition;
- (b) prevent and remedy the cause and occurrence of any nuisance likely to be injurious, hazardous or dangerous to health;
- (c) take legal proceedings and act against any person causing or responsible for the continuance of any nuisance or condition;
- (d) regularly inspect its area by using the Environmental Health Practitioners;
- (e) detect whether or not a nuisance is likely to occur, recur or exist;
- (f) detect the cause of such nuisance;
- (g) make follow up on implementation of measures ordered to abate nuisance;

- (h) make an order for temporary or permanent closure of activities causing that nuisance;
- (i) prevent over crowding;
- (j) prevent illegal construction, condition or manner of any factory or trade premises; and
- (k) take proceedings against any person causing or responsible for the continuance of such condition.

(2) An Environmental Health Practitioner may take samples as it may be necessary or expedient for the better carrying out of the provisions and objectives of this Act.

56. An authorized officer may enter upon any building or premises for the purpose of examining a nuisance which he reasonably suspects, to do such works as may be necessary for the effectual examination of the building or premises.

Examination
of building
or premises

57.-(1) Whenever a nuisance exists or has existed on any land or premises and is likely to recur whether on that land, air, premises, water or on any other land or premises the Authority or the authorized officer may serve a notice on the person by whose act, default or sufferance the nuisance exists or is likely to recur.

Notice to
abatement
of nuisance

(2) Where a person under subsection (1) cannot be found, the notice shall be served on the occupier of such land or premises provided that -

- (a) where the nuisance arises from any want or defect of a structural character or when the premises are unoccupied the notice shall be served on the owner;
- (b) where the land or premises is occupied by more than one person the notice may be served on the owner of such land or premises;
- (c) where the person causing the nuisance cannot be found and it is clear that the nuisance does not exist by the act or default or sufferance of the owner or occupier of the premises, the authority may abate the same and do what is necessary to prevent the recurrence thereof.

(3) The notice issued under subsection (1) may -

- (a) abate the nuisance within the time specified in the notice;
- (b) execute such work as is necessary to prevent the nuisance;
- (c) contain a specification of any works to be executed for the purpose of abating the nuisance or preventing its recurrence.

(4) Where a notice is served to any person under this section and whether the nuisance arose from willful or culpable negligence of such person or not, such person makes default in complying with the requisitions of the notice within specified period, that person commits an offence.

Service of notices, orders and other documents
Cap. 33

58. The mode of service of notices, orders and other documents shall be similar to notices issued under the Civil Procedure Act or the local government laws.

Power of closure

59. Where the nuisance proved to exist is such as to render a building unfit for human habitation or any premises which is hazardous, injurious or dangerous to human health, the authority shall issue a closing order prohibiting the use of that building or premises until he is satisfied that the building or premises is fit for human habitation.

Failure to comply with the requirements of the notice

60.—(1) Where a person on whom a notice to abate a nuisance has been served fails to comply with any of the requirements specified in the notice within the time specified or if the nuisance though abated, in the opinion of the Authority is likely to recur on the same premises or land, the Authority may cause a complaint relating to that nuisance to be made before a court.

(2) Where a court is satisfied that the alleged nuisance exists or although abated is likely to recur on the premises, the court may make an order to the author of the nuisance, occupier or the owner of the building or premises as the case may be, requiring him to-

- (a) comply with all or part of the requirements of the notice;
- (b) abate the nuisance within a time specified in the order and to do necessary works to that effect; and
- (c) prohibit the recurrence of the nuisance and direct the execution of the works necessary to prevent the recurrence.

(3) Before making any order, the court may, if it thinks fit, adjourn the hearing or further hearing of the complaint until an inspection, investigation or analysis in respect of the nuisance alleged has been made by an Environmental Health Practitioner.

(4) The court shall, on conviction, order or impose a fine not exceeding five million shillings or to imprisonment for a term not exceeding twelve months and the payment of costs incurred.

(5) Where the nuisance proved to exist is such as to render a building or premises unfit for human habitation, the court may issue a closing order prohibiting the use of the building or premises until the building or premises is fit.

(6) Where a person has complied with the order of the court that person may make an application to the court seeking termination of the closing order and be permitted to use the building or premises.

(7) Where the court is satisfied that the building or premises has been rendered fit for human habitation, the court may terminate the closing order and allow the use of that building or premises.

61.—(1) A person who fails to obey an order issued by the court or to comply with the requirements of an Authority or of an authorized officer to stop or prevent the nuisance shall, unless he satisfies the court that he has used due diligence to carry out that order, be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three months or to both.

Penalties
relating
to
nuisance

(2) A person who fails to comply with a court order issued under section 60 commits an offence and shall upon conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both, such fine and imprisonment.

(3) The authorized officer may in such a case enter the building or premises to which that order relates and abate the nuisance and do whatever necessary in the execution of such order and recover in any court of competent jurisdiction the expenses incurred.

(4) Any person who willfully obstructs an Environmental Health Practitioner or any officer appointed and authorized in writing in the

execution of that officer's duties commits an offence and upon conviction, is liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six months or to both.

Court order for execution of works in certain cases

62.-(1) Where it appears to the satisfaction of the court that the person by whose act or omission the nuisance arises or that the owner or occupier of the building or land premises is not known or cannot be found, the court may order the Authority to execute the works directed.

(2) The cost of executing the works under subsection (1) shall be charged on the author of the nuisance, owner or occupier of the building, premises or land on which the nuisance exists.

(3) The balance remaining after recovery of the costs incurred shall, if any, be credited to the Government Revenue Fund.

Overcrowding of lodging, house, room, dwelling house, etc.

63.-(1) A person shall not at any time receive and accommodate into a lodging house, room, dwelling house, school, institution, hostel, vehicle, train or vessel in a greater number of persons as to cause overcrowding.

(2) Any person who contravenes subsection (1) commits an offence and on conviction is liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term of three months or to both.

Powers of the Authority to sale property

64. Any property removed by the Authority in abating any nuisance may be sold by public auction and the proceeds arising from the sale may be applied to pay for the expenses incurred and the remaining balance, if any, shall be paid to the owner of that property.

Demolition of dilapidated building or premises

65.-(1) Where, in the opinion of the Authority, a nuisance exists with respect to building or premises which are dilapidated, dangerous or defectively constructed beyond repairs, such that, repairs to or alterations of that building or premises are not likely to remove the nuisance, the Authority may issue notice of demolition order.

(2) Where the court is satisfied that nuisance under subsection (1) exists and that repairs to or alterations of the building or premises are not likely to stop or prevent the nuisance, the Authority may order the owner of that building or premises to commence the demolition of the building or premises on or before a specified day, being at most one month from

the date of issuing the order and complete the demolition and remove the materials which comprised the building or premises from the site before another specified period.

(3) A person who fails to comply with the order issued by the Authority commits an offence and upon conviction is liable to a fine not exceeding two million shillings and the Authority may cause the building or premises to be demolished.

(4) Where a demolition order has been executed by the Authority, Authority shall recover from the owner the expenses incurred for demolition of the building or premises.

(5) The owner of a demolished building or premises shall not be entitled to compensation.

(b) Housing and Human Settlement

66.-(1) A building or premises shall not be erected without first submitting the plans, sections and specifications of the building site for scrutiny on compliance with public health requirements and approval from the Authority.

Prior
approval
of new
buildings
or
premises

(2) A building or premises or its part or any structure shall not be occupied until a certificate of occupancy has been granted.

(3) The provisions of subsections (1) and (2) shall not apply to the dwelling houses in the rural areas or houses erected in urban which have been recognized as such under the Squatter Upgrading Programme.

67.-(1) Plans submitted under section 66 may not be approved if -

- (a) the site cannot be properly drained;
- (b) the site has been filled with waste, other offensive matters or decayed vegetation;
- (c) the site is in proximity to other buildings or premises as to obstruct light and free circulation of air around the building or premises;
- (d) the drainage system is unsatisfactory;

Grounds
for
disapproval
of
plans

- (e) the building or premises will not be accessible for solid, gaseous, hazardous and liquid waste removal or facilitate access to fire and rescue services;
- (f) the ventilation and size of the rooms is unsatisfactory or inadequate; or
- (g) the erection of the building or premises would contravene with other written laws.

(2) Any person who owns a building or premises used as a dwelling house shall provide such building or premises with proper and sufficient sanitary accommodation to the satisfaction of the Authority.

Penalty for
contra-
vention
of sections
66 and 69

68. A person who erects any building contrary to sections 66 and 69 commits an offence and upon conviction shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

Dangerous
or
dilapidated
building or
premises

69.-(1) Where it appears to the Authority that any building or premises-

- (a) is in such a condition or is used to carry such loads as to be dangerous, injurious, hazardous to persons in the building or premises, any adjoining premises or nearby street, land or premises;
- (b) is by reasons of its dilapidation, dangerous or ruinous condition or seriously detrimental to the amenities of the neighborhood; or
- (c) which is used as a dwelling house or premises is, in the opinion of the Authority, unfit for human habitation,

the Authority may, prohibit the use of that building or premises or part of that building or premises for any specified purpose and, where in the opinion of the Authority, that building or its part ought to be demolished or removed, the Authority may give a notice to that person.

(2) Subject to subsection (1), the Authority shall not prohibit the use of a building or premises unless a notice is served to the owner or occupier or affixed upon building or premises.

(3) Where the owner cannot be found or is not within the country, it shall be upon the occupier to require the owner's representative to make, within reasonable time, alterations or repairs, as the Authority may consider necessary and until such alterations are carried out.

(4) Failure of the owner or his representative to carry out an order under subsection (3) shall be an offence.

(5) In addition to any other proceeding that may be taken, the Authority may enter upon the building or premises and make alterations, repairs demolition or removal of the building structure or its part, as the case may be, and may recover the cost from the owner or occupier of that building, premises or structure.

70.—(1) A person upon whom a notice requiring demolition, removal, repair or alterations is served may, prior to the expiration of the time specified, apply to the court for a notice to be rescinded or varied.

Applica-
tion to
rescind or
vary a
notice

(2) During the hearing of the application, the onus shall lie on the person served with a notice under subsection (1) and the court may confirm, rescind or vary that notice and make such order as to costs as it may deem necessary.

71.—(1) Where it appears to the Authority that most of the buildings or premises within an area are unfit for human habitation by reason of dilapidation, congestion or bad arrangement, the Authority shall prepare and implement a scheme to be used for the clearance of the area and the re-housing of the inhabitants.

Clearance
of slum
areas and
re-housing
of
inhabitants

(2) Before implementation of the scheme under subsection (1), the Authority shall give a ninety days written notice to the owners of the property or his representative.

(3) The owner or his representative may serve to the Authority, a written notice of objection within thirty days and where his objection is received, the Authority may consider that objection as to whether or not to carry on with the scheme under subsection (1).

(4) A scheme may include a building or premises where the clearance of that building or premises is necessary for the proper development of

the area as a whole.

(5) Full and prompt compensation shall be paid to owners or his representative.

(6) Subject to the provisions of subsection (5), compensation shall be based on the market value of the building or premises, value of the site and an additional sum according to the state or repair and maintenance.

(7) Where the Authority has confirmed the scheme, owners or representatives of buildings or premises in the area shall be notified in writing of the decision.

(8) The clearance shall not commence until the inhabitants of that area have been re-housed in a suitable accommodation provided for that purpose.

Powers
of the
Minister
to make
regulations
relating to
environme-
ntal health

72. The Minister may, after consultation with the Ministers responsible for environmental management and local government, make regulations conferring powers and imposing duties to the Authorities prescribing for-

- (a) inspection of land, dwelling houses, buildings, factories and trade premises and for securing the keeping of the same, clean and free from nuisance so as not to endanger the health of the occupiers or the public health;
- (b) periodical cleansing and painting or other treatment of the buildings or premises and the cleansing of land attached and the removal of rubbish or refuse;
- (c) drainage of land, streets, buildings or premises, disposal of rubbish, offensive liquids, removal and disposal of refuse, manure and solid waste;
- (d) standards of purity of any liquid which, after treatment in any purification works, may be discharged as effluent;
- (e) keeping of animals or birds and the construction, cleanliness and drainage of places where animals or birds are kept;
- (f) establishment and carrying on of noxious trade, factories or trade premises which are liable to cause offensive smell or

sewage effluents or to discharge liquids or other materials liable to cause such smell or sewage effluents, to pollute streams, or are otherwise liable or likely to be a nuisance, injurious, hazardous or dangerous to health, and for prohibiting the establishment or carrying on such factories or trade premises in unsuitable localities;

- (g) general control of houses let and lodgings, for fixing the maximum number of lodgers, the minimum floor space allotted to each lodger, for the adequate ventilation and lighting;
- (h) provision of adequate sanitary appliances and other requirements for the protection of the health of the lodgers or surrounding inhabitants; and
- (i) sanitary control of market places and market buildings.

(c) Solid and Liquid Waste Management

73.—(1) The Authority shall undertake or contract an agent to -

- (a) set aside areas of adequate size for the purpose of solid and liquid waste disposal;
- (b) manage the disposal areas to control the occurrence of any nuisance or disease;
- (c) collect, transport and dispose of solid and liquid waste from buildings, premises and land;
- (d) collect, transport and dispose of solid and liquid waste from any trade or business premises where expeditious removal and efficient disposal is in the interest of the public and the services may extend to the whole or any part of its area;
- (e) cleanse earth closets, privies, latrines and other receptacles for waste and sewage substances; and
- (f) clean streets, public places, cut grasses, empty gullies and maintain waste water drains.

(2) The Authority shall charge a fee for a service provided to a service beneficiary.

Duty of
the
Authority
to
perform
and
undertake
services

(3) The revenue collected from the services shall be used for the improvement of environmental health services.

(4) The Authority, contractor or any person who undertakes the removal, transportation and disposal of waste from a public place shall provide a skip bucket, sanitary land filling, transfer station or approved covered containers for holding and transportation of waste prior to disposal.

(5) Subject to the provision of subsection (4), the Authority or its agent shall ensure regular medical examinations and provide special gloves, boots, shoes, masks and clothes for its employees.

(6) An owner of premises shall provide a sufficient number of approved covered containers for the holding of waste prior to its removal and disposal.

(7) A person who contravenes the provisions of subsections (4), (5) and (6) commits an offence and upon conviction shall be liable to a fine of not less than one hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.

Keeping
and
mainte-
nance of
dumping
sites

74.-(1) The Authority shall, for purposes of solid or liquid waste disposal, designate areas which shall be situated and maintained to avoid nuisance.

(2) The Authority shall take all necessary measures to control scavengers at waste storage, dumping sites and disposal sites.

(3) A person is prohibited to scavenge on any waste, bay or dumping site unless that person is a holder of a permit issued by the respective Authority permitting him to scavenge.

(4) A person who trespasses, scavenges, takes or removes any waste from disposal site, dumping site or storage site without a permit from the Authority or an authorized officer, commits an offence and upon conviction, shall be liable to a fine of not less than one hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.

75.-(1) For ensuring minimization of solid wastes, the Authority shall prescribe for-

Management of solid and liquid wastes

- (a) the separation at source, of different types or kinds of waste or garbage; and
- (b) standards to guide the type, size, shape, colour and other specifications for waste containers used.

(2) The Authority shall, for purposes of making decisions on suitability of any specific method of collection, treatment or disposal of solid and liquid waste, undertake studies to gather knowledge of the generation rate and composition of such wastes.

(3) The Authority shall -

- (a) manage solid and liquid wastes generated in accordance with sustainable plans prepared by respective Authority; and
- (b) ensure appropriate sorting of wastes is made at the source and is in accordance with standards or specifications prescribed by the Authority.

76.-(1) Every Authority shall -

The duty of the Authority to undertake studies

- (a) undertake periodic studies to determine the type of solid and liquid wastes generated from markets, institutions and industries; and
- (b) determine appropriate methods for sorting and storage of the wastes.

(2) In determining appropriate storage for solid and liquid wastes generated by different types of markets, institutions and industries within their areas, the Authority shall, in collaboration with the Minister responsible for health, environmental management and local government-

- (a) ensure that the solid and liquid wastes are classified and appropriately stored depending on whether they are organic, plastic, glass or metal waste; or
- (b) prescribe appropriate methods for storage of different categories of solid and liquid wastes.

(3) The Authority shall ensure that -

- (a) industries provide adequate space and facilities for managing all solid waste generated from the industry and in the premises prior to its collection for disposal; and
- (b) waste bays or areas designated by industries for the collection of solid waste are clean at all times and protected from vectors, animals and scavengers.

Collection
of solid and
liquid waste

77. The Authority after consultation with the Ministers responsible for environmental management and local government shall prescribe -

- (a) best ways possible for the collection of various categories of solid and liquid wastes from generation sources on its own or in collaboration with any commercial entity or private sector;
- (b) mode of recovery of costs incurred in collection of the solid and liquid wastes; and
- (c) approved equipment, solid and liquid wastes collection times and routes.

Designation
of
transfer
stations
Cap. 191

78.—(1) Prior to designation of a transfer station, the Authority shall-

- (a) carry out Environmental Health Impact Assessment as may be provided for under the Environmental Management Act;
- (b) ensure that the designated area is adequate in size and is situated away from residential area;
- (c) ensure regular removal of solid and liquid wastes to avoid any possible nuisance; and
- (d) ensure the designated area is fenced off and secured to prevent unauthorized persons from entering.

(2) The Authority shall designate transfer stations to serve as collection centers of solid and liquid wastes where large amount of solid and liquid wastes are generated.

Factors
for choice
of
methods
of solid
wastes
disposal

79. The Authority shall, on choosing the method of solid wastes disposal, be guided by the following factors -

- (a) the climatic condition;

- (b) its economic ability and that of its community;
- (c) Environmental Health Impact Assessment of that land;
- (d) environmental hygienic social benefits available; and
- (e) the availability of sites for tipping.

80. The Minister shall prescribe and issue guidelines on how solid and liquid wastes from domestic and commercial premises are to be treated and finally disposed off both within the site and outside the premises.

Guidelines
on disposal
of solid and
liquid waste

81. The Authority shall-

Transporta-
tion and
disposal of
liquid waste

- (a) ensure that sewage from cesspool and sludge from septic tanks are collected and transported by specified vehicles for disposal;
- (b) ensure that before sewage is appropriately treated and prior to its discharge into water bodies or open land, the sewage will not increase the risk of infections or ecological disturbance and environmental degradation;
- (c) designate and ensure compliance with designated disposal ponds, sewage treatment facilities and sewer points;
- (d) after the construction of the sewerage system, facilitate the carrying out of initial and subsequently periodic approved tests to ascertain that the sewage effluents for final disposal meet the national standards required;
- (e) make by-laws prescribing the treatment of hazardous and non-hazardous liquid wastes from industries;
- (f) prescribe guidelines-
 - (i) on standard gradient for storm water drains in order to prevent water stagnation;
 - (ii) on periodic cleaning of storm water drains to remove deposits; and
 - (iii) to allow the inspection and removal of deposits in covered storm water drain, covers and appropriate trap chambers.

*(d) Gaseous Waste Management*Gaseous
wastes

82. For the purpose of this Part "gaseous waste" means an emission emanating from different sources and processes.

Gaseous
waste from
dwelling
houses

83.-(1) The Authority shall ensure that all habitable buildings-

(a) have adequate openings to provide through or cross ventilation;
and

(b) provide adequate means of smoke escape in the kitchens.

(2) Every dwelling house shall have a well ventilated kitchen.

Control of
industrial
gaseous
wastes and
wates from
vehicles

84.-(1) The Authority shall, in collaboration with other relevant authorities, and by taking into consideration of the Environmental Health Impact Assessment recommendations, ensure that construction and industries producing dust and gaseous wastes are situated far from residential areas.

(2) The industries specified in subsection (1) shall adhere to the Environmental Health Impact Assessment recommendations.

(3) The Authority shall, in respect of motor vehicles -

(a) regulate and prohibit the installation, maintenance, equipments and devises used by the motor vehicles;

(b) establish mandatory emission standards and testing programmes;

(c) prohibit the use of any motor vehicle that fails to comply with emission standards; and

(d) prohibit or regulate the use of motor vehicle in certain lane of designated roads or in certain parts of urban areas.

*(e) Excreta Waste Management*Excreta-
waste

85. For the purpose of this Part-
"excreta waste" means human faeces, urine and includes vomit from human body.

86. The Authority shall, after consultation with the Ministers responsible for health, sewages and local government, make by-laws prescribing for-

Excreta
waste
manage-
ment by the
Authority

- (a) provision of adequate sanitary accommodation in every dwelling house and every public place;
- (b) appropriate penalties to control the spread of diseases and infections by punishing indiscriminate disposal of human excreta wastes;
- (c) simple and appropriate technological options for the disposal of human excreta wastes;
- (d) standards for the excreta wastes management emanating from various buildings or premises and provide penalties for defaulters;
- (e) ratios and standards for the adequate and separate provision of toilets and urinals;
- (f) provision of accessible toilets for persons with disabilities; and
- (g) provision of accessibility of buildings and premises by persons with disabilities.

(f) Hazardous and Health Care Waste Management

87. For the purpose of this Part -

“hazardous waste” means any solid, liquid, gaseous or sludge waste which by reason of its chemical reactivity, environmental or human hazardousness, infectiousness, toxicity, explosiveness and corrosiveness is harmful to human health, life and environment;

“health care waste” includes the infectious wastes, pathological wastes, sharps, pharmaceuticals, gene toxics, radioactive wastes, coagulated blood wastes and drugs.

Hazardous
and health
care wastes

88. A person shall not import hazardous wastes or any other wastes into Mainland Tanzania.

Importa-
tion of
hazardous
wastes

89. Health care wastes shall be managed in accordance with the guidelines and standards under the Environmental Management Act.

Manage-
ment of
health
care
wastes
Cap. 191

Management of hazardous wastes

90. Subject to the provisions of section 92, the Authority shall ensure that-

- (a) standards prescribed for the hazardous wastes management are in place and operational;
- (b) premises producing hazardous wastes are adequately ventilated and in compliance with prescribed standards;
- (c) waste effluents are treated or modified so as to comply with prescribed standards before their final disposition; and
- (d) hazardous liquid wastes are treated in accordance with appropriate methods at a factory or on site before their discharge into public sewers, open land or receiving water bodies.

Environmental Health Impact Assessment for hazardous wastes Cap. 191

91. A person shall not dispose hazardous waste on land or water body unless the Environmental Health Impact Assessment is carried out in accordance with the Environmental Management Act.

Handling and disposal of health care waste and other waste

92.-The Authority shall, in collaboration with the Ministers responsible for health, environmental management and local government -

- (a) ensure that health care wastes are sorted and stored in prescribed coded containers and transported in waste trucks designed and registered for that purpose;
- (b) prescribe the best possible methods for final disposition of various types of health care wastes;
- (c) prescribe the best possible methods for handling and the disposal of-
 - (i) veterinary wastes arising from abattoirs;
 - (ii) veterinary drugs;
 - (iii) wastes emanating from agricultural activities;
 - (iv) agro-chemical wastes;
 - (v) chemical wastes; and

- (d) where necessary, prescribe for penalties on management of animal excreta waste or sewerage or dung.

(g) Sewerage and Drainage

93. Any reference in this Part relating to drain or sewer shall be construed as to include reference to any manhole, ventilating shaft, pump or other accessories belonging to that drain or sewer.

Construction of public sewers

94.-(1) For the purposes of this section, "intervening land" means a land through which an owner of the building or premises, or proposed building or premises is or will be entitled to lay a communication pipe.

Drain or private sewer to be connected with public sewer

(2) A building or premises or proposed building or premises shall not be deemed to have access to a public sewer unless-

- (a) there is, in the course of construction within thirty metres of the curtilage of the building or premises or proposed building or premises and at a level which makes it reasonably practicable to construct a drain to communicate therewith, a public sewer or other sewer which the owner of the building or premises or proposed building or premises is or will be entitled to use; and
- (b) there is an intervening land through which a person is entitled to construct a drain, and shall not be deemed to have a sufficient water supply available unless -
- (i) it has a sufficient supply of water laid on from supply controlled by a water authority; and
- (ii) the supply can be laid on to it from a point within one hundred feet of the curtilage of the building or premises or proposed building or premises.

(3) It shall be a duty of every Authority to ensure efficient operation of sewerage system within its area.

Disapplication of construction of public sewer and drain

95. Notwithstanding the provisions of subsection (2) of section 94, the limit of thirty metres shall not apply -

- (a) where the Authority undertakes to bear much of the expenses reasonably incurred in constructing a drain to communicate with a public sewer; or
- (b) where the point from which a supply of water can be laid on, exceeds thirty metres.

Construction and maintenance of public sewers

96.-(1) The Authority may, within its area and after occurrence of another Authority for sewerage and drainage outside its area, construct and maintain-

- (a) a public sewer-
 - (i) in, on, under or over any street, under or through any cellar or vault below any street; and
 - (ii) in, on, under or over any land or in, on, under any building not forming part of a street after giving reasonable notice to every owner or occupier of such land or building; and
- (b) sewerage disposal works on any public land or land acquired or lawfully appropriated for that purpose.

(2) In exercising its powers under sub-paragraph (ii) of paragraph (a) of subsection (1), the Authority shall be liable to pay any compensation to an owner or occupier of any private land, but shall, at its option, make good or pay for any damage done or occasioned by reason of the exercise of such powers.

Vesting of public sewers

97. Notwithstanding the provisions of any other written laws, all public sewers within and outside the Authority which that Authority has constructed or is maintaining pursuant to the provisions of section 100, shall vest in that Authority.

Rights of owners of premises

98.-(1) Every Authority shall keep deposited at its offices for inspection by any person at all reasonable hours, free of charge, a map showing and distinguishing all public sewers and other public sewerage disposal works existing or in the course of construction within its area or under its control.

(2) Subject to the provisions of subsection (1), the Authority may allow members from the public to get a copy of a map at a fee to be prescribed in the regulations.

(3) Where some of the public sewers are reserved for foul water, such sewers shall be shown in the map referred to in subsections (1) and (2).

99. The Authority may, alter the size and course of any public sewer, either entirely or for the purpose of foul water, close public drainage or for the purpose of storm water drainage, but where any person who is lawfully using the public sewer for any purpose is deprived by the Authority, it shall provide a public sewer equally effective for his drainage systems or sewers to communicate with the public sewer so provided.

Size of
public
sewers

100.-(1) A person shall not throw, empty, turn, permit to be thrown, emptied or passed into any sewer or drainage-

Prohibition
to interfere
with any
sewer or
drain

- (a) any matter likely to injure the sewer or drain, or to interfere with the free flow of its contents or to effect prejudicially the treatment and disposal of its contents;
- (b) any chemical, refuse, waste steam or any liquid of temperature higher than forty four degrees centigrade being refuse, steam or liquid which when so heated, either alone or in combination with the contents of the sewer or drain, can be dangerous, a cause of nuisance or prejudicial to health; or
- (c) any petroleum spirit, carbide or calcium except into a drainage specially constructed for the purpose.

(2) Where separate public sewers are provided for foul water and storm water, no person shall discharge or permit to be discharged, either directly or indirectly-

- (a) soil or waste water into a sewer provided for storm water; or
- (b) except with the approval of the Authority, storm water into a sewer provided for foul water.

(3) A person who contravenes any of the provisions of this section commits an offence and upon conviction shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding twelve months or to both, such fine and imprisonment.

- (4) For the purpose of this section, "petroleum spirit" means any -
- (a) crude petroleum;
 - (b) oil made from petroleum, coal, shale, peat or other bituminous substances; or
 - (c) product of petroleum or mixture containing petroleum as when tested gives off an inflammable vapour at a temperature of less than twenty three degrees centigrade.

Drain or private sewer to be connected with public sewer

101.-(1) The owner or occupier of any premises or the owner of any private sewer, within the area of the Authority, shall communicate his private sewer with any available public sewer of that Authority and discharge foul or storm water from his premises or that private sewer.

(2) Without prejudice to the generality of subsection (1), a person shall not be permitted to-

- (a) discharge directly or indirectly into any public sewer-
 - (i) any matter from a manufacturing process or a factory, other than domestic sewage or storm water, except by a written agreement with the Authority;
 - (ii) any matter which is prohibited under this Act or any other written law;
- (b) have his drainage systems or private sewer made to communicate directly with a storm water and overflow the sewer;
- (c) have his drains or private sewer made to communicate with a public sewer provided for foul water, unless he satisfies the authority that the premises to be drained have sufficient water supply available; or
- (d) have his drainage systems or private sewer made to communicate with any public sewer where that sewer is situated in excess of thirty metres of the curtilage of the premises.

Rights of owners of premises and owners of public sewers

102.-(1) The owner or occupier of any premises and the owner of any private sewer outside the area of the Authority shall have similar rights with respect to draining into the available public sewers of the Authority as he would have had under section 101, if the premises or private sewer are situated within its area and the provisions of that section shall apply accordingly.

(2) Without prejudice to the generality of the provisions of section 100 and subsection (1) of this section, the discharge of certain liquids or other matters into public sewers shall not derogate the powers of the Authority to-

- (a) refuse to permit a communication to be made as provided for under section 99;
- (b) require the drainage or laying open of a private sewer for inspection.

(3) Notwithstanding the provisions of subsection (2), the Authority may, for the drainage of private sewer from premises outside its area, refuse to permit a communication to be made except under such reasonable terms and conditions as may be prescribed by the Minister.

(4) The terms and conditions referred to in subsections (2) and (3) may include-

- (b) compliance with any of the reasonable requirements of the Authority that the premises to be drained shall be clean or in a proper state of repair; and
- (b) such reasonable payment or periodical payments as the Authority may deem fit to impose, subject to any directions by the Minister.

103.-(1) For the purposes of making or maintaining a communication with a public sewer, it shall be lawful for-

- (a) the Authority to construct or repair a lateral drainage in, on, under or over any land or building; and
- (b) with prior consent of the Authority, the owner or occupier of any building to construct or repair a drain in, on, under or over any land or building or private sewer as the authority may approve.

(2) Where a lateral drainage or private sewer constructed or repaired in any land or building does not form part of a street, the Authority or owner or occupier shall give to every owner or occupier a notice and shall be liable to make it good or at the option of the Authority or the owner, undertake to pay for any damage caused or occasioned by the Authority in exercising its powers.

Communi-
cation
with
public
sewer

(3) The works intended to be carried out in exercising the powers conferred upon the Authority under this section, shall not interfere with the amenities or future development of the land, building or any adjacent land or buildings.

(4) Subject to the provisions of subsection (3), where a dispute arises, any aggrieved person may appeal to the district court.

Notice for
lateral
drainage
into public
sewer

104.-(1) A person who wishes or is required to have his drainage system or private sewer made to communicate with a public sewer shall give to the Authority a notice of his proposals in writing.

(2) Subject to the provisions of subsection (1), the proposal shall be made in a prescribed manner.

(3) The Authority may, within twenty one days of the receipt of the proposal, issue a notice to refuse a person to make the communication where it appears that-

- (a) the mode of construction of the drainage or private sewer is not in conformity with the rules in force; or
- (b) the conditions of the drainage or private sewer or the matter carried or to be varied is such that the making of the communication would be prejudicial to the sewerage system of the Authority, and for the purpose of examining the mode of construction and condition of the drainage or private sewer the Authority may, if necessary, require it to be laid open for inspection.

(4) Where the notice is not served on a person-

- (a) the Authority shall, with all reasonable means, cause the communication to be made by means of a lateral drainage to the public sewer in such manner as may be prescribed; or
- (b) the Authority may determine except that it shall not be obligatory upon the Authority to make the communication until the estimated costs of the work has been paid to it or security for payment has been provided to its satisfaction.

(5) Where any payment made to the Authority exceeds the expenses reasonably incurred by it in the execution of the work, the excess shall be remitted to the person for whom the work was done.

(6) Subject to the provisions of subsection (5), where the expenses are not covered by the payments made to it, the Authority may recover the expenses or the balance from the person for whom the work was done.

(7) For the purpose of this section, the making of the communication between a drainage or private sewer and a public sewer includes all such work which may involve the breaking open of a street and the taking of any steps which the Authority may consider necessary for repairing, relaying and safe guarding of any pipes, drainages, lines or any other works which may be disturbed or damaged by or in the course of making that communication.

(8) Any person, other than a person lawfully acting on behalf of the Authority, who causes a drain or sewer to communicate with a public sewer or fails to comply with or acts in contravention of any of the provisions of this section, commits an offence and on conviction is liable to a fine not exceeding two million shillings or to an imprisonment for a term not exceeding two years or to both.

(9) Where proceedings have or have not been taken in respect of that offence, the Authority may close any communication made in contravention of any provisions under this section and recover from the offender any expenses reasonably incurred by it in so doing.

105.-(1) The Authority shall, where a building, premises or an extension plan of a building or premises is not in accordance with the building rules deposited with the Authority, reject the plan unless -

- (a) the plan shows that satisfactory provision for drainage shall be made; or
- (b) the Authority is satisfied that in the case of that particular building or extension plan, it may properly dispense with any provision for that purpose.

Drainage provisions in building and extension plans

(2) For the purposes of this section, "satisfactory provision for drainage" means the drainage system and appliances of the building complying with any written law for the time being in force relating to drainage and that the drainage systems of the premises connect either directly or indirectly with available public sewer or where there is no such sewers, discharge should be done into septic tank, other appliance or any other site disposal system.

Provision
of latrines
in building
or premises
plans

106.-(1) Where a building, premises or extension plan of a building is deposited with the Authority in accordance with any building rules, the Authority shall reject the plans, unless -

- (a) the plans deposited are sufficient and satisfactory latrine accommodation have been provided for; or
- (b) is satisfied that in the case of a particular building, premises or extension it may properly dispense with the provision of latrine accommodation.

(2) Where-

- (a) sufficient water supply and public sewer are not available, the authority shall not reject the plans on the ground that the proposed latrine accommodation consists of or includes a pit-latrines of a type approved by the Authority; and
- (b) the plans show that the proposed building, premises or extension is likely to be used as a factory, workshop, workplace, club, place of entertainment, stadium or other place in which persons of both sex shall be employed or be in attendance, the Authority shall reject the plans, unless sufficient and satisfactory separate latrines and accommodation for persons of each sex are provided.

Violation of
building
rules

107.-(1) Where it appears to the Authority that, in the case of any building or premises -

- (a) any appliance provided in the building is in such a condition as to be prejudicial to health or a nuisance; or
- (b) any appliance formerly used for the drainage of the building or premises but is no longer used there for it is prejudicial to public health or a nuisance,

shall, by notice, require the owner, his representative or the occupier of the building to make satisfactory provision for drainage of the building or as the case may be, order the owner, his representative or occupier of the building to take such necessary action, and to do such other works as may be necessary to remedy the problem.

(2) The Authority may, where it is satisfied that construction works to communicate drainage system of a particular building or premises with the public sewer cannot be realized or may cause undue difficult to the owner and satisfactory provision for drainage can only be achieved by discharging into an appliance or by on site disposal system which the Authority may approve, dispense with the provision for drainage system which communicate directly or indirectly with the public sewer.

(3) For the purposes of this section, "appliance" means any septic tank, private sewer, drainage, soil pipe, rain water pipe, sink or other appliance for drainage.

108. Where any existing building or premises in the area of the Authority has sufficient water supply and a public sewer is available, the Authority may require it to be replaced by water closets and that the owner, representative or occupier shall make any latrine other than water closets provided for or in connection with the building or the premises application within a specified time, to have drainages made to communicate with a public sewer.

Powers of the Authority to issue notices in respect of existing building or premises

109.-(1) Where it appears to the Authority that -

- (a) a building or premises lacks sufficient latrine accommodation; or
- (b) a latrine provided for or in connection with a building or premises is in such a state as to be nuisance or prejudicial to health and cannot without reconstruction be put into a satisfactory condition,

Notice to provide a latrine andf additional latrine

the Authority shall serve a notice to the owner of the building requiring him to provide the building with such latrine or additional latrine, as it may approve and deem necessary.

(2) The Authority shall, unless sufficient water supply and public sewer are available, require the provision of a water closet except where substitution for an existing water closet is required.

(3) The Authority shall, where a sufficient water supply is available without a public sewer, require the provision of a water closet together with all necessary drainage discharging into a septic tank or other place as it may approve.

Ineffective
latrines,
septic
tanks, etc.

110. Where the Authority has established that an area within its jurisdiction has no sewerage system or has a high water table and therefore cannot have effective latrines, septic and soakage pit tanks, it shall consider that area to be of high priority for constructing that sewerage system.

Violation
of
building
latrines

111.-(1) Where it appears to the Authority that any latrine provided for or in connection with a building is in such a state as to be nuisance or prejudicial to health, save that it cannot without reconstruction be put in a satisfactory condition, the Authority shall by notice, require the owner, his representative or the occupier of the building or premises to execute such works or take such steps by cleansing the latrine or otherwise.

(2) Where the notice requires a person to take any steps other than the execution of works and that person fails to comply with that notice, the person commits an offence and on conviction shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.

Drainage
in combina-
tion

112.-(1) Where the Authority under this Act requires each of two or more buildings or premises to be drained separately into an existing public sewer, save that it appears to it that the buildings or premises may be drained economically or advantageously in combination, the Authority may require that the buildings or premises be drained in combination into the existing public sewer by means of a private sewer to be constructed either by the owners of the buildings or premises in such manner as it may direct or if the Authority so elects, by the Authority on behalf of the owners.

(2) The Authority shall not, except by an agreement with the owners concerned, exercise powers conferred by the provisions of subsection (1) in respect of building plans for drainage previously passed by the Authority.

(3) The Authority making such a requirement shall fix the proportion in which the expenses of construction, maintenance and repair of the private sewer are to be borne by the owners concerned.

(4) Where the distance of a public sewer from the curtilage of the buildings or premises is or exceeds thirty meters, the Authority shall bear the expenses.

(5) Any owner aggrieved by a decision of the Authority under this section may appeal to the district court and subject to any such appeal, any expenses reasonably incurred in constructing, maintaining or repairing the private sewer shall be borne in the proportion fixed, and those expenses or as the case may be contributions thereto, may be recovered accordingly by the person, whether the Authority or owners, by whom they were incurred in the first instance.

(6) A sewer constructed by the Authority under this section shall not be deemed to be a public sewer by reason that the expenses of its construction are in the first instance defrayed by the Authority, or by reason that some part of the expenses is borne by it.

113.-(1) The provisions of this section and sections 103 and 112 shall apply with respect to appeals.

Appeals

(2) An appeal lodged to the district court shall-

- (a) be in writing;
- (b) indicate the nature of the works to be executed; and
- (c) state the period within which they are to be executed.

(3) A person served with a notice may appeal in the manner provided for on any of the following grounds which are appropriate in the circumstances of the particular case that-

- (a) the notice or requirement is not justified by the terms of the law under which it purports to have been given or made;
- (b) the works required by the notice to be executed are unreasonable in character or extent;
- (c) the time within which the works are to be executed is not reasonably sufficient for the purpose; or

- (d) the notice might lawfully have been served on the occupier of the building or premises concerned instead of the owner or occupier, and that it would have been equitable for it to have been not served.

(4) Where the grounds upon which an appeal under this section are brought include a ground specified in paragraph (d) of subsection (3), the appellant shall serve a copy of his notice of appeal on each other person referred to; and on any appeal under this section a notice may be served to any other person having an estate or interest in the premises concerned.

(5) Upon hearing of the appeal, an order may be made with respect to the person by whom any work is to be executed or as to the proportions in which any expense which may become recoverable by the authority are to be borne by the appellant and such other person.

(6) In exercising the powers conferred by subsections (4) and (5), regard shall be made between an owner and an occupier to the terms and conditions, whether contractual or statutory, of the tenancy and to the nature of the works required.

(7) Any appeal pursuant to this section shall be preferred to the court having jurisdiction concerning the place where the premises are situated.

(8) Appeals may be brought where any person required by a notice to execute works fails to execute the work within the time prescribed.

Effects of
failure to
execute
works in
time

114.-(1) A person served with notice requiring him to execute the works within the time prescribed in the notice who fails to do so commits an offence and shall be liable to five hundred thousand shillings or to imprisonment to a term not exceeding three month or to both.

(2) Subject to subsection (1), the Authority may execute the works and recover from that person the expenses incurred in executing the work.

Recovery
of incurred
expenses

115. Where the Authority has incurred expenses for the repayment of which the owner or occupier of the premises in respect of which the expenses were incurred is liable under this Act, the Authority may -

- (a) recover the expenses, together with interest from the date of service of demand for the expenses, may be recovered by the Authority from the person who is the owner or occupier of the premises at the date when the works are completed; or
- (b) where the person has ceased to be the owner or occupier of the premises before the date when a demand for the expenses has been served, recover the expenses and interest accrued shall be charged on the premises, all estates and interests therein.

116. The Authority is empowered to execute works and to recover from any person the expenses incurred by it, the Authority may include in and recover as part of the expenses an additional sum to cover any additional expenses.

Recovery of additional expenses

117.-(1) Any sum which the Authority is entitled to recover under this Act and with respect to the recovery of which no other provision is made may be recovered either summarily as a civil debt or as a simple contractual debt in any court.

Manners of recovering expenses

(2) The time within which summary proceedings may be taken for the recovery of any such sums shall, except where otherwise expressly provided, be reckoned from the date of the service of a demand letter.

118.-(1) In the exercise of any powers and the performance of any duties conferred or imposed by this Act, the Authority or any person acting on behalf of or under the direction of that Authority may-

Powers of entry and inspection

- (a) enter upon any land, building or premises at all reasonable times and remain for such period as may reasonably be necessary for the inspection or performance of any work;
- (b) examine, open up or cause to be opened up and examined any sanitary convenience, sewer, drain, septic tank, soil-pipe or any other fitting or thing connected with the drainage system of any building or any land as may reasonably be necessary for the inspection or performance of any work; and
- (c) temporarily close any street or thoroughfare to vehicular for such period as may reasonably be necessary for the inspection or performance of any work.

(2) Any person who fails or refuses to allow an authorized officer to enter any building, premises or land as required under subsection (1), obstructs or hinders such person in the performance of his duties under this Act, commits an offence and upon conviction is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three months or to both, such fine and imprisonment.

Notices
and
documents

119.-(1) Notice or other documents under this Act may be authenticated by the signature of an authorized officer of the Authority.

(2) Notices, orders and other documents required or authorized to be served under this Act may be served by delivering them to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of a premises, by delivering them or its true copy, to any adult person on the premises.

(3) Where there is nobody on the premises who can be served with a notice or other documents, the notice or document may be served by affixing it on some conspicuous part of the premises.

(4) The notices or documents may also be served by a registered mail and it shall be sufficient to prove that the notice, order or other document was properly addressed and posted.

Powers
of the
Minister
to make
Regulations

120.-(1) The Minister may, in consultation with the Minister responsible for environment and the Minister responsible for local government, make regulations for the better carrying out of the purpose of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations prescribing for-

- (a) the treatment and disposal of sewage;
- (b) the operation and maintenance of sewerage system;
- (c) standards for allowed levels of sewage effluents to be discharged into water courses or bodies;
- (d) the control of maximum level of sewage effluents into water courses or bodies;
- (e) the protection of public sewers;

- (f) the supervision and maintenance of private and public sewers;
- (g) the communications and connection between drainage systems and sewers and between sewers;
- (h) the drainage of land, public places, streets and premises, and the disposal of foul water, storm water and sub-soil water;
- (i) the preparation of plans, specification of materials, execution, construction and inspection;
- (j) testing of sewerage and drainage works, latrines, septic tanks, soakage pit, trickling filters and sewage lagoons;
- (k) the preparation of plans, execution, construction, inspection and testing of sewerage and drainage works, latrines and the materials to be used for its construction;
- (l) the issuance of notices, adherence to making of plans, sections, specifications and written particulars in relation to sewerage and drainage works, latrines and sanitary conveniences;
- (m) forms, charges and fees relating to public health;
- (n) steps to be taken when a latrine, pit latrine, ventilated pit latrine or other sanitary appliance becomes foul or misused, overused or overflowing; or
- (o) the provision for a household to have approved sanitary latrines.

(3) Where similar regulations have been made under other written laws in Mainland Tanzania concerning public health and conflicting the execution of powers conferred, the provisions under this Act shall prevail.

(4) Regulations made under this section may prescribe for penalties for an offence consisting of the breach or contravention of such regulations not exceeding one million shillings or to imprisonment not exceeding twelve months or to both, such fine and imprisonment.

121. Every Authority shall have the duty to take necessary and practicable measures for-

- (a) preventing any pollution and contamination to any supply of water which the public within the authority has a right to use, and uses the water for drinking or domestic purposes whether

Supply of
safe water

such supply is derived from sources within or beyond its jurisdiction; and

- (b) purifying any such supply of water which has become polluted or contaminated, and to take measures against any person polluting or contaminating such supply.

Powers of the Authority to issue orders

122.-(1) Where the Authority is satisfied with a report from the authorized officer that a well or other means of supply of water is polluted or contaminated and is therefore injurious, hazardous or dangerous to health it may, by a notice, order for the closure of the well or other means of supply of water.

(2) Any person aggrieved by any such order may, within the period specified therein, appeal to a district court within the jurisdiction of such supply.

Offences and penalties

123. Any person who fouls, obstructs or causes to be fouled or obstructed any supply or means of supply of water for persons or animals, commits an offence and shall upon conviction shall be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both.

Tampering with soak pits, etc.

124.-(1) A person shall not tamper or build any structure on a soak pit, cesspit or any similar structure.

(2) Any person who contravenes the provisions of subsection (1), commits an offence and upon conviction shall be liable to a fine not exceeding one million shillings or to imprisonment for a term of twelve months or to both.

Interference with waste water treatment area

125.-(1) A person shall not build or develop any area designated specifically for waste water treatment works.

(2) Any person who contravenes the provisions of subsection (1) commits an offence and upon conviction shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding twelve months or to both.

(g) *Cemeteries and Crematoria*

126.-(1) The Authority may, by an order published in the Gazette, designate a sufficient area to serve as burial sites.

Powers
of the
Authority
to
designate
burial
sites

(2) A permit for burial sites shall be obtained from the Authority.

(3) Where necessity arises to allow private agents, companies or organizations to run burial sites, agents, companies or organizations shall apply for a permit from the Authority and follow other procedures laid down by the Authority or any other written law in respect of acquisition of land and the performance of such activity.

(4) Where a burial site has been designated-

- (a) dead bodies shall not be buried in that burial site without a burial permit from the authority;
- (b) dead bodies shall not be buried less than two meters below the ground adjoining the grave;
- (c) a person shall not bury or otherwise dispose of a corpse without having a burial permit issued by the Authority.

(5) Every cemetery shall -

- (a) be properly fenced;
- (b) have attendants employed to guide people during burial ceremonies;
- (c) have sufficient number of toilets for both sex;
- (d) have adequate water supply;
- (e) have an office to be used by a cemetery supervisor;
- (f) be divided into sub divisions according to religious groups;
- (g) have access, permanent road and parking space;
- (h) be located one hundred metres down hill from water source;
- (i) be planned and designated in such a way that it may serve for thirty years; and
- (j) have any other cemetery specification as the Minister may, by order published in the *Gazette*, prescribe.

(6) Every Village Authority established under the Village Land Act shall designate a burial site within its area of jurisdiction where dead bodies shall be buried upon obtaining a permit from the Authority.

(7) The Authority shall keep and maintain a reasonable distance between the burial sites and residential areas a dwelling house and source of water.

Notifi-
cation of
closure of
burial
grounds

127.-(1) The Authority may notify, by a publication in the Gazette and any local newspaper circulating in the area, notice boards on the area or any other method which may be considered fit of a closure of the burial ground.

(2) A person who buries any corpse or remains of any corpse in the closed burial ground commits an offence and upon conviction shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

Reimburse-
ment of
expenses to
the
Authority

128. All reasonable expenses incurred by the Authority as a result of any default in complying with any order or notice issued under this Part shall be deemed to be money paid for the use and at the request of the person on whom the order or notice was made, and shall be recovered from him at the suit of the Authority as a civil debt recoverable summarily.

(h) Funeral Homes, Mortuaries and Coffins Business

Licensing
of funeral
under-
takers

129.-(1) A person who intends to operate a funeral home mortuaries or coffins business shall apply for a licence from the Authority for that purpose.

(2) A licence shall not be granted by the Authority until the Authority is satisfied that the undertaker-

(a) is or has a qualified health personnel; and

(b) has the facilities appropriate for the work.

(3) Notwithstanding subsections (1) and (2), no person shall display a coffin at a public place for purpose of inviting customers.

130. The Authority may permit any person to establish, maintain or manage a mortuary, coffin selling centers or a funeral home within its area.

Power of the Authority to permit the establishment of mortuaries, coffin selling centres and funeral homes

131. In exercising the powers conferred upon it, the Authority shall allocate or approve the location of such mortuaries, coffins selling centers and funeral homes taking into consideration the provisions of subsections (3), (4) and (5) of section 126.

Location of mortuaries and funeral homes

132. The Minister may make Regulations prescribing for-

- (a) the conduct and qualification of funeral undertakers; and mortuaries;
- (b) the transportation of corpses;
- (c) the manner of selling of coffins and related articles;
- (d) the standards and specifications of mortuaries; and
- (e) the standards and specifications of funeral homes.

Regulations in respect of funeral homes

133. The Authority shall make, by-laws, governing operation of mortuaries and funeral homes.

Powers of the Authority to make by-laws

PART V

FOOD, FOOD HYGIENE, NUTRITION AND MARKET PLACES

(a) *Food and Food Hygiene*

134. The Minister shall make Regulations in respect of the treatment and disposal of unfit food to protect the public from locally or imported manufactured food which -

Treatment and disposal of unfit food

- (a) is unfit for human consumption;
- (b) is suspected of being unfit for human consumption; or

- (c) have been condemned by any court or otherwise determined by an authorized officer to be unfit for human consumption.

Approval
of
slaughter
facility

135.-(1) A premise shall not be used as a slaughter facility unless it has been approved and constructed in accordance with the plans previously approved in writing by the Authority.

(2) The Authority shall prescribe by-laws for the requirements to be fulfilled by an owner or occupier of a slaughter facility.

(3) The Authority shall prescribe for -

- (a) hours during which slaughtering may take place; and
(b) fees to be paid by the owner or occupier in respect of the service or inspection of meat or slaughter facility carried out by or on behalf of the Authority.

Records

136. The Authority shall prescribe for-

- (a) records to be kept at a slaughter facility abattoir; and
(b) the type of reports to be filed by the owner or occupier of a slaughter facility.

Inspection
of meat
and
poultry
Cap. 421

137. Subject to the provisions of the Meat Industry Act, the Authority shall make necessary procedures to ensure that all meat or poultry intended for human consumption is inspected both at the ante mortem and post mortem.

(2) The Authority may make by-laws prescribing for-

- (a) the examination of carcasses derived from animals marked as "SUSPECT";
(b) the evidence of diseases; and
(c) the branding of carcasses.

Registration
of food
manufa-
cturers

138. A person shall, for purpose of compliance with public health matters, not engage in food manufacturing within the area of the Authority without being registered by the licensing authority.

Register
of food
manufa-
cturers

139. The Authority shall keep and maintain a register of food manufacturers operating within its area containing-

- (a) the name, address and location of the premises of the manufacturer;
- (b) the date on which the manufacturer was licensed to conduct his business by a licensing authority; and
- (c) any other details for the purpose of carrying out the functions of this Act.

140. The Authority shall ensure that food is not manufactured except in premises registered in accordance with relevant written laws.

Place of Manufacturing of food

141. The Authority shall ensure that all premises registered for food manufacturing maintain and adhere to the prescribed public health standards throughout the duration of registration.

Maintenance and adherence of public health standards by food manufacturers

142. Without prejudice to any power conferred to any person or authority by any other written law, the Authority shall, within its area ensure for-

Labeling and importation of food additives

- (a) labeling of food for public consumption is done in accordance with any relevant written law; and
- (b) importation, sale, offer of food for sale or any exposure of food for sale, comply with prescribed public health standards and procedures.

143. The Authority may make by-laws-

By-laws

- (a) prohibiting the manufacturing and sale of adulterated food;
- (b) allowing seizure and disposal of carcass of slaughtered animals which after examination are found to be diseased or unfit for human consumption;
- (c) ensuring milk and any milk product intended for human consumption complies with prescribed standards;
- (d) ensuring that an animal is not slaughtered with intent for sale or used by a cross-section of the public except in accordance with prescribed health standards;

- (e) ensuring that transport, storage, packaging, marking of any food intended for public consumption is done in strict observance of sanitary and clean conditions and practices and in wholesome methods;
- (f) ensuring that every person who works in a slaughter facility or in a cold store or employed to carry meat or meat products from a slaughter facility or cold store to a vehicle, reports certain prescribed diseases and conditions he is suffering from;
- (g) ensuring every person working in the slaughter facility undergoes a routine medical check up after every six months;
- (h) ensuring prescribed cases of food poisoning are reported;
- (i) ensuring the inspection and control of infected food;
- (j) furnishes general powers to authorized officers to examine and seize any food which is, or which appears to him to be intended for human consumption, and if it appears to him to be unfit for human consumption; and
- (k) requiring any person to comply with any order calling for information regarding the composition of substances in food; and
- (l) prescribing for general provision for the good performance and effective carrying out of the provisions of this Act.

(b) Shops, Supermarkets and Market Places

Establishment of markets, supermarkets and shops

144.-(1) The Authority shall set aside areas within its jurisdiction to establish, build, operate and manage shops, supermarkets and markets or allow any person to do so on conditions to be prescribed by it.

(2) Shops, supermarkets or markets established under subsection (1) may be set specifically for certain type of trades, as the Authority may consider fit.

Markets, shops etc not to be established without permission from the Authority

145. A person shall not, without a permit of the Authority-

- (a) establish, build, operate or manage a market shop or supermarket;

- (b) be the owner, lessee or occupier of any land, permit a market, shop or supermarket to be established; or
- (c) maintain or conduct a market, shop or supermarket established in breach of the provisions of this Act.

146. Any person who contravenes any of the provisions of section 145 commits an offence and upon conviction, shall be liable to a fine of not less than one million shillings or to imprisonment for a term not exceeding twelve months or to both, such fine and imprisonment. Penalty

147. A permit or licence shall not be issued by the Authority unless it is satisfied that- Conditions for issuance of a permit or licence

- (a) the shop, supermarket or market is located at a site allocated for that purpose;
- (b) the building plans of the market have been approved;
- (c) necessary health requirements have been complied with, including-
 - (i) compliance with health regulations pertaining to the type of trade to be conducted;
 - (ii) provision of adequate and appropriate sanitary facilities;
 - (iii) provision of safe and adequate water supply at all times at prescribed points;
 - (iv) provision of proper and efficient solid and liquid waste collection and disposal arrangements;
 - (v) compliance with building regulations;
 - (vi) proper and adequate provision of natural or artificial ventilation and lighting arrangements;
 - (vii) proper and adequate facilities for fire fighting, accidents and safety precautions;
 - (viii) environmental protection issues; and
 - (ix) any other health requirements as may be determined by the Authority.

148.-(1) The Authority shall have powers to close any shop, supermarket or market and withdraw the permit or licence issued, upon being satisfied that it operates contrary to the provisions of this Act and the shop, supermarket and the market shall remain closed until the Authority is satisfied that all defects have been rectified to its satisfaction. Closure of shops, supermarkets and markets, and withdrawal of licences and permits

(2) Any person who contravenes subsection (1) commits an offence and upon conviction, shall be liable to a fine of not less than one million shillings or to imprisonment for a term not exceeding six months or to both, such fine and imprisonment.

(3) Subject to the provisions of subsections (1) and (2), the Authority shall give a thirty days written notice to the proprietor requiring him to comply with health standard relating to shops, markets, supermarkets and similar establishments

Powers of the Authority to make by-laws

149. The Authority may make by-laws prescribing for -

- (a) regulation of shops, supermarkets, markets and their buildings, keeping order, preventing obstructions and maintaining cleanliness;
- (b) goods which may be sold and other specific conditions;
- (c) conditions under which goods may be brought into the markets, shops and supermarkets;
- (d) layout of stalls for sale of different articles;
- (e) prohibition of sale of articles or activities that may impair proper management of markets, shops and supermarkets;
- (f) regulations in respect of fire and safety requirements;
- (g) setting of times and days of operation;
- (h) service charges;
- (i) governing of the good performance of markets, shops and supermarkets; and
- (j) general provision for the good performance and effective carrying out of the provisions of this Act.

PART VI

INSTITUTIONS GENERALLY

(a) Lodgings, Hotels and Guest Houses

Lodgings, hotels and guest houses

150.-(1) A person shall not operate a lodging, hotel or guest house without obtaining a licence from the Authority.

(2) The Authority shall designate areas for construction of hotels, guest houses, lodgings and similar establishments far from residential areas.

(3) A person shall not convert any residential building to a lodging, hotel, guest house or a similar establishment without the consent of the Authority.

(4) A lodging keeper, hotel keeper or guest house keeper shall not receive into a lodging, hotel or guest house or a similar establishment a greater number of persons than the number which has been prescribed by the Authority.

(5) Every lodging, hotel, guest house or a similar establishment shall be inspected by the authorized officer designated for that purpose.

(6) Any person who is rendering service in a lodging, hotel, guest house or a similar establishment shall be required to undergo a medical examination prior to his engagement into such service, and after every six months.

(7) A person who contravenes the provisions of this section commits an offence and upon conviction, shall be liable to a fine of not less one hundred thousand shillings and not exceeding one million shillings or imprisonment for a term of six months or to both.”

(b) Hair Dressing Salons, Beauty Salons, Barbershops and the like

151.-(1) The Authority shall register and license premises used for hair dressing salons, beauty salons, barber shops and the like.

Hair
dressing
salons,
beauty
salons,
barbershops
and the like

(2) The Authority shall not register or grant licence to any person to operate a hair dressing salon, beauty salon, barbershop and the like, unless that person has complied with the requirements as provided for under this Act.

152. The Authority shall ensure that an owner of a hair dressing salon, beauty salon, barbershop and the like ensure that premises used for that effect -

Sanitary
measures

- (a) has sufficient water supply;
- (b) has efficient means of storage and disposal of hair, hair wigs, braids or similar things, etc.;

- (c) maintains cleanliness of premises;
- (d) maintains cleanliness of instruments including towels, combs, scissors and blades;
- (e) has safety precautions regarding hair driers and steamers;
- (f) uses facilities which may not cause injury to the customer;
- (g) has adequate ventilation;
- (h) has adequate lighting;
- (i) has adequate sanitary provision for staff and customers;
- (j) has adequate and approved supply of antiseptics;
- (k) uses only permitted chemicals for the treatment of skin and hair;
- (l) has fire extinguishers;
- (m) maintains sterility of instruments and other utensils and materials;
- (n) has first aid facilities; and
- (o) causes medical examination for its staff to be made after every six months.

Inspection
of hair
dressing
salons,
beauty
salons,
barber
shops and
the like

153.-(1) The Authority shall regularly inspect beauty salons, barbershops and the like to ascertain for the compliance of this Act.

(2) Where the Authority discovers the operation of the hair dressing salon, beauty salon, barber shop and the like is in breach of the provisions of this Act, shall close that hairdressing salon, beauty salon, barber shop or the like.

(3) Subject to the provisions of subsection (1) and (2), the Authority shall give a thirty days written notice to the proprietor requiring him to comply with health standard.

Offences
and
penalty

154. Any person who contravenes the provisions of this Sub-Part commits an offence and shall be liable upon conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six months or to both.

155. The Minister may make regulations for the effective operation of hair dressing salons, beauty salons, barber shops or the like including permitted chemicals, shampooing materials, soaps and any other equipments and materials used for that purpose.

Powers of the Minister to make Regulations in respect of salons

(c) Swimming Pools, Public Bath and Massage Parlours

156.-(1) Any person who intends to build or operate a public bath, public swimming pool, massage parlour or sauna shall apply to the Authority.

Application for establishment of public baths, swimming pools, saunas, massage parlours and bathing places

(2) Every application made shall meet standards and requirements issued by the Authority in conformity with the minimum standards and requirements prescribed by the Minister and accompanied by -

- (a) plans such as properly dimensioned drawings showing location, layout, elevation of the swimming pools, saunas, toilets, shower rooms, changing rooms, water supply and drainage piping, re-circulation equipment and plumbing of accompanying buildings;
- (b) data such as the name of the owner, building and designer, type and location of the swimming pool, water replacement time, re-circulation equipment, physical, chemical and bacteriological analysis of source of water;
- (c) provision for disinfection and chemical used, filtration, fencing, rescuing equipment, skilled personnel and lighting; and
- (d) adequate changing rooms, shower rooms and sanitary accommodation separate for males and females.

157.-(1) The Authority may -

- (a) close down a public bath, sauna, massage parlour or swimming pool, when it does not comply with the provisions of this Act; or
- (b) stop its construction if it is satisfied that the provisions of this Act or the conditions attached to the permit are not adhered to.

Closure of public bathes, swimming pools, saunas, massage parlours, etc.

(2) Subject to the provisions of subsection (1), the Authority shall give a thirty days written notice to the proprietor requiring him to comply with health standard.

Existing swimming pools, public bathes, saunas, massage parlours, etc.

158. An owner or occupier of a public bath, bathing place or public swimming pool, whirlpool, sauna, massage parlours hot spa which exist immediately before the date of coming into operation of this Act shall, within six months after coming into operation of this Act, make application for inspection to the Authority.

Powers of the Authority to make by-laws

159. The Authority shall make by-laws prescribing for designs, safety precautions, sanitation, health measures for changing rooms and other facilities.

Conditions for the establishment of bathing places and swimming pools, etc.

160.-(1) A bathing place and a swimming pool shall not be established downstream or down current of any known source of water whether domestic, industrial, agricultural or otherwise.

(2) Dipping or washing of domesticated animals shall not be permitted within an area of one kilometer up stream of a bathing place or a swimming pool.

Closure of a bathing places, swimming pools or massage parlours during outbreaks of infectious disease

161.-(1) Where—

(a) there is an event of an outbreak of any infectious diseases which is traced to the public bath, swimming pool or massage parlour as being the source of the infectious diseases; or

(b) the bathing place is not maintained in a hygienic condition,

the authority may order closure of the bathing place temporarily or permanently

(b) the bathing place is not maintained in a hygienic condition, the Authority may close the bathing place temporarily or permanently.

(2) In case of temporary closure, the Authority shall not grant permission for the public bath, swimming pool or massage parlour to re-open until necessary measures have been taken into consideration to ensure that the reasons for which the public bath was closed have been eliminated.”

(d) Schools and Training Institutions

162. A person shall not operate or manage a school within the Authority area unless that school or training institutions complies with public health requirements as provided under section 163.

Operation
of schools

163. The Authority shall permit a person or institution to operate or manage a school or any other similar institution when it is satisfied that-

Public
health
require-
ments for
operating
a school,
etc

- (a) the location of the school is appropriate; and
- (b) there are provisions for-
 - (i) recreational and play ground;
 - (ii) safe and adequate water supply;
 - (iii) adequate and proper water closets or other sanitary accommodation facilities for staff, pupils and students;
 - (iv) first aid;
 - (v) fire fighting equipment;
 - (vi) adequate arrangements for collection, storage and disposal of solid and liquid waste;
 - (vii) kitchen and dining hall where meals will be prepared and provided;
 - (viii) proper accommodation, where standard lodging and boarding facilities are served;
 - (ix) classrooms and assembly hall provided with proper and adequate lighting and ventilation, and complying with standard safety requirements;
 - (x) provisions for people living with disability;
- (c) other public health requirements and regulations laid down by the Minister have been complied with.

164.-(1) An authorized officer shall make regular inspections of all schools or institutions both public and private owned, for the purpose of enforcing public health requirements and ensuring the safety and health of pupils, students, staff and the public in general.

Health
inspection
of schools

(2) Where upon such inspections, the authorized officer detects any nuisance or health defect which needs to be rectified, he shall, by a notice, inform the owner or manager of the school or institution on the existence of the defect and give instructions to rectify the same within a prescribed time.

(3) Where -

- (a) a notice under subsection (2) has been served and the management has failed to comply with the requirements within the prescribed time; and
- (b) the nuisance continues to exist or health hazard would affect or threaten the health of pupils, students, staff or the public in general,

the authorized officer may order the school or institution to be closed until the requirements have been complied with.

(4) Any person who contravenes any of the provisions of this section commits an offence and upon conviction, shall be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six months or to both.

PART VII

MISCELLANEOUS PROVISIONS

Protection
against
legal
proceedings

165. An action or other proceedings shall not lie or be instituted by any person against the authority, authorized officer or other person acting under the direction of the authority or the authorized officer or any other person acting under powers conferred by this Act, in respect of any act or thing done or omitted to be done or purported to be done in good faith as the case may be in pursuance of the functions or exercise of powers conferred under this Act.

Indemnity
authorized
officers

166. No matter, thing or contract entered into by the Authority, and no matter or thing done by an authorized officer of such Authority or by any person acting on behalf of or under the direction of such Authority shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing this Act, subject such Authority, authorized officer or person as the case may be, be liable to any action, liability, claim or demand of any kind.

Contra-
vention
by a
corporate
entity,
director,
etc.

167. Where a contravention of any of the provisions of this Act or any subsidiary legislation is committed by any company or corporation, a director, secretary or manager shall be held liable for the contravention.

168. Every authorized officer under the Authority shall ensure the welfare and health of workers are maintained at all times.

Welfare
health of
workers

169.-(1) The Minister may, after consultation with the Minister responsible for labour, make regulations regarding health standards for working environment, working equipment and health measures to be adhered at work places.

Worker's
health
surveil-
lence

(2) The Authority shall ensure -

(a) the inventories of all working places are kept up-to-date and maintained; and

(b) routine medical examination for workers is conducted.

170. The Authority shall regulate the conduct and management of bars, restaurants, hotels, catering businesses, street food vending, beaches, garages, recreational places, bus stands, gymnasiums, massage parlours, swimming pools, public baths, saunas, steam baths places and any other places as may be declared by the Minister in the *Gazette*.

Manage-
ment of
bars,
restaurants,
public
baths,
swimming
pools,
saunas,
etc.

171.-(1) The Minister may make regulations for the better carrying out of the purposes of this Act.

Regulations

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations prescribing -

(a) public health standards;

(b) regulation, organization and management of burial grounds, cremators, mortuaries, funeral undertakers and funeral homes;

(c) public health guidelines;

(d) hygiene, sanitation and health status of personnel of restaurants, hotels, catering businesses, street food vending, beaches, recreational places, gymnasiums, massage parlours, swimming pools, saunas, hot spas, whirlpools, steam baths places, garages, beauty salons, barber shops and hair dressing salons and other related facilities;

- (e) the manner in which the reporting of maternal death shall be undertaken.

(3) The Minister may, in respect of the notification of infectious and communicable disease, make regulations prescribing -

- (a) the duties of Medical Officers of Health, District Medical Officers, Medical Practitioners and Environmental Health Practitioners;
- (b) the duties of the owner or the occupier of premises or the owner or managers of mines, employers and the like;
- (c) the duties of the person in charge of any school, religious institution, orphanage or any other institution in respect to the reporting of diseases or any other disease specified in the regulations;
- (d) the circumstances in which notification of a particular disease shall not be required;
- (e) the duties of the Authority in respect of keeping of registers or records of notification of diseases;
- (f) the duties of Registrar of Births and Deaths in respect of furnishing the Authority or Medical Officer of Health or District Medical Officer with notification of returns of births and deaths notified with the Registrar;
- (g) the forms to be used and particulars to be furnished by Medical Officers of Health, District Medical Officer, Medical Practitioners and authorized officers when making such notification to the Authority;
- (h) the forms to be used and particulars to be furnished by the Authority and a Medical Officer of Health and a District Medical Officer when transmitting returns and reports to the Chief Medical Officer;
- (i) health standards and requirements to operate mines and mining plants;
- (j) safe water supply for purposes of preventing water washed and water borne diseases, and other water related diseases;

- (k) installation of telecommunication towers and the like;
- (l) provision of sufficient air in places of entertainments, mines, works and transportation; and
- (m) programmes and facilities are in place to ensure that the issues of climate changes are well addressed.

(4) In respect of prevention and control of infectious diseases, the Minister may, in consultation with the relevant Ministers, make regulations prescribing -

- (a) the closure of any school or any place of entertainment, where deemed necessary for the purpose of preventing the spread of any infectious disease, the regulation and restriction of school attendance;
- (b) the duties of parents or guardians of students or pupils who are suffering or have recently suffered from or have been exposed to any infectious disease and the duties of persons in charge of schools in respect of those children;
- (c) the establishment, maintenance, management and inspection of isolation place or wards, convalescent homes or other institutions for the accommodation or treatment of persons suffering from or who have recently suffered from any infectious disease or the removal of persons to those institutions, their discharge and the classification and control of the patients and members of staff of such institutions;
- (d) the imposition and enforcement of quarantine, medical observation and surveillance in respect of persons suffering or suspected to be suffering from infectious disease not removed to a hospital or place of isolation, the premises in which those persons are accommodated, those in charge of or in attendance of those persons, and other persons living in or visiting those premises or who may otherwise have been exposed to any of the infectious disease;
- (e) the duties in respect of the prevention of infectious disease and in respect of persons suffering, suspected to be suffering from the infectious disease or owners of land on which persons reside;

- (f) the measures to be taken for the prevention of spread or eradication of cholera, human trypanosomiasis, typhoid fever, typhus, plague, acute poliomyelitis, tuberculosis or any other infectious disease requiring to be dealt with in a specific manner;
- (g) the conveyance by rail or otherwise of persons suffering from disease or bodies of persons who have died of an infectious disease and prescribed burial procedures;
- (h) the prevention of spread, of a disease from any animal or carcass or product of any animal to a human being, of rabies, glanders, anthrax, plague, tuberculosis, trichinosis or any other disease transmitted by any animal, the carcass or product of any animal to a human being;
- (i) the prevention of spread of any disease mainly caused by an animal or vegetative parasite;
- (j) the prevention of spread of an infectious disease by the carrying on of business, trade or occupation;
- (k) the prevention of spread of an infectious disease by persons who, though not at the time suffering from that disease, are carriers of and liable to spread the infectious disease, and keeping under medical surveillance and the restriction of the movements and activities of those persons;
- (l) the prohibition of spitting in public places or public vehicles, except into receptacles provided for that purpose;
- (m) the prohibition of littering in public places or public vehicles except into receptacles provided for that purpose;
- (n) the prohibition of urinating in public places, except on toilets provided for that purpose;
- (o) regulations and restriction of any trade or occupation entailing specific danger to the health of those engaged in it or the public, whether from infectious disease or otherwise and the institution of measures for preventing or limiting such dangers;
- (p) the establishment, maintenance and management of cleansing stations, the cleansing of dirty or verminous persons, the disinfection or fumigation of premises, clothings or other

articles which have been exposed to or are believed to be contaminated with the infection of any infectious disease, or which are dirty or verminous;

- (q) the prohibition of carrying out of any fumigation which involves the use of poisonous gas without a specific licence granted for that purpose;
- (r) the disposal of any waste, garbage, other matters or thing that has been contaminated with or exposed to the infection of any infectious disease; and
- (s) the compulsory giving of any information, the production of any document or other evidence required for the purpose of tracing the source or preventing the spread of any infectious disease.

(5) The Minister may make regulations for the control of mosquitoes.

(6) The Minister shall -

- (a) liaise with the Minister responsible for agriculture or any other government institution dealing with chemicals to regulate the use of pesticides, insecticides and other chemicals for the control of mosquitoes, vermins or other vectors; and
- (b) liaise with the Minister responsible for the local government to make sure that all development activities proposed have mitigation plans to prevent the breeding of mosquitoes, vermins and other vectors.

(7) The Minister may make regulations in respect of vaccinations prescribing -

- (a) forms of certificates, notices, returns and books of record to be used in relation to public vaccination and defining the information to be furnished and requiring the furnishing and prescribing the manner of their use by the Registrar of Births and Deaths and vaccinators, Authority, medical practitioners, parents or guardians of children, persons in charge of schools, employers and other persons;
- (b) vaccination or re-vaccination of persons and assigning where deemed desirable to do so, the responsibility for the carrying out of such vaccination or re-vaccination to the Authority;

- (c) application and enforcement of the provisions of this Act to persons entering Mainland Tanzania whether by land, water or air, or for requiring, where considered necessary, the vaccination or re-vaccination of any person before entering Mainland Tanzania; and
 - (d) a list of countries whose citizens are required to be vaccinated before entering Mainland Tanzania.
- (8) The Minister may, for the purpose of control of diseases, make regulations prescribing for-
- (a) the speedy interment of the corpse;
 - (b) house to house visit;
 - (c) the provision for personal protective equipments and accommodation for the promotion of cleansing, ventilation, disinfection and disinfestations;
 - (d) preventing any person from leaving an infected area without undergoing medical examination, disinfestations, inoculation, vaccination, re-vaccination or staying for a specific period in an observation center, camp or station as the case may be;
 - (e) the destruction, disinfection or disinfestations of premises, furnitures, goods or other articles which have been used by persons suffering from infectious disease or which are likely to spread the infection;
 - (f) the destruction of mosquitoes, vectors and vermins, the means and precautions to be taken in respect of aircraft, vessels, trains and motor vehicles arriving at or departing from Mainland Tanzania and for preventing mosquitoes, other vectors and vermins, and from passing from aircrafts, vessels, trains or motor vehicles to land or from land to the same, and the better prevention of the danger of spreading infection by mosquitoes, other vectors and vermins;
 - (g) the compulsory medical examination of persons suffering or suspected to be suffering from an infectious disease;
 - (h) the restriction of residence in, immigration from or emigration to an infected area;

- (i) the manner of controlling non communicable diseases; and
- (j). matters relating to nutritional issues.

172. The Authority shall, upon occurrence of any maternal death within its area of jurisdiction, report the incident to the Chief Medical Officer.

Reporting of maternal death

173.-(1) No advertisement or public display shall be made on matters or issues relating to public health until a permit has been granted by the Minister or a competent authority approved by the Minister.

Prohibition of advertisement on matters or issues related to public health

(2) Any person who contravenes the provisions of this section commits an offence and upon conviction shall be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both.

174.-(1) A person shall not have natural call in areas other than toilets built for that purposes.

Prohibition of natural call in areas other than toilets

(2) The authority shall, in collaboration with transporters of passenger vehicles, designate areas along the high ways where public toilets shall be built.

(3) Any person who contravenes the provisions of this section commits an offence and upon conviction shall be liable to a fine of not less than one hundred thousand shillings or to imprisonment for a term of six months or to both.

175. The Minister may amend any of the Schedules under this Act.

Amendment of the Schedule

176. A person who contravenes any provision of this Act where no specific penalty is provided commits an offence and upon conviction shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

General penalty

177.-(1) The following Acts are repealed -

- (a) the Infections Diseases Act;
- (b) the Internationally Notifiable Diseases (Prevention) Act; and
- (c) the Mosquito Control Act.

Repeals and savings
Caps. 96,
73 and 99

(2) Notwithstanding subsection (1), all subsidiary legislation made under the repealed Acts shall be deemed to have been made under this Act and shall continue to have effect until revoked or otherwise amended.

FIRST SCHEDULE

THE LIST OF NOTIFIABLE DISEASES

Made under section 9(1)

International notifiable diseases

1. Viral Hemorrhagic Fevers.
 - (a) Ebola fever.
 - (b) Rift valley fever
 - (c) Yellow fever
 - (d) Marbug fever
2. Avian influenza.
3. Severe Acute Respiratory Syndrome (SARS).
4. Plague.
5. Acute Flaccid Paralysis.
6. Neonatal tetanus.
7. Cholera.

National notifiable diseases reported weekly

1. Cholera.
2. Plague.
3. Meningitis.
4. Diarrhea for children who are under five years.
5. Pneumonia for children who are under five years.
6. Measles.
7. Malnutrition.
8. Rabies

SECOND SCHEDULE



UNITED REPUBLIC OF TANZANIA

MINISTRY OF HEALTH AND SOCIAL WELFARE

INFECTIOUS DISEASES OUTBREAK REPORT FORM

Made under section 13(2)

Form F009

Date:.....

Name of Health

Facility:.....

Region:

District:.....

Disease/diagnosis:

Number of cases by village/sub-village/street

Additional information:.....

Measures initiated by village/sub-village/street

Name of the In-charge of the Health

Facility:.....

Designation:

Signature:.....

TAREHE	MAELEZO	TAREHE KURUDI
Maelezo ya chanjo kwa Mzazi/Miezi		
Aina ya dawa	Umri wa kuchanja	
BCG	Mara mtoto azaliwapo Au mara ya mwanzo Afikapo kliniki.	
POLIO (Kupooza)	mtoto anapozaliwa na Marudio kila baada ya Wiki 4 mpaka Atakapokamilisha chanjo.	
DPT-HB (donda koo, Kifaduro, Pepopunda na Hepatis B)	Wiki 4 baada ya kuzaliwa na marudio kila baada ya wiki 4.	
SURUA	Mtoto anapokamilisha miezi 9	
VITAMINI A	Mtoto anapokamilisha miezi 9 Marudio akiwa na miezi 15 na Miezi 21.	

Jina la kliniki		Na. ya Mtoto
Jina la Mtoto		MUME/ MKE
Tarehe ya kuzaliwa	Uzito alipozaliwa (kilo)	
Jina la Mama		
Jina la Baba		
Mahali mtoto Anapoishi sasa		Mtaa/Kijiji
		Jina Balazi

**Jamhuri ya Muungano wa Tanzania
KADI YA KLINIKI YA WATOTO**

KUCHANJWA (Andika Tarehe Hapa)				
	Anapozaliwa	KOVU (V)	Marudio Kama Kovu hamna	
BCG				
	Anapozaliwa 0	1	2	3
POLIO				
DPT-HB				
SURUA				
VITAMINI A				

Made under Section 19(2)

FOURTH SCHEDULE



UNITED REPUBLIC OF TANZANIA

MINISTRY OF HEALTH AND SOCIAL WELFARE

CERTIFICATE OF VACCINATION OR PROPHYLAXIS

Made under section 21(1)

This is to certify that [name], date of birth, sex, Nationality, national identification document, if applicable:....., whose signature follows has on the date indicated been vaccinated or received prophylaxis against: (name of disease or condition) in accordance with the International Health Regulations(IHR).

Vaccine or Prophylaxis	Date	Signature and professional status of supervising clinician	Manufacturer and batch No. of Vaccine or Prophylaxis	Certificate Valid from..... until.....	Official Stamp of administering centre
1.					
2.					

This certificate is valid only if the vaccine or prophylaxis used has been approved by the World Health Organization.

This certificate must be signed in the hand of the clinician, who shall be a medical practitioner or other authorized health worker, supervising the administration of the vaccine or prophylaxis. The certificate must also bear the official stamp of the administering centre. However, this shall not be an accepted substitute for the signature.

Any amendment of this certificate, or erasure, or failure to complete any part of it, may render it invalid.

The validity of this certificate shall extend until the date indicated for the particular vaccination or prophylaxis. The certificate shall be fully completed in English or in French. The certificate may also be completed in another language on the same document, in addition to either English or French.

FIFTH SCHEDULE



UNITED REPUBLIC OF TANZANIA

MINISTRY OF HEALTH AND SOCIAL WELFARE

MARITIME DECLARATION OF HEALTH FORM

Made under section 40(2) (c) and (d)

To be completed and submitted to the competent authorities by the masters of ships arriving from foreign ports.

Submitted at the port of..... Date.....

Name of ship or inland navigation vessel..... Registration/IMO No.....arriving from
 sailing to.....

(Nationality)(Flag of vessel)..... Master's
 name.....

Gross tonnage (ship).....

Tonnage (inland navigation vessel).....

Valid Sanitation Control Exemption/Control Certificate carried on board? Yes..... No.....

Issued at..... Date.....

Re-inspection required? Yes..... No.....

Has ship/vessel visited an affected area identified by the World Health Organization? Yes.....
No.....

Port and date of visit

List ports of call from commencement of voyage with dates of departure, or within past thirty days,
 whichever is shorter:

Upon request of the competent authority at the port of arrival, list crew members, passengers or other persons who have joined ship/vessel since international voyage began or within past thirty days, whichever is shorter, including all ports/countries visited in this period (add additional names to the attached schedule):

- (1) Name joined from:
 (1).....(2).....(3).....
 (2) Name joined from:
 (1).....(2).....(3).....
 (3) Name..... joined from: (1).....
 (2)..... (3).....

Number of crew members on board.....

Number of passengers on board.....

Health questions

- (1) Has any person died on board during the voyage otherwise than as a result of accident? Yes..... No.....
 If yes, state particulars in attached schedule. Total no. of deaths.....
- (2) Is there on board or has there been during the international voyage any case of disease which you suspect to be of an infectious Nature? Yes..... No..... If yes, state particulars in attached schedule.
- (3) Has the total number of ill passengers during the voyage been greater than normal/expected? Yes.....No.....
 How many ill persons?
- (4) Is there any ill person on board now? Yes..... No..... If yes, state particulars in attached schedule.
- (5) Was a medical practitioner consulted? Yes..... no..... If yes, state particulars of medical treatment or advice provided in attached schedule.
- (6) Are you aware of any condition on board which may lead to infection or spread of disease? Yes.....No.....
 If yes, state particulars in attached schedule.
- (7) Has any sanitary measure (e.g. quarantine, isolation, disinfection or decontamination) been applied on board? Yes..... No.....
 If yes, specify type, place and date.....
- (8) Have any stowaways been found on board? Yes..... No..... If yes, where did they join the ship (if known)?

(9) Is there a sick animal or pet on board? Yes No.....

Note: In the absence of a surgeon, the master should regard the following symptoms as grounds for suspecting the existence of a disease of an infectious nature:

- (a) Fever, persisting for several days or accompanied by (i) prostration; (ii) decreased consciousness; (iii) glandular swelling; (iv) Jaundice; (v) cough or shortness of breath; (vi) unusual bleeding; or (vii) paralysis.
- (b) With or without fever: (i) any acute skin rash or eruption; (ii) severe vomiting (other than sea sickness); (iii) severe Diarrhoea; or (iv) recurrent convulsions.

I hereby declare that the particulars and answers to the questions given in this Declaration of Health (including the schedule) are true and correct to the best of my knowledge and belief.

Signed

Master

Countersigned

Ship's Surgeon (if carried)

Date.....

ATTACHMENT OF MARITIME DECLARATION OF HEALTH FORM

Name	Class or rating	Age	Sex	Nationality	Port, date joined ship/vessel	Nature of illness	Date of onset symptoms	Reported to a port health officer	Disposal of case*	Drugs medicines or other treatment given to the patient	Comments

* State: (1) whether the person recovered, is still ill or died; and (2) whether the person is still on board, was evacuated (including the name of the port or airport), or was buried at sea.

SIXTH SCHEDULE



UNITED REPUBLIC OF TANZANIA

MINISTRY OF HEALTH AND SOCIAL WELFARE

SHIP SANITATION CONTROL EXEMPTION CERTIFICATE/
SHIP SANITATION CONTROL CERTIFICATE

Made under section 40(2) and (3)

Port of: Date:

This Certificate records the inspection and 1) exemption from control or 2) control measures applied

Name of ship or inland navigation vessel.....Flag.....

Registration/IMO No.

At the time of inspection the holds were unladen /laden with..... Tonnes
of..... Cargo

Name and address of inspecting officer.....

.....

Ship Sanitation Control Exemption Certificate/ Ship Sanitation Control Certificate

Areas, systems, and services] inspected	Evidence found ¹	Sample results ²	Documents reviewed	Control measures applied	Re-inspection date	Comments regarding conditions found
Galley			Medical log			
Pantry			Ship's log			
Stores			Other			
Hold(s)/cargo						
Quarters:						
- crews						
- office						
- passenger						
- deck						
Portable water						
Sewage						
Ballast tanks						
Solid and medical waste						
Standing water						
Engine room						
Medical facilities						
Other areas specified - See attached						
Note areas not applicable, by marking N/A.						

No evidence found. Ship/vessel is exempted from control measures. Control measures indicated were applied on the date below.....

Name and designation of issuing officerSignature and seal

Date:

¹(a) Evidence of infection or contamination, including: vectors in all stages of growth; animal reservoirs for vectors; rodents or other species that could carry human disease, microbiological, chemical and other risks to human health; signs of inadequate sanitary measures. (b) Information concerning any human cases (to be included in the Maritime Declaration of Health).

²Results from samples taken on board. Analysis to be provided to ship's master by most expedient means and, if re-inspection is required, to the next appropriate port of call coinciding with the re-inspection date specified in this certificate.

Sanitation Control Exemption Certificates and Sanitation Control Certificates are valid for a maximum of six months, but the validity period may be extended by one month if inspection cannot be carried out at the port and there is no evidence of infection or contamination.

ATTACHMENT TO SHIP SANITATION CONTROL EXEMPTION CERTIFICATE/SHIP SANITATION CONTROL

Areas/facilities/systems inspected	Evidence found	Sample results	Documents reviewed	Control measures applied	Re-inspection date	Comments regarding conditions found
Food						
Source						
Storage						
Preparation						
Service						
Water						
Source						
Storage						
Distribution						
Waste						
Holding						
Treatment						
Disposal						
Swimming pools/spas						
Equipment						
Operation						
Medical facilities						
Equipment and medical devices						
Operation						
Medicines						
Other areas inspected						

Indicate when the areas listed are not applicable by marking N/A

SEVENTH SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



MINISTRY OF HEALTH AND SOCIAL WELFARE

CERTIFICATE FOR FREE PRATIQUE

Made under section 40(3)(d)

This is to certify that health inspection of Marine Vessel/Aircraft.....under the command of CAPTAIN (date).....

THEREFORE, Free Pratique is hereby granted/not granted today..... at..... subject to the following conditions/instructions which should be complied with as is practicable, but before departure of the vessel

- (a)
(b)
(c)
(d)

Port Health Officer.....
Signature and Stamp

I, the Master of Marine vessel/Aircraftdo hereby agree to comply with the above stipulated conditions/instructions before departure. I understand that my vessel may be restrained from sailing if these conditions/instructions are not complied with in full before departure

Master.....
Signature and Stamp

Date.....

EIGHTH SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



MINISTRY OF HEALTH AND SOCIAL WELFARE

SHIP CARGO MANIFEST

Made under section 40(4)

M/V.....

SAILING

ON:.....FLAG:.....

PORT OF

LOADING:.....

PORT OF

DISCHARGING:.....

BILL OF LADING	SHIPPERS	CONSIGNEE	MARKS NUMBERS	QUALITY	DESCRIPTION	GROSS WEIGHT

MASTER:.....

Signature and Stamp

ELEVENTH SCHEDULE

Made under section 51

THE UNITED REPUBLIC OF TANZANIA

MINISTRY OF HEALTH AND SOCIAL WELFARE

HEALTH CERTIFICATE FOR IMPORTED USED CLOTHES AND FOOTWEARS

From.....

Date:.....

Reference No.....

Name of Exporter:

Port of Export:

Names of
Vessel:.....

Date of
Arrival:.....

Place where goods are
stored:.....

Name of
Importer:.....

Date of
Inspection:.....

Health Certificate from the Country of origin.....

Name of Fumigant:

Chemical(s) used:

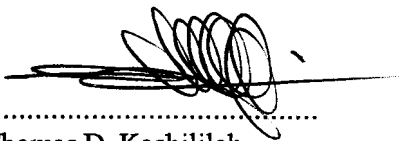
Comments:

I hereby certify the above - mentioned articles of second hand clothes and footwears have been treated and may be released.

.....
PORT HEALTH OFFICER

.....
SIGNATURE AND STAMP

Passed in the National Assembly on the 27th January, 2009



.....
Dr. Thomas D. Kashililah
Clerk of the National Assembly