

**ORDER NO. 12 OF 1970**

**PUBLIC HEALTH ORDER 1970**

**ORDER**

To make provision for Public Health

[Date of Commencement: see sec.1. to be fixed]

Made by the Council of Ministers

**Short title and commencement**

1. This Order may be cited as the Public Health Order 1970, and shall come into operation on a date to be fixed by Minister in the Gazette, provide that different dates may be fixed for the coming into operation of different sections.

**Interpretation**

In this Order, unless the context otherwise indicates-“adult” means a person of sixteen years of age or over; “approved” means approved by the Minister; “building” includes any structure whatsoever for whatever purpose used; “burial” means the burial in earth ,interment or any other form of sepulture or the cremation or any other approved mode of disposal of a dead body; “child” means a person who is under or appears to be under sixteen years of age; “cleansing” means the removal from surfaces, by scrubbing and washing, with hot water, soap or suitable detergent of infectious agents and of organic matter on which and in which and in which infectious agents may find favorable conditions for prolonging the life and virulence of such infectious agents, or of killing infectious agents outside the body by chemical or physical means directly applied; “communicable disease” means any disease which can be communicated directly or indirectly by any person suffering there from to any other person;

**PART 1- ADMINISTRATION**

**2.**

**Functions of the Ministry of Health**

The functions of the Ministry of Health shall, subject to the provisions of this Order, be to promote the personal health and environmental health within Lesotho; to prevent and guard against the introduction of disease from outside; to prevent of control communicable disease; to advise and assist district administrations and local authorities in regard to matters affecting public health; to promote or carry our researchers and investigations in connexion with the prevention and treatment of human diseases; to prepare and publish reports and statistics or other information relative to the public health; to report on the work of the Ministry to the Minister who may submit such report to the Council of Ministers each year; to provide for the appointment of advisers, advisory bodies or councils to assist the Minister in all matters concerning public health; and generally to administer the provisions of this Order.

3.

### Appointment of Health Officers and Others

1) Subject to the provisions of the law governing the Public Service of Lesotho the Ministry shall have appointed as many health officers or other officers as may from time to time be necessary.

2) Health Officers and other officers appointed to or designated by the Ministry of Health shall be suitably trained and qualified.

## PART II-NOTIFIABLE DISEASES

4.

### Notification of diseases

1) the provisions of this Order, unless otherwise expressed, shall, so far as they concern notifiable disease apply to-

a) Communicable diseases:

Smallpox (including variola minor or alata), typhus fever and louse-borne relapsing fever, cholera, plague, yellow fever, sleeping sickness (human trypanosomiasis), scarlet fever, diphtheria, erysipelas, puerperal fever, typhoid (enteric) fever (including Para-typhoid A,B,C), Cerebro-spinal meningitis, poliomyelitis, leprosy, anthrax, glanders, rabies, brucellosis (Malta fever), tuberculosis (all forms), tick-borne relapsing fever, ophthalmic neonatorum, infective encephalitis, infective hepatitis, food poisoning, trachoma, psittacosis, influenza pneumonia, malaria, pneumococcus neonatorum, German measles (rubella), whooping-cough, schistosomiasis (bilharziasis), bacillary dysentery, venereal diseases, tetanus (all forms), measles and gastro-enteritis in children under the age of five years.

b) Non-Communicable Diseases

Lead poisoning, industrial poisoning, pneumoconiosis, pellagra, scurvy, rickets, kwashiorkor, beri-beri, insecticidal poisoning, pesticidal poisoning.

5. 1) When-----

a) the body of a person who has died of a communicable disease is retained in a room in which any person lives, sleep or works, or in which food is kept or prepared or eaten; or

b) any dead body is retained in any dwelling or place under circumstances which in the opinion of a health officer are likely to endanger health; or

c) any dead body is found and is unclaimed or where no competent person undertakes to bury it: any magistrate, Justice of the peace or member of the Lesotho Mounted Police of or above the rank of sergeant, may on a certificate signed by a health officer, direct that the body be removed to a mortuary for post-mortem examination, or if the body is that of a person certified to have died of a communicable disease, may order that the body be buried immediately without removal to a mortuary; provided that if friends or relatives of the deceased undertake to, and do, bury the body within the time so specified,

the work of doing so shall be defrayed by the Ministry of health, and may be recovered by it by action in any court from any person legally liable to pay expenses of interment.

2) Any person who hinders or obstructs the execution of any order or direction given under this section shall be guilty of an offence.

6. The Minister may make regulations application to all communicable diseases or only to such communicable diseases as may be specified therein regarding the following matters-

a) the imposition and enforcement of isolation or of medical observation and surveillance in respect of persons suffering from communicable disease who are not removed to a hospital or place of isolation, the premises in which such persons are accommodated, those in charge of or in attendance on such premises or who otherwise may have been exposed to the infection of any such disease;

b) the duties, in respect of the prevention of communicable disease and in respect of persons suffering or suspected to be suffering therefrom of occupiers of land on which persons reside and of employers of labour, and of chiefs and headmen and others;

c) the measures to be taken for preventing the spread of or eradicating smallpox, typhus fever, typhoid fever, cholera, yellow fever, plague, poliomyelitis, tuberculosis or any other communicable disease requiring to be dealt with in a special manner;

e) the conveyance of persons suffering from or the bodies of persons who died of a communicable disease;

**PART III-SPECIAL PROVISIONS REGARDING DISEASES**  
**SUBJECT TO THE INTERNATIONAL HEALTH REGULATIONS**

**7. Disease subject to International Health Regulations**

1)the provision of this Order, unless otherwise expressed, in so far as they concern diseases subject to the International Health; Regulations shall be deemed to apply to smallpox(including alastrim or variola minor), plague (cholera) (including cholera due to the EI TOR Vibrio) and yellow fever.

2)the International Health Regulations shall be published in the Gazette within thirty days after the coming into operation of this Order and any amendment thereto shall be published in the Gazette as soon as army be after the Government becomes a party to such amendment.

3) Every amendment to the International Health Regulations to which Government becomes a party shall before the Council of Ministers within thirty days after its publication in the Gazette under the provisions of subsection (1) or if the said Council is not then in session within thirty days of the commencement of its next session.

4) 1) The Ministers may by regulation—

a) make such provisions as appears to him necessary or expedient for the carrying out of and giving effect to the International Health Regulations.

b) Subject to the provisions of the International Health Regulations, impose fees and provide for the recovery of any expenditure incurred in giving effect to the International Health Regulations;

2)any regulations made under this section may prescribe penalties for any contravention thereof, but no such penalty shall exceed a fine of two hundred rands or in default of payment imprisonment for a period not exceeding six months

**8. Power of Minister to make regulations**

Whenever Lesotho or part thereof appears to be threatened by any of the disease mentioned in section 7, 1)the Minister may make regulations for all or any of the following purpose—

a) for the speedy interment of dead ;

b) house to house visitation;

d) for preventing any person from leaving any infected area without undergoing all or any of the following ;medical examination, cleansing, inoculation, vaccination or revaccination or passing a specified period in an observation camp or center in turn shall report to the nearest [District Administration] or to a health or veterinary Officer

2) Any such person who fails so to report shall be guilty of an offence.

**8. Notification of diseases subject to the International Health Regulations**

Every health officer shall immediately report to the Permanent Secretary for Health, Maseru, by radio, telegraph or other expeditious means particulars of every notification received of a case of any disease subject to the International Health Regulations, or of any unusual sickness or mortality in animals made under the last preceding section.

**9. Regulation of buildings equipment etc.**

1) Where an outbreak of any diseases subject to the International Health Regulations exists or is threatened it shall be lawful for the Permanent Secretary for Health to require any person owning or having charge of any buildings or dwellings not occupied, or any person owning or having charge of transport, bedding, hospital equipment, drugs, food or other appliances, materials or articles urgently required in connexion with the outbreak, to hand over the use of any such land or building or to supply or make available any such article, subject to the payment of a reasonable amount as hire or purchase price.

2) any person who without reasonable cause, fails or refuses to comply with any such requirement shall be guilty of an offence.

**PART IV-PREVENTION OF THE SPREAD OF SMALLPOX**

**Interpretation**

10. for the purposes of this Part----

“Public vaccinator” shall include a public vaccinator appointed by the permanent Secretary for Health and any person appointed by the Permanent Secretary for Health to assist or act for a public vaccinator, and includes any Health officers;

“unprotected person” includes a child and means a person who has not been protected from smallpox by having had the disease, either naturally or by inoculation or by having been successfully vaccinated, and who has not been certified under the provisions of this Order to be insusceptible to vaccination.

**11. Vaccination of children**

The parent or guardian of every child in Lesotho shall unless such child is insusceptible or unfit or has suffered from small pox, cause such child to be vaccinated by a public vaccinator, or other approved medical practitioner and the parent or guardian of every such child shall procure one of the following certificates on the form prescribed signed by a public vaccinator or other approved medical practitioner;

- a) Certificate of successful vaccination;
- b) Certificate of insusceptibility to vaccination;
- c) Certificate of unfitness for vaccination;

d) Certificate that such child has suffered from smallpox

**12. Buildings in which foodstuffs are stored or prepared for sale**

1) No person shall reside or sleep in any kitchen or room in which foodstuffs are prepared or stored for sale

2) If it appears that any such kitchen or room is being so used contrary to the provisions of this section, or that any part of the premises adjoining the room in which foodstuffs are stored or exposed for sale is being used as a sleeping apartment under such circumstances that the foodstuffs are likely to be contaminated or made unwholesome, the health officer may serve upon the offender or upon the owner of the house, or upon both, a notice calling for such measures to be taken as shall prevent the improper use of such kitchen and premises within a time to be specified in the notice, and if such notice be not complied with the party upon whom it was served shall be guilty of an offence.

**PART IX-WATER AND FOOD SUPPLIES**

**13. Duty of health officers**

It shall be the duty of every health officer to take all lawful, necessary and reasonably practicable measures to ensure the purity of any supply of water which the public has a right to use and does use for drinking or domestic purposes, and to take all necessary measures against any person so polluting any such supply or polluting any streams so as to be a nuisance or danger to health.

**14. Sale of tainted food**

1) No person shall sell or expose for sale or bring into Lesotho or into any market or have in his possession without adulterated, diseased or unwholesome state, or which is unfit for human consumption, or any for any animal which is unfit for unwholesome state or unfit for its use and any health officer, veterinary officer, or police officer of or above the rank of sergeant may seize any such food, and any [District Administrator] magistrate or a health officer or approved veterinary officer may order it to be destroyed, or to be so disposed of as to prevent it from being used as food for humans or animals as the case may be.

2) No person shall collect, prepare, manufacture, keep, transmit or expose for sale any foodstuffs without taking adequate measures to guard against or prevent any infection or contamination thereof.

**15. Seizure**

1) Any health officer or other person duly authorized by him in writing, may at any time between the hours of 6 a.m. and 6 p.m., enter any shop or premises used for the sale or preparation for sale, or for sale, or for the storage of food, to inspect and examine any food found there in which he has reason to believe is intended for human consumption, and should such food appear to such officer to be unfit for such use, he may seize the same, and any magistration or [District Administrator] may order it to

be disposed of as in the foregoing section. The onus of proof that such food was not exposed for sale or intended for human consumption shall be on the person charged.

a) the inspection and examination of, and the regulation, inspection and supervision of the manufacture, preparation, storage, keeping and transmission of any article of food intended for sale or for export from Lesotho and the prohibition of the manufacture, preparation, storage, keeping, transmission, sale or export from Lesotho of any such article which is, or contains an ingredient which is diseased or unsound or unfit for human consumption, or which has been exposed to any infection or contamination;

b) the medical supervision and hygiene of food-handlers, including the provision of requisite hand-washing and sanitary facilities for such food-handlers

c) prohibiting the importation into Lesotho of any article of food which is not clean, wholesome, sound and free from any disease or infection or contamination, and the seizure and disposal by destruction or otherwise of any such article so imported;

d) the preparation, manufacture or importation and the storage and sale of or trade in articles of food which are packed in airtight receptacle with the date of manufacture or preparation;

e) prohibiting the importation, sale, possession or use of vessels which are intended to contain milk or any liquid or semi-solid article of food and which are rusty or defectively soldered or are made of material containing in any part likely to come in contact with the contents, lead or other poisonous or injurious substance in such proportion as to be likely to cause injury or danger to health, and fixing the maximum proportions of such substances which may be used in such vessels;

f) requiring the marking or stamping in any manner prescribed by such rules articles of food for the purpose of showing clearly the nature, quality, weight, contents, place of manufacture or origin of any such article, and any other particulars whether of the same kind or not prescribed in such rules in regard to any such article;

g) requiring the medical examination of any person in any premises in which any milk or dairy produce or other article of food intended for sale is collected, kept sold or exposed for sale or of any person who has been engaged in the collection, preparation, keeping, conveyance or distribution of any such milk or produce or article;

h) Prohibiting the employment by any cow-keeper, dairy-man or purveyor of milk or other person in connexion with the collection, preparation, storage, distribution.

2) the Permanent Secretary for Health may authorize a health officer to visit any such premises as in this section mentioned to report to him upon any matter or this connected with the premises or the use thereof.

3) Any person who knowingly obstructs an authorized health officer in any such inspection shall be guilty of an offence.

**16.**

**public washer men**

The Permanent Secretary for Health may by public notice prohibit the washing of clothes by washer men in the exercise of their calling except at public wash-houses or at such other places as he may appoint for the purpose.

**17.**

**Regulations**

The Minister may make regulations for ensuring that the health of the inhabitants of any area may be safeguarded in respect of---

- a) the prevention of pools of standing water;
- b) the drainage and control of such pools when they exist;
- c) the inspection, repair and cleansing of open channels, canals and drains,

**18.**

**Supervision of vaccines, ETC.**

1) The Permanent Secretary for Health may provide for the inspection, sampling and examination by officers of the Ministry, of vaccines, vaccine lymph, sera, toxins, anti-toxins, antigens, insulin, salvarsen, and any other therapeutic substance as defined by regulation, imported into or manufactured in Lesotho and intended or used for the prevention or treatment of human or animal diseases, and shall regulate their sale or supply, and may prohibit their sale or supply, and may prohibit the importation, manufacture, sale or use of any such substance which is considered to be unsafe or to be liable to be harmful or dangerous health.

2) The Minister may make such regulations as he may consider necessary for carrying out the provisions of this section.

## **PART XII-MISCELLANEOUS PROVISIONS**

**19.**

**Service of notices**

Notices, orders and other documents required or authorized to be served under this Order may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises by delivering the same, or a true copy thereof, to some responsible person on the premises, or can be served by fixing the same on some conspicuous part of the premises, or may be served by the headman of the area and they may also be served by post by a prepaid letter and if served by post shall prima facie be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the notice, order or other document was properly addressed and put in the post.

**20.**

**Defect in form**



No defect in the form of any notice or order made this order shall invalidate or render unlawful the administrative section, or be ground for exception to any legal proceedings which may be taken in the matter to which such notice or order relates, provided the requirements thereof are substantially and intelligibly set forth.

**21.**

**Powers of entry and inspection**

1) Any health officer, veterinary officer or any police officer of or above the rank of sergeant or any other person generally or specially authorized in writing by the Permanent Secretary for Health, may, at any hour reasonable for the proper performance of the duty, enter any land or premises to make any inspection or to perform any work or to do anything which is required or authorized by this Order or any other law to be done, if such inspection, work or thing is necessary for or incidental to the performance of his duties or the exercise of his powers.

2) Any person who fails to give or refuses access to any health officer, veterinary officer, sergeant or person authorized under subsection (1) of this section if he requests entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this Order, or who fails or refuses to give information that he may lawfully be required to give to such health officer, veterinary officer, sergeant or person, or who gives to such health officer, veterinary officer, sergeant person false or misleading information knowing it to be false or misleading, or who prevents the owner or nay of his servants or workmen from entering any land or dwelling or premises for the purpose of complying with any requirement under this Order shall be guilty of an offence.

**22.**

**Penalties not expressly provided for**

Any person guilty of an offence against or contravention of, or default in complying with, any provision of this Order shall, if no penalty is expressly provided for such offence, contravention or default, be liable on conviction to a fine not exceeding two hundred rands or to imprisonment not exceeding six months and if the offence, contravention or default is of a continuing nature, to a further fine not exceeding five rands for each day during which he shall make default provided that where the offence is in respect of any building or premises for which a license is required under any law for the time being in force the court before which any such conviction is obtained may in addition to or in substitution for any of the aforesaid penalties revoke or suspend such license.

**23.**

**Power to make regulations**

The Minister shall have power to make regulations generally for the carrying out of the purposes of this Order, provided that prior to publishing regulations or notices under any of the Parts of this Order relating to animals or poultry or animal or poultry diseases the Minister shall be required to consult with the Minister responsible for Agriculture.

