

CHAPTER 99

THE MOSQUITOES (CONTROL) ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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SCHEDULE

CHAPTER 99

THE MOSQUITOES (CONTROL) ACT

An Act to prescribe measures for the control of mosquitoes.

[29th November, 1935]

Ord. No. 40 of 1935

[PCh99s1]1. Short title and application

This Act may be cited as the Mosquitoes (Control) Act, and shall apply to every township and minor settlement and, if the Minister so directs, to any area within two miles of the boundaries of a township or minor settlement and, if the Minister is satisfied that a source of infection to a populated area is situated outside the limit of two miles, to the area in which that source is situated.

[PCh99s2]2. Interpretation

In this Act, unless the context requires otherwise—

"approved scheme" means a scheme approved by the Minister in pursuance of the provisions of section 6;

"Minister" means the Minister responsible for health;

"occupier" means in reference to the particular premises in respect of which the word is used any person occupying or residing in the premises, and includes any tenant, lodger or licensee;

"Sanitary Authority" means—

(a) as respects townships, the officer appointed to carry out the duties of a Medical Officer of health in the township, and, as respects minor settlements, the medical Officer of Health of the locality in which that settlement is situated; and

(b) as respect other areas, any officer whom the Minister may in the order applying this Act to a specified area, or by any subsequent order, empower to carry out the provisions of the Act in that area, and, in default of that order, means the Medical Officer of Health of the locality in which that area is situated.

[PCh99s3]3. Power to prescribe measures for control of mosquitoes

The Minister may make rules prescribing the measures to be taken for the control of mosquitoes (in this Act referred to as the "prescribed measures") by the owners or occupiers of any land or buildings within any of the areas to which this Act applies.

[PCh99s4]4. Duties of occupiers

(1) Every occupier or, in the absence of the occupier, every proprietor of a building or land within any of the areas to which this Act applies shall take all the prescribed measures and in addition all other measures which are reasonably necessary to prevent the breeding of mosquitoes in or on that building or land which the Sanitary Authority may by notice in writing order him to take, not involving in the case of buildings or lands outside townships and minor settlements the expenditure of a sum exceeding one hundred shillings on the same building or land during a period of twelve months:

Provided that, where the occupier is merely a lodger or licensee, he shall not be required to take any of the measures mentioned in this subsection which necessarily involve any structural alteration of the premises occupied by him or any expenditure of money.

(2) In the case of two or more persons being joint occupiers or joint proprietors, each of them shall be deemed an occupier or proprietor for the purposes of this section.

(3) Where any occupier or proprietor fails to take any of the measures which he is required to take under subsection (1), the Sanitary Authority may, with the approval of the Administrative officer in charge of the district in which the building or land is situate, on giving not less than fourteen days' notice in writing of his intention so to do, cause the measures to be taken; and thereupon that occupier or proprietor shall, without prejudice

to any penalty which he has incurred through the failure, be liable to pay all the costs of an undertaking not exceeding the limit of expenditure mentioned in subsection (1) which shall be recoverable as a debt due to the Government.

[PCh99s5]5. Right of entry

The Sanitary Authority, and any person authorised by him in writing in that behalf, may at any time between the hours of seven in the morning and six in the evening enter upon any land or building within any of the areas to which this Act applies for all or any of the following purposes, that is to say—

(a) of ascertaining whether the measures required to be taken under this Act are being taken;

(b) of causing any measure to be taken in pursuance of the provisions of section 4(3);

(c) of determining whether any measures for the control of mosquitoes on that land, other than those prescribed or ordered under this Act, are desirable in the interests of public health in the vicinity thereof; and

(d) of preparing a scheme in pursuance of the provisions of section 6(1):

Provided that, except for the purposes mentioned in paragraph (a), no entry shall be made into a dwelling-house without the consent of the occupier or in virtue of the order of a magistrate.

[PCh99s6]6. Prosecution of measures on lands

(1) Where the Director of Medical Services is satisfied that any measures of the kind mentioned in paragraph (c) of section 5 are desirable in the interests of public health

in the vicinity of the land on which such measures are to be taken, he shall cause a scheme to be prepared for the prosecution of the measures, and the plans and specifications incidental to them, for the consideration of the Minister.

(2) The Minister may approve the scheme either in its entirety or with such modifications as he may consider necessary, and the scheme as approved shall thereupon be dated and signed by the Permanent Secretary.

(3) A copy of the approved scheme and the plans and specifications incidental to it shall be deposited in any place which the President directs, and shall be available for inspection without fee by the owner or occupier of any lands affected and notice shall be published in the Gazette to the effect that the scheme has been approved and containing a short description of the locality in which the lands are situate.

(4) Notice shall be served upon the occupier or occupiers of the lands to which an approved scheme relates containing particulars and accompanied by plans, if any, which are necessary to furnish information as to the nature of the works authorised to be done on that land.

(5) On the expiration of twenty-eight days after service as provided in subsection (4) it shall be lawful for the Director of Medical Services and any persons authorised by him in that behalf to enter upon the said lands and to do thereon all acts which are necessary for the execution of the works authorised by the approved scheme.

[PCh99s7]7. Compensation

(1) Where any person suffers injury by reason of the prosecution of an approved scheme and is unable to agree with the Director of Medical Services as to the amount of

compensation to be paid in respect of the injury, the amount due, if any, shall be settled by the High Court, which shall have jurisdiction to hear and determine the same upon a summons taken out by the Permanent Secretary or the person affected in the form contained in the Schedule to this Act, or to a like effect:

Provided that in settling the amount of compensation no regard shall be had to any injury occasioned by the acquisition of any land by the Government for the purposes of the approved scheme.

(2) Nothing in this Act shall be construed as enabling the Government to acquire any lands otherwise than in pursuance of the provisions of the Land Acquisition Act *, and, where an approved scheme involves the acquisition of land, the approval of the Minister thereto shall be deemed to be a resolution of the President that the land is required for a public purpose within the meaning of section 5 of the Land Acquisition Act *.

[PCh99s8]8. Penalties

(1) Any person who obstructs any officer empowered to carry out the provisions of this Act in any act authorised by this Act commits an offence and upon conviction is liable to a fine of five hundred shillings or to imprisonment for three months.

(2) Any occupier or proprietor who contravenes any of the provisions of section 4 commits an offence and upon conviction is liable in the case of a first offence to a fine of one hundred shillings or to imprisonment for fifteen days, and, in the case of a second or subsequent offence, to a fine of three hundred shillings or to imprisonment for one month.

SCHEDULE

FORM OF SUMMONS

THE MOSQUITOES (CONTROL) ACT

IN THE HIGH COURT OF TANZANIA

(Section 7(1))

In the matter of the Settlement of Compensation payable

under section 7(1) of the Mosquitoes (Control) Act

Let all parties attend at on the day of
....., 20....., at..... o'clock in the
.....noon on the hearing of an application on the part of
..... for the determination of the
amount of compensation payable to
..... in respect of injury suffered by him in
consequence of the prosecution of the measures authorised to be taken on the lands shown
on the plan attached to the scheme approved by the President on the day of
....., 20....., a copy of which is attached hereto.

When the summons is taken out by the Permanent Secretary, the following
words shall be added:

The Permanent Secretary is willing to pay as compensation the sum of
.....

N.B. If the said is willing to accept the
compensation above mentioned, he shall notify his assent to the Permanent Secretary on
or before the day of 20.....

If the said is unwilling to accept such compensation, he shall on or before the said day inform the Permanent Secretary of the amount which he is willing to accept.

If the said fail to comply with these instructions, the Court may order him to pay the costs of the proceedings.

Dated the day of, 20..... This summons was taken out by:

.....

Signature of the Registrar of the High Court

To. (insert names of the parties interested in the question