

ABBOZZ TA' LIĠI msejjaħ

ATT biex jippromwovi u jipproteġi s-saħħa

IL-PRESIDENT, bil-parir u il-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

Taqsimi I

PRELIMINARI

1. (1) It-titolu ta' dan l-Att hu Att ta' l-2003 dwar is-Saħħa Titolu fil-qosor u bidu fis-seħħ.
Pubblika.

(2) Dan l-Att jibda jseħħ f'dik id-data li l-Ministru responsabbli għas-saħħa jista' b'avviż fil-Gazzetta jistabbilixxi u jistgħu jiġu stabbiliti dati differenti għal disposizzjonijiet differenti u għal għanijiet differenti ta' l-Att.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ Tifsir.
xort'ohra -

“abitat” tfisser nhawi okkupati jew li jistgħu jiġu okkupati minn 100 persuna b'rata ta' akkomodazzjoni ta' 3.5 persuni għal kull unità residenzjali;

“abitazzjoni privata” tfisser bini jew parti minn xi bini użat jew maħsub li jintuża minn persuna biex ttrissjedi fih;

“ajruport” tfisser ajruport identifikat mill-istat u li jkun jinsab fit-territorju tiegħu bhala ajruport ta’ dhul jew ta’ tluq għal traffiku ta’ l-ajru internazzjonali;

“animal” tfisser kull animal kemm jekk jinzamm bhala animal domestiku favorit kemm jekk le u jinkludi tjur, hut, rettili w insetti;

“art kontaminata” tfisser art li titqies mis-Suprintendent bhala riskju għas-saħha pubblika minhabba li tkun kontaminata bir-rimi ta’ l-iskart, jew skart industrijali jew skart iehor, jew b’xi attivitajiet ohra;

“avviz ta’ tnehhija” tfisser in-notifikazzjoni ufficjali dwar l-eliminazzjoni jew it-twarrib ta’ xi inkonvenjent li jinhareg bis-saħha ta’ l-artikolu 12 ta’ dan l-Att;

“Ċumnija” tinkludi strutturi w aperturi ta’ liema xorta jkunu li minnhom jew minn go fihom jintefghu d-duhhan, naqal, trabijiet jew irwejjah, u, b’mod partikolari, tinkludi tubi f’ghamla ta’ ċmieni, u kull referenza għal ċumnija ta’ xi bini tinkludi referenzi għal ċumnija li tkun isservi bini shih jew xi parti minnu imma li bhala struttura tkun separata mill-bini imma ma tinkludix pajp ta’ l-*exhaust* ta’ vettura;

“duhhan” tinkludi nugrufun, rmied, naqal u partikoli tan-naqal li johorġu mad-duhhan;

“duhhan sewdieni” tfisser duhhan li jkun klassifikat bhala tali meta jitkejjel skond regolamenti li jagħmel il-Ministru taht dan l-Att;

“emergenza fis-saħha pubblika” tfisser sitwazzjoni li fiha jkun attwali jew imminenti riskju fis-saħha pubblika;

“eżami mediku” tfisser eżami fiziku, psikoloġiku jew psikjatriku, u tinkludi it-tehid ta’ kampjuni ta’ xi sustanza jew hmieg mill-gisem;

“fond” tinkludi:

- (a) art; u
- (b) bini jew part minn xi bini; u
- (ċ) struttura jew part minn xi struttura; u

(d) kamp, posta jew struttura temporanja ohra;

“forn domestiku” tfisser kwalunkwe forn li jkun unikament jew prinċipalment użat għal finijiet domestiċi, u jkun mudellat għat-tishin ta’ *boiler* bl-akbar kapacià ta’ tishin tiegħu anqas minn 16.12 kilowatt;

“hoss” tfisser hoss li joriġina minn kull post u jinkludi hoss mit-traffiku fit-triq u fl-ajru, industriji, xogħlijiet ta’ kostruzzjoni u dawk pubbliċi, mid-dintorni, hoss minn sistemi ta’ ventilazzjoni, makni fl-uffiċċju u tagħmir fid-djar;

“ilma” teskludi ilma għall-konsum tal-bniedem;

“ilma li tista’ tghum fih” tfisser ilma baħar tul il-kosta tal-gzejjer Maltin fejn hu rikonoxxut bhala tali mis-Suprintendent u li fih l-għum ma jkunx projbit;

“ilma għar-rikreazzjoni” tfisser ilma li tista’ tghum fih, ilma fi *swimming pool* u kull roqgħa ilma li tintuża għal skopijiet rikreattivi;

“ilma tas-*swimming pool*” tfisser ilma *f’pool* intiz għal għum rikreattiv, għum ieħor, għadds, jew għal finijiet terapewtiċi li jkun jinsab jew fuq ġewwa jew fil-miftuh u li ma jkunx użat jew mahsub li jintuża bhala *pool* f’residenza ta’ familja waħda, imma tinkludi *swimming pool* li jkun jinsab f’residenza ta’ familja waħda, li jkun użat jew mahsub li jintuża għal għanijiet ta’ kummerċ jew ta’ negozju;

“inkonvenjent” tfisser interferenza mhux skond il-liġi, f’dak li għandu x’jaqsam mas-saħħa pubblika, fit-tgawdija ta’ propjeta’ jew ma’ l-istil ta’ għajxien ta’ persuna u li tkun waħda ta’ preġudizzju għas-saħħa u jkollha element ripetittiv;

“kunsens” tfisser approvazzjoni mogħtija minn individwu mingħajr ebda ġegħil, frodi jew theddid;

“Kunsill tas-Saħħa” tfisser il-Kunsill imwaqqaf bl-artikolu 7 ta’ l-Ordinanza dwar l-Organizzazzjoni tad-Dipartiment tas-Saħħa; Kap. 94.

“marda” tinkludi kull debulizza jew mard li jistgħu jikkagunaw disfunzjoni fil-ġisem, jew fis-sistemi jew l-organi tal-bniedem; u tinkludi wkoll kull marda li għandha tiġi avzata kif ukoll kull sintomu assoċjat ma’ xi marda;

“marda li ghandha tiġi avżata” tfisser marda ddikjarata taht l-artikolu 27 bhala marda li tenhtieg li tiġi rrapportata lis-Suprintendent;

“Ministru” tfisser il-Ministru responsabbli ghas-sahha pubblika;

“organizmu patoġeniku uman” tfisser organizzu ddikjarat taht l-artikolu 27 bhala organizzu patoġeniku uman, u kull tossin prodott minn dak l-organizmu;

“persuna” tfisser persuna fizika jew legali u tinkludi awtorità pubblika;

“port” tfisser port imsemmi mill-istat li jkun jinsab fit-territorju tieghu bhala port ta’ dhul jew ta’ tluq ghall-ivvjaġġar jew il-kummerç internazzjonali;

“post fejn tista’ tghum” tfisser kull fejn ikun hemm ilma li tista’ tghum fih;

“pratka libera” tfisser permiss biex bastiment jidhol fil-port u jiżbarka l-passiġġieri, jew biex ajruplan, wara li jinzel l-art, jiżbarka l-passiġġieri;

“prattikkabbli” tfisser raġonevolment prattikkabbli meta jitqiesu, fost affarijiet ohra, il-kondizzjonijiet u ċ-ċirkostanzi lokali, l-implikazzjonijiet finanzjarji u l-istat korrenti ta’ konoxxenza teknoloġika;

“riskju fis-sahha pubblika” tinkludi persuna, struttura, attività, animal, sustanza jew xi haġa li tista’ tikkontribwixxi għal xi marda fil-bnedmin jew ikollha effetti kuntrarji fuq is-sahha tal-bniedem jew tipprevjeni u, jew, tirrestringi t-titjib fis-sahha pubblika;

“roqgha ilma” tfisser nhawi ta’ baħar, kemm fil-magħluq kemm fil-beraħ, u sew pubblika sew privata;

“sahha pubblika” tfisser il-benesseri fiziku u mentali tal-komunità;

“sid” tinkludi:

- (a) l-aġent tas-sid jew *trustee*;

(b) persuna li tirċievi, jew ikollha jedd li tirċievi, kirjiet taht xi kirja tal-fond;

(c) okkupant; u

(d) persuna inkarigata minn xi fond jew li tkun qeghda tiġġestih;

“skart” tinkludi kull fdal, żibel, hmieġ tad-drenaġġ, demel, skart likwidu, ilma qieghed, radam u terrapien;

“Suprintendent” tfisser is-Suprintendent tas-Sahha Pubblika u fil-qies ta’ kull delega jew awtorità moghtija tinkludi uffiċjal awtorizzat;

“sustanza kontaminanti” tfisser sustanza ddikjarata li tkun wahda kontaminanti taht l-artikolu 27;

“tabib” tfisser persuna li jkollha jedd skond il-liġi teżerċita bhala tabib taht xi liġi li tkun issehh f’dak il-waqt;

“uffiċjal awtorizzat” tfisser kull persuna kwalifikata kif imiss li tkun awtorizzata mis-Suprintendent biex taqdi funzjonijiet taht dan l-Att u tinkludi kull uffiċjal nominat;

“uffiċjal nominat” tfisser kull min ikun awtorizzat mis-Suprintendent biex jaqdi xi funzjoni jew funzjonijiet speċifiċi taht dan l-Att ghal dak il-perjodu ta’ żmien li s-Suprintendent jista’ jstabbilixxi;

“vaċċin” tfisser vaċċin, li jinkiseb mnejn ikun, u li jintuża biex jipprevjeni l-mard fil-bnedmin;

“vettura” tinkludi kull opra tal-bahar jew ta’ l-ajru.

Taqsim II

AMMINISTRAZZJONI

3. Ghandu jkun is-Suprintendent li jamministra dan l-Att:

Iżda f’dak li ghandu x’jaqsam mar-radjazzjoni, is-Suprintendent ghandu jaġixxi permezz tal-Bord dwar il-Harsien mir-Radjazzjoni mwaqqaf bl-Att Numru XXVIII ta’ l-2000 dwar l-Awtorità ghas-Sahha u s-Sigurtà fuq il-Post tax-Xoghol, u f’dak li ghandu x’jaqsam mas-sigurezza ta’ l-ikel is-Suprintendent

ghandu jagixxi permezz tal-Kummissjoni ghas-Sigurezza ta' l-Ikel imwaqqaf bl-Att Numru XIV ta' l-2002 dwar is-Sigurezza ta' l-Ikel.

Funzjonijiet u poteri tas-Suprintendent.

4. Is-Suprintendent huwa responsabbli ghas-sahha pubblika f'Malta u ghandu:

(a) jizgura li d-disposizzjonijiet ta' dan l-Att u ta' regolamenti maghmulin tahtu jigu mharsa;

(b) jizviluppa u jimplimenta strategiji biex jipromwovi u jtejjeb is-sahha pubblika;

(c) johrog *standards* ghas-sahha pubblika;

(d) jaghti pariri lill-Ministru fuq affarijiet li jirrigwardaw is-sahha pubblika b'mod generali u fuq affarijiet li jirrigwardaw dan l-Att b'mod partikolari;

(e) jaqdi kull funzjoni ohra lilu moghtija b'dan l-Att jew b'kull ligi ohra; u

(f) jaghmel kull haga ohra li tista' tkun mehtiega jew li twassal ghat-twettiq ahjar tal-funzjonijiet u r-responsabbiltajiet lilu moghtija b'dan l-Att.

Delega.

5. (1) Is-Suprintendent jista' jiddelega, taht dawk il-kondizzjonijiet li jista' jqis li jkunu xierqa, xi wahda mis-setghat tieghu lil min irid.

(2) Dik id-delega tista' tkun tirrigwarda taqsimiet jew artikoli differenti ta' dan l-Att u lil persuni jew entitajiet differenti jew lil kombinazzjoni taghhom u ghandha tkun soggetta ghal kull ordni li tista' tinghata mis-Suprintendent li jista' f'kull waqt jirrevokaha.

Poteri ta' ufficjali awtorizzati.

6. (1) Ghall-finijiet ta' dan l-Att, is-Suprintendent jew ufficjal awtorizzat jista', f'kull hin ragonevoli -

(a) jidhol u jispezzjona nhawi, fond, roqgha ilma jew vettura;

(b) jesigi li persuna tirispondi kull mistoqsija u, jew, iggib *records* taht il-kontroll ta' dik il-persuna dwar attivitajiet li jsehhu go xi nhawi, fond, roqgha ilma jew vettura;

(c) jispezzjona, johrog jew jeleva kull *record* jew jaghmel kopja ta' kull *record* li jkun rilevanti ghas-sahha pubblika, ikun f'liema ghamla jkun, u meta *record* ikun qed jinzamm permezz ta' xi *computer* huwa ghandu-

- (i) jkollu aċċess ghalih, u jispezzjonah u jivverifika t-thaddim ta' *computer*, kull apparat jew materjal assoċjat miegħu li jkun qiegħed jew li kien jew li seta' ntuża ma' dawk ir-*records*; u
- (ii) jesigi li kull min ikun responsabbli għall-*computer*, jew inkella jkun xort'ohra involut fit-thaddim tal-*computer*, apparat jew materjal, jagħtih dik l-assistenza skond ma jkun raġonevolment jehtieg;
- (d) jitlob it-traduzzjoni ta' xi dokument għall-Malti jew għall-Ingliż;
- (e) jeżamina u, jew, jispezzjona lil xi persuna jew oġġett li jinstab fi jew ġewwa xi nhawi, fond, roqgħa ilma jew vettura;
- (f) jimmarka, iwahhal, jissigilla, jiehu u jeleva kampjun ta' kull xorta ta' oġġett li jinstab fi jew ġewwa xi nhawi, fond, roqgħa ilma jew vettura;
- (g) jiftaħ xi kontenitur, reċipjent jew pakkett li jinstab fl-inhawi, fi jew ġewwa xi nhawi, fond, roqgħa ilma jew vettura;
- (h) jiżen, jghodd, ikejjel jew jiggejġja xi oġġett li jinstab fi jew ġewwa xi nhawi, fond, roqgħa ilma jew vettura;
- (i) jeleva xi oġġett jew *record* li jinstab fi jew ġewwa xi nhawi, fond, roqgħa ilma jew vettura;
- (j) jissigilla nhawi, fond, roqgħa ilma jew vettura;
- (k) jirreġistra permezz ta' ritratti, filmati, *tape* jew xbihat bil-*video* u jagħmel skizz, pjanta jew tpingija jew xort'ohra jagħmel reġistrazzjoni ta' xi persuna, fond, roqgħa ilma jew vettura jew ta' xi haġa li tkun tinstab hemm ġew jew fuqhom;
- (l) jittestja u, jew, jeżamina sistema ta' drenagg;
- (m) jagħmel test, ezami, jew qies bi strumenti, jissorvelja sitwazzjoni, u jagħmel osservazzjonijiet li jistgħu jinhtiegu taht dan l-Att;
- (n) jagħti ordni taht dan l-Att li jista' jqis li tkun mehtieġa; u
- (o) jirreferi kull haġa lill-bord rilevanti skond dan l-Att.

(2) Meta uffiċjal awtorizzat ikun qiegħed jeżerċita xi poter mogħti lili mis-Suprintendent taħt id-disposizzjonijiet ta' dan l-Att għandu -

(a) jipprovdi dokument ta' identifikazzjoni mahruġ mis-Suprintendent taħt l-artikolu 11 meta jkun hekk jenħtieġ jagħmel mis-sid ta' l-inhawi, fond, roqgħa ilma jew vettura;

(b) jagħti avviż raġonevoli kemm-il darba dak l-avviż ma jkunx imur kontra l-iskop ta' dak l-istess eserċizzju tal-poter.

(3) Waqt li uffiċjal awtorizzat ikun qiegħed jeżerċita xi poter taħt dan l-Att, huwa jista' jitlob l-għajjnuna ta' xi uffiċjal tal-pulizija jew ta' xi persuna oħra skond ma jista' jkun jeħtieġ.

(4) Persuna li telewa xi oġġett taħt il-paragrafu (1) (i), għandha, b'avviż bil-miktub notifikat lis-sid ta' l-oġġett jew lill-persuna li tkun qed tiehu hsieb dak l-oġġett f'dak il-waqt, tispeċifika d-dettalji ta' l-oġġett elevat u d-data.

Eżenzjonijiet.

7. (1) Is-Suprintendent jista' b'ordni u fl-interess nazzjonali jeżenta lil:

- (a) kull persuna;
- (b) kull haġa jew attività;
- (ċ) kull nhawi, fond, roqgħa ilma; u
- (d) kull vettura,

minn kull disposizzjoni ta' dan l-Att.

(2) Ordni magħmul skond is-subartikolu (1) ta' dan l-artikolu għandu jkun inforzabbli minnufih u għandu, mingħajr preġudizzju għal kull infurzar dovut, jiġi ppubblikat fil-Gazzetta kemm jista' jkun malajr wara li dan l-ordni jsir. Kull ordni bħal din tista' tiġi revokata, emendata jew sostitwita b'ordni sussegwenti li ssir mis-Suprintendent.

Talba għal informazzjoni.

8. Is-Suprintendent jew uffiċjal awtorizzat jista' għall-finijiet ta' dan l-Att jitlob lil xi persuna li tagħtih:

- (a) il-partikolaritajiet tagħha;
- (b) dettalji ta' xi liċenzja, permess jew eżenzjoni taħt dan l-Att;

(ċ) informazzjoni li tirrigwarda s-sahha pubblika; u

(d) informazzjoni dwar l-attivitajiet taghha nnifisha jew ta' xi persuna ohra dwar xi haġa taht dan l-Att.

9. Min b'kull mezz li jkun jimpedixxi jew ifixkel lis-Suprintendent jew lil xi uffiċjal awtorizzat milli jeżerċità xi setgha milli ghandu taht dan l-Att, ikun hati ta' reat taht dan l-Att. Impediment jew tfixkil ta' uffiċjal pubbliku.

10. Kemm is-Suprintendent kemm uffiċjal awtorizzat ma jistghux direttament jew indirettament jinvolvu ruhhom f'xi attività li tista' tkun konfligġenti ma' l-eskuzzjoni ta' dmirijiethom taht dan l-Att. Interessi konfligġenti.

11. Is-Suprintendent ghandu johroġ dokument ta' identifikazzjoni lill-uffiċjali awtorizzati. Dokument ta' identifikazzjoni.

12. (1) Meta s-Suprintendent jew uffiċjal awtorizzat ikun tal-fehma, fuq bażi raġonevoli, li xi hteġa taht dan l-Att jew taht regolamenti mahruġin tahtu ma tkunx qeghda tiġi mharsa, huwa jista' johroġ avviz ta' tnehhija lil kull min jidhirlu li jkun responsabbli li jhares jew jiżgura li tiġi mharsa dik il-hteġa: Avvizi ta' tnehhija.

Izda l-avviz ta' tnehhija jista' jiġi mahruġ lil persuni differenti meta r-responsabbiltà ghal dak it-tcharis tkun taqa' fuq aktar minn persuna wahda.

(2) Avviz ta' tnehhija jsir bil-miktub u ghandu jkun fih:

(a) id-dettalji rilevanti kollha li jkunu jirrigwardaw l-kontravvenzjoni; u

(b) l-indirizz jew indikazzjoni tal-post fejn tkun qeghda ssir il-kontravvenzjoni; u

(ċ) ordni fejn jiġi ddikjarat x'ikun mehtieg biex jithares l-avviz.

(3) L-avviz ta' tnehhija jista' jinghata bil-fomm mis-Suprintendent jew minn uffiċjal awtorizzat:

(a) f'każijiet urgenti;

(b) jekk jirrizulta mpossibbli li jiġi notifikat bil-miktub.

(4) Avviz ta' tnehhija ghandu jiġi notifikat bil-miktub:

(a) jew fl-indirizz residenzjali jew tal-kummerç tal-persuna li ghandha tiġi notifikata bl-avviż tat-tnehhija;

(b) jew meta l-persuna li ghandha tiġi notifikata b'avviż tat-tnehhija ma tkunx tista' tinstab, billi jitwahhal l-avviż ta' tnehhija mal-fond fejn tkun qeghda ssir il-kontravvenzjoni, u kull min inehhi jew b'xi mod jinterferixxi ma' xi avviż ta' tnehhija li jkun ġie hekk imwahhal, ikun hati ta' reat.

(5) Persuna jew persuni, li jkunu ġew notifikati b'avviż ta' tnehhija, ghandhom inehhu l-inkonvenjent minghajr dewmien u f'ebda każ iżjed tard miż-żmien speċifikat fl-avviż ta' tnehhija:

Iżda żmien bhal dak li jiġi indikat fl-avviż ta' tnehhija jkun minghajr preġudizzju għal kull azzjoni li tista' tittiehed mis-Suprintendent jew minn xi ufficjal awtorizzat qabel ma jiskadi dak iż-żmien.

(6) Persuna lil lilha jkun ġie notifikat avviż ta' tnehhija u li tonqos milli tikkonforma ruhha ma' xi hteġa ta' l-avviż, tkun hatja ta' reat taht dan l-Att u l-qorti tista', minbarra li tagħti l-piena, tordna lill-akkużat biex jeseġwixxi dawk ix-xogħlijiet li jkunu mehtieġa biex jipprevjani li dak il-ksur jerga' jiġri mill-ġdid.

Obbligazzjonijiet.

13. (1) Meta s-Suprintendent ikun jidhirlu li persuna tkun qed twettaq xi haġa b'mod li jikkostitwixxi reat kontra dan l-Att jew li tkun qeghda tonqos milli tikkonforma ruhha ma' regolamenti magħmulin tahtu, s-Suprintendent jista, fid-diskrezzjoni tiegħu, minflok ma jistitwixxi jew jikkaġuna li jiġu istitwiti proċedimenti kontra dik il-persuna, jwissi lil dik il-persuna bil-miktub, u jara li dik il-persuna tagħmel obbligazzjoni bil-miktub li tkun se tieqaf minn dak it-twettiq speifikat fl-obbligazzjoni.

(2) Is-Suprintendent ghandu jkollu reġistru ta' obbligazzjonijiet magħmulin taht is-subartikolu (1), liema reġistru jinżamm f'xi ufficju speċifikat minnu, u jkun disponibbli għall-ispezzjoni ta' kulhadd f'dawk il-hinijiet li jistgħu jiġu stabbiliti b'avviż pubblikat fil-Gazzetta.

(3) Persuna li taġixxi bi ksur ta' xi obbligazzjoni magħmula skond is-subartikolu (1) tkun hatja ta' reat kontra dan l-Att.

Dikjarazzjoni ta' emergenza.

14. (1) Is-Suprintendent jista', jekk ikun hekk sodisfatt, jiddikjara li tkun teżisti emergenza fis-sahha pubblika.

(2) Id-dikjarazzjoni ghandha tispeċifika:

- (a) ix-xorta ta' l-emergenza fis-sahha pubblika; u
- (b) l-inhawi li dwarhom tkun tapplika d-dikjarazzjoni.

15. (1) Wara li jiddikjara emergenza fis-sahha pubblika, is-Suprintendent jista' jiehu xi miżura wahda jew iktar li jinsabu hawn iktar 'l isfel sabiex inaqqas, inehhi jew jelimina t-theddida ghas-sahha pubblika: Ordnijiet mis-Suprintendent.

- (a) jissegrega jew jizola lil xi persuna jew persuni f'xi nhawi; jew
- (b) jevakwa xi persuni minn xi nhawi; jew
- (c) jipprevjeni d-dhul f'xi nhawi; jew
- (d) jikkontrolla l-moviment ta' xi vettura; jew
- (e) jordna lil xi persuna taghmel eżami mediku; jew
- (f) jordna li xi sustanza jew oġġett jiġu elevati, meqruda jew isir minnhom skond ma hu jista' jordna; jew
- (g) jordna li tittiehed kull azzjoni ohra bhal dawk skond ma huwa jista' jqis li jkun adatt.

(2) Min ma jharisx xi ordni moghtija mis-Suprintendent bis-sahha ta' dan l-artikolu, ikun hati ta' reat kontra dan l-Att.

16. (1) Ghall-finijiet ta' din it-Taqsima is-Suprintendent jista' jawtorizza lil xi persuna: Poteri speċjali.

- (a) tidhol f'xi post jekk ikun hekk mehtieġ billi tuza forza raġonevoli biex:
 - (i) issalva l-hajja tal-bniedem; jew
 - (ii) tipprevjeni milli ssir xi hsara lil xi bniedem; jew
 - (iii) tehles lil xi bniedem ferut jew fil-periklu; u
- (b) taghlaq xi nhawi, fond, roqgħa ilma jew vetturi; u
- (c) tnehhi billi tuza forza raġonevoli lil kull min jonqos milli jhares xi ordni.

Kumpens.

17. (1) Persuna tista' tapplika ghand is-Suprintendent ghal kumpens raġonevoli ghal kull telf jew dannu mgarrab bhala rizultat ta' xi haġa maghmula taht din it-Taqsima.

(2) Ma jithallas ebda kumpens lil xi persuna li ggarrab xi telf jew danni minhabba:

(a) f'xi azzjoni jew nuqqas t'azzjoni minn dik il-persuna li ma tkunx tirrizulta minn ordni li tinghata taht din it-Taqsima; jew

(b) f'telf jew danni kaġunati minn xi emerġenza fis-saħha pubblika.

Għarfien ta' riskju fis-saħha pubblika.

18. (1) Kull min isir jaf b'xi fatt jew sitwazzjoni li dwara suppost li raġonevolment jifhem li din tkun ta' riskju fis-saħha pubblika jew ta' riskju potenzjali fis-saħha pubblika, ghandu kemm jista' jkun malajr malli jsir jaf b'dak ir-riskju, jinforma lis-Suprintendent.

(2) Min jonqos milli jħares id-disposizzjonijiet tas-subartikolu (1) ikun hati ta' reat kontra dan l-Att.

Reġistrazzjoni ta' informazzjoni.

19. Hadd ma jista' jirreġistra, jiġbor, jittrasmetti jew jaħžen *records*, informazzjoni jew formoli għall-fini ta' dan l-Att hlief skond id-disposizzjonijiet ta' dan l-Att jew ta' regolamenti maghmulin tahtu.

Poteri tas-Suprintendent dwar xi oġġetti.

20. (1) Is-Suprintendent jista' jordna għall-finijiet ta' dan l-Att li xi oġġett, haġa jew sustanza li tikkaguna theddida għas-saħha pubblika:

(a) ma tigix importata, manifatturata, mibjugħha, uzata, mahzuna jew trasportata jew tintmess b'kull mod li jkun;

(b) għandu jsir minnu jew minnha skond kull ordni li huwa jista' jimponi.

(2) Min ma jħarisx ordni tas-Suprintendent taht is-subartikolu (1), ikun hati ta' reat.

Twarrab u tnehhija.

21. (1) Is-Suprintendent jista' jitlob lil xi persuna tittratta, twarrab, tiġbor, tneħhi jew teqred xi oġġett, haġa, merkanzija jew sustanza li, fil-fehma tiegħu, tista jikkaguna theddida għas-saħha pubblika.

(2) Is-Suprintendent jista' jeħtieġ lil xi persuna li jkollha pussess jew li, f'dak il-waqt, ikollha kontroll ta' xi fond, nhawi, vettura jew oġġett li fill-fehma tiegħu tista jikkaguna theddida għas-saħha pubblika, li tnaddaf, tiddisinfetta jew tiddisinfesta dak il-fond, nhawi, vettura jew oġġett.

(3) Il-htigijiet tas-subartikoli (1) u (2) ghandhom jitwettqu skond kull ordni li s-Suprintendent jista' jaghti, u bi spejjeż tal-persuna mehtieġa li thares dawk il-htigiet.

22. Jekk persuna tonqos milli thares xi ordni moghtija mis-Suprintendent taht dan l-Att, is-Suprintendent jista' jiehu dawk il-miżuri li jqis li jkunu adatti biex dik l-ordni titwettaq bi spejjeż ta' dik il-persuna.

Is-Suprintendent jista' jwettaq l-ordnijiet u jirkupra l-ispejjeż bhala dejn ċivili.

23. (1) Persuna li tahbat għal, tabbuża, iddejjaq jew thedded uffiċjal awtorizzat, uffiċjal nominat jew uffiċjal tal-pulizija li jkun qed jeżerċità xi funzjoni taht dan l-Att jew li xort'ohra timpedixxi, tfixkel jew iddewwem xi poter jew it-twettiq ta' xi funzjoni taht dan l-Att, tkun hatja ta' reat taht dan l-artikolu.

Reati kontra uffiċjali awtorizzati.

(2) Persuna li tonqos milli tikkonforma ruhha ma' xi htieġa ta' uffiċjal awtorizzat, uffiċjal nominat jew uffiċjal tal-pulizija taht dan l-Att tkun hatja ta' reat taht dan l-artikolu.

24. (1) Persuna li tnehi jew xort'ohra tbagħbas ma' -

Tbagħbis ta' sigilli u kampjuni.

(a) xi sigill jew marka magħmula minn uffiċjal awtorizzat jew uffiċjal nominat;

(b) xi kampjun mehud minn uffiċjal awtorizzat jew uffiċjal nominat; jew

(ċ) xi oġġett jew dokument elevat minn uffiċjal awtorizzat jew uffiċjal nominat,

tkun hatja ta' reat taht dan l-artikolu.

(2) Persuna li tikkontamina xi kampjun mehud minn uffiċjal awtorizzat jew uffiċjal nominat tkun hatja ta' reat.

25. Il-Ministru jista' minn żmien għal żmien, wara li jikkonsulta lis-Suprintendent, iwaqqaf kumitati, bordijiet jew gruppi ohra bhal dawk biex jagħtu pariri u jassistu lill-Ministru u lis-Suprintendent fit-twettiq tal-funzjonijiet tagħhom taht dan l-Att.

Bordijiet u Kumitati.

Taqsimha III

POTERI SABIEX JSIRU REGOLAMENTI

26. Il-Ministru, wara li jikkonsulta lis-Suprintendent, jista' jagħmel regolamenti li jkunu ġeneralment jirregolaw affarijiet li jkollhom x'jaqsmu mas-sahha pubblika u mingħajr preġudizzju għall-

Poteri moghtija lill-Ministru.

ġeneralità ta' dak hawn qabel imsemmi huwa jista' b'dawk ir-regolamenti jagħmel disposizzjonijiet li jkunu jirrigwardaw is-sahha pubblika:

(a) (i) li jehtiegu l-liċenzjar, reġistrazzjoni jew approvazzjoni ta' persuna, fond, taġġmir, makkinarju, apparat jew servizz li jirrigwardaw affarijiet ta' sahha pubblika;

(ii) li jippreskrivu l-kondizzjonijiet, obligazzjonijiet jew ordnijiet marbutin ma' xi liċenzja, reġistrazzjoni jew approvazzjoni mehtieġa;

(iii) li jispeċifikaw id-data tal-hruġ ta' liċenzja u għal kemm żmien din tibqa' tiswa;

(iv) li jispeċifikaw raġunijiet għall-irtirar, thassir jew sospensjoni ta' xi liċenzja, reġistrazzjoni jew approvazzjoni;

(b) dwar il-kisba, żvelar, trasmissjoni, pubblikazzjoni, restrizzjoni u hżin ta' informazzjoni rilevanti għas-sahha pubblika;

(ċ) li jkunu jispeċifikaw id-drittijiet għall-ghoti ta' servizzi taħt dan l-Att;

(d) dwar il-kontroll ta' ilmijiet għar-rikreazzjoni u b'mod partikolari:

(i) *standards* ta' kwalità ta' dawk l-ilmijiet;

(ii) il-metodu u l-frekwenza ta' teħid ta' kampjuni u l-metodi għall-ittestjar u l-analisi ta' dawk l-ilmijiet;

(iii) l-għeluq ta' postijiet fejn tista' tghum;

(iv) ir-regolamentazzjoni, reġistrazzjoni u liċenzjar ta' *swimming pools*;

(v) ir-regolament ta' nhawi fejn u l-hinijiet meta l-annimali jkunu jistgħu jittieħdu l-baħar;

(e) dwar il-kontroll ta' duhhan u b'mod partikolari:

(i) il-mod ta' kif jitkejjel id-duhhan sewdieni u t-tqegħid ta' limiti fuq ir-rata ta' emissjonijiet tad-duhhan;

(ii) l-identifikazzjoni ta' tulijiet speċifii ta' ċumnija skond l-iskop li jkollha ċ-ċumnija, it-tip ta' karburanti li jkun se jintuża jew li jkun qed jintuża u fejn ikun jinsab il-bini;

(iii) li jiġu dikjarati nhawi fejn id-duhhan ikun ikkontrollat;

(iv) dwar ir-regolamentazzjoni jew l-eżenzjoni minn regolamenti ta' xi proċess ta' hruq, inklużi fran domestiċi;

(v) il-kontroll u s-sorveljar tat-tniġġis ta' l-arja fuq ġewwa;

(vi) li jagħtu sehh lil kull ftehim jew *standard* internazzjonali dwar it-tniġġis mid-duhhan jew karburanti skond ma dawn japplikaw għal Malta;

(f) dwar kif jiġi limitat jew eliminat xi hoss li jista' jagħti lok għal xi fastidju, inkonvenjent jew disturb jew ikun jikkostitwixxi periklu għas-saħha u b'mod partikolari:

(i) li jiġu stabbiliti l-oġettivi biex ikun hemm tnaqqis fil-livelli tal-hoss;

(ii) li jiġu stabbiliti *standards* fil-livelli tal-hoss li jiġi minn residenzi u hoss li johroġ minn jew li jkun ikkaġunat minn vettura, makkinarju jew tagħmir;

(g) li jirregolaw:

(i) it-tfiġh ta' rimi, iż-żamma tiegħu, it-trasportazzjoni, il-hżin, il-ġbir, it-trattament, ir-riċiklaġġ, l-użu mill-ġdid, it-tneħħija, l-importazzjoni u l-esportazzjoni ta' kull skart; u

(ii) id-djar jew fondi ohra mibnija fuq art kontaminata jew biswitha;

(h) li jirregolaw:

(i) il-fondi użati għall-abitazzjoni jew assemblaġġ, inklużi karovani u siti għall-ipparkeġġar ta' karovani, ċentri fejn jieħdu hsieb persuni matul il-ġurnata u strutturi ohra użati għall-abitazzjoni kemm permanenti kemm mhux u sew mobbli sew fissi;

Materji relatati ma' l-ilma

(ii) u jipprojbixxu ż-żamma ta' annimali f'xi fond jew nhawi kemm fl-abitat kemm band'ohra;

(i) li jordnaw:

(i) *standards* dwar il-kwalità ta' l-ilma ghal kull użu li jista' jsir differenti;

(ii) it-tehid ta' kampjuni u htigiet ta' sorveljar ghal tipi speċifiċi ta' ilma u l-użu li jsir minnhom; u

(iii) ilma li jista' jsir ta' preġudizzju ghas-sahha meta jiġi użat f'xi proċess jew sistema;

(iv) ir-registrazzjoni jew l-ghoti ta' liċenzja ghal attivitajiet, proċessi u sistemi fejn jintuża l-ilma;

(v) ir-regolament ta' provdituri jew trasportaturi ta' l-ilma;

(j) li jirregolaw:

(i) il-kostruzzjoni, il-fasla, is-sit u l-materjal li ghandu jintuża ghal xi sistema ta' drenaġġ u faċilitajiet anċillari;

(ii) il-proċeduri sanitarji li jirrigwardjaw t-tneħħija ta' skart f'xi fond jew minn ġo fih;

(iii) it-tneħħija ta' bblukkar minn u l-manutenzjoni ta' sistemi tad-drenaġġ u faċilitajiet anċillari ohra f'xi fond kemm privat kemm pubbliku;

(k) li jordnaw:

(i) l-obligazzjonijiet ta' kmandant, kaptan ta' bastiment, jew xi membru iehor ta' l-ekwipaġġ jew tal-persunal abbord ajruplan jew xi opra tal-bahar;

(ii) is-sinjali li ghandhom jittellghu jew messaġġi li jiġu mogħtija minn opri tal-bahar jew minn ajruplani li jkollhom xi każ ta' mard abbord;

(iii) b'regolamenti l-ghoti ta' pratka libera;

(iv) b'regolamenti il-hruġ ta' ċertifikati dwar il-qirda ta' firien u ġrieden jew ċertifikati dwar eżenzjoni mill-qirda ta' firien u ġrieden;

(v) l-obbligazzjonijiet ta' persuna li tkun taħdem ma' l-awtoritajiet ta' xi ajruport jew port jew ta' xi persuna ohra li tkun qeghda f'ajruport jew port;

(vi) b'regolamenti l-iskarġ jew it-tagħbija abbord ta' merkanzija, skart, provvisti ta' l-ilma jew ta' l-ikel, karburanti, tagħmir, kif ukoll l-emissjonijiet tad-duhhan jew tal-gass;

(l) (i) li jirregolaw l-importazzjoni, esportazzjoni, licenzjar, żamma, bejgħ, għoti b'kumpens jew xort'ohra ta' organiżmi hajjin velenużi, bis-semm jew xort'ohra perikolużi li mhumix endemiċi f'Malta u li jistgħu jipprezentaw riskju fis-sahha pubblika għal kull min jista' jiġi f'kuntatt magħhom;

(ii) li jirregolaw il-kontroll jew il-qirda ta' firien, ġrieden jew kull *pest* iehor li jista' jkun vettur jew trasportatur ta' mard;

(iii) li jirregolaw l-importazzjoni, l-użu, il-ħżin u l-bejgħ ta' kimiċi u sustanzi li jkun fihom xi kimika li jkunu jew jistgħu jipprezentaw riskju fis-sahha pubblika;

(iv) li jirregolaw il-proċessi ta' hruq, inklużi l-fran u fran domestii; u

(m) (i) li jirregolaw kull attività fejn ikun hemm riskju ta' tperriċ potenzjali għal radjazzjoni jonizzanti, inklużi attivitajiet ta' produzzjoni, manifattura, importazzjoni, esportazzjoni, forniment, tiżmim, ġarr, użu jew li xort'ohra jittrattaw dwar sustanzi radjoattivi jew apparat ta' radjazzjoni kif ukoll it-tperriċ għar-radjazzjoni fid-dijanjsi u l-kura tal-mard;

(ii) li jikklassifikaw u jirregolaw:

A sustanzi radjoattivi;

B apparat ta' radjazzjoni jonizzanti jew mhux jonizzanti;

Ċ sorsi radjoattivi sigillati;

D apparat iehor ta' radjazzjoni;

(iii) li jispeċifikaw xi *standards*, pratki u proċeduri li għandhom ikunu segwiti għar-rigward tagħhom;

(iv) li jirregolaw kull att jew haġa li jkollhom x'jaqsmu jew ikunu relatati ma' xi attività msemmija fit (ii) u (iii) hawn qabel;

(v) li jirregolaw kull liċenza, permess, reġistrazzjoni, awtorità jew approvazzjoni li jkollhom x'jaqsmu ma' dawn;

(vi) li jeħtieġu ż-żamma ta' *records*, għoti ta' informazzjoni, u notifikazzjoni ta' aċċidenti jew affarijiet ohra jew grajjiet minn persuni li jkunu qegħdin iwettqu attivitajiet imsemmija fit (ii) u (iii) hawn qabel;

(vii) li jordnaw is-sorveljar ta' livelli ta' tperriċ għar-radjażzjoni ta' persuni li jieħdu sehem f' attivitajiet imsemmija fit (ii) u (iii) hawn qabel u s-sorveljar tas-saħha ta' dawk il-persuni kif ukoll tal-pubbliku kollu matul u wara dawk l-attivitajiet;

(viii) li jiżguraw il-protezzjoni ta' persuni u ta' l-ambjent kontra l-effetti dannużi tar-radjażzjoni li jirriżultaw minn attivitajiet imsemmija fit (ii) u (iii) hawn qabel.

Poteri lis-Suprintendent.

27. Is-Suprintendent jista' jagħmel, jibdel jew jirrevoka ordnijiet li:

Mard li għandu jiġi avżat u sustanzi kontaminanti.

(a) (i) jelenkaw u jqegħdu f'kategoriji il-mard li għandu jiġi avżat;

(ii) jiddikjaraw xi organizzu bħala organizzu patoġeniku uman;

(iii) jiddikjaraw xi sustanza bħala sustanza kontaminanti;

Reklamar.

(b) jikkontrollaw ir-reklami li jistgħu jolqtu s-saħha pubblika u b'mod partikolari:

(i) jikkontrollaw il-kontenut viżiv, awdjo u miktub tar-reklami;

(ii) jikkontrollaw il-fasla u s-sekwenza ta' avvenimenti fir-reklami;

(iii) jirregolaw lill-persuni jew klassi ta' persuni uzati fir-reklami;

(iv) jehtieġu li jkun hemm permess bil-miktub minghand is-Suprintendent qabel il-pubblikazzjoni ta' reklam;

(ċ) jordnaw miżuri biex jissalvagwardjaw kontra jew jikkontrollaw epidemiji perikolużi jew mard infettiv u b'mod partikolari: Epidemiji u mard infettiv.

(i) jirregolaw id-dfin minnufih tal-mejtin;

(ii) jirregolaw is-setgħa li jsiru żjarat ġewwa xi fond;

(iii) jirregolaw l-ghoti ta' għajna medika, d-distribuzzjoni ta' mediċini, t-twaqqif ta' sptarijiet, il-promozzjoni ta' tindif, ventilazzjoni u disinfezzjoni u xort'ohra biex ikun hemm salvagwardja kontra t-tifrix ta' mard u għall-kura ta' persuni li jkunu qegħdin ibatu minnhom;

(iv) jirregolaw l-okkupazzjoni ġewwa xi fond jew partijiet minnu billi jipprevjeni dan ikun hekk sovrappopolat li jkun ta' periklu għas-saħha;

(v) jordnaw kull haġ'ohra li s-Suprintendent jista' jqis spedjenti għall-prevenzjoni jew mitigazzjoni ta' xi marda;

(d) jiżguraw l-protezzjoni tal-pubbliku bl-immunizzazzjoni kontra xi mard partikolari u b'mod partikolari ordnijiet bħal dawk jistgħu: Ċertifikati, immunizzazzjoni, eċċ.

(i) jirregolaw u jikkontrollaw l-prattika ta' xi tip partikolari ta' immunizzazzjoni fil-bnedmin;

(ii) jippreskrivu l-formoli, ċertifikati, avvizi, ċertifikati ta' immunizzazzjoni u ċertifikati ta' postponiment;

(iii) jippreskrivu dak il-mard li l-immunizzazzjoni tal-bnedmin kontrih tkun wahda obbligatorja;

(iv) jirregolaw u jikkontrollaw l-importazzjoni, esportazzjoni, manifattura, hżin u trasport ta' xi tip ta' vaċċin;

(v) jippubblikaw skedi għar-rigward ta' immunizzazzjonijiet obbligatorji jew rakkomandati;

Riskju fis-sahha
pubblika.

(e) (i) jispeċifikaw l-kwalifiki jew kondizzjonijiet mehtieġa ghal persuna biex tikkwalifika ghar-registrazzjoni jew liċenzja taht dan l-Att;

(ii) jispeċifikaw il-kriterji u l-kondizzjonijiet ghal liċenzjar jew ir-registrazzjoni ta' xi fond u persuni taht dan l-Att;

Radjazzjoni.

(f) (i) jehtieġu l-eżami mediku ta' persuni esposti jew mahsuba li kienu esposti ghar-radjazzjoni;

(ii) jipprovdu miżuri li ghandhom jittiehdu f'każ ta' xi emerġenza fis-sahha pubblika kaġunata b'xi tip ta' radjazzjoni;

(g) jaghtu kull direzzjoni ohra li ghandha tinghata jew tista' tinghata mis-Suprintendent taht dan l-Att.

Taqsimu IV

PREVENZJONI U KONTROLL TAI- MARD

Eżami mediku.

28. (1) Is-Suprintendent jista' jitlob lil xi persuna li taghmel eżami mediku ghand tabib f'dak il-perjodu li jiġi speċifikat mis-Suprintendent, jekk is-Suprintendent ikollu tassew ghaliex jahseb li dik il-persuna jkollha xi marda li ghandha tiġi avzata jew jekk dik il-persuna tkun taħdem xogħol li bih jitqies li jista' jixtered il-mard.

(2) It-tabib li jaghmel eżami mediku taht dan l-artikolu ghandu kemm jista' jkun malajr jipprovdi lis-Suprintendent b'rapport bil-miktub dwar ir-riżultati li jinkisbu.

(3) Min ma jaghmilx l-eżami mediku mehtieġ jew tabib li jonqos milli jaghti rapport bil-miktub ikun hati ta' reat.

Ordnijiet tas-Suprintendent.

29. (1) Is-Suprintendent jista' jordna li persuna li jkollha marda li ghandha tiġi avzata:

(a) tkun iżolata xi mkien fejn is-Suprintendent jiddeċidi;

(b) titqiegħed taht is-supervizjoni ta' xi persuna jew persuni speċifikati;

(c) taghmel aktar eżamijiet mediċi, ttestjar mediku, immunizzazzjoni, kura medika jew tieħu *counselling*;

(d) tiżvela lil xi persuna speċifikata l-isem u l-indirizz ta' xi persuna oħra li magħha jista' jirrizulta jew seta' jirrizulta kuntatt fit-tixrid tal-marda;

(e) li ma tagħmilx xi haġa li tista' tikkaguna t-tifrix tal-marda.

(2) Meta xi tifel ikun qed ibati minn xi marda jew kien joqgħod f'dar fejn ikun hemm jew kien hemm xi marda għal perjodu f'kull żmien mhux aktar kmieni minn sitt ġimgħat qabel, is-Suprintendent jista' jitlob lill-ġenitur, tutur jew xi persuna oħra ma tippermettix lit-tifel jattendi l-iskola mingħajr ma jagħti lil min ikun jiehu hsieb it-tmexxija ta' dik l-iskola, ċertifikat mediku li jgħid li dak it-tifel ikun hieles mill-marda jew mill-infezzjoni u li jinsab b'saħħtu biex jattendi l-iskola.

(3) Is-Suprintendent jista' jagħmel rikors quddiem maġistrat għal ordni biex jarresta u jzomm jew iqiegħed fi kwarantina persuna li tonqos milli tikkonforma ruhha ma' xi ordni taht subartikolu (1) u għal dak l-għan, biex jidhol f'xi nhawi, fond, roqgħa ilma jew vettura. Ordni ta' maġistrat.

30. (1) Meta s-Suprintendent ikun jidhiru li persuna tkun hekk maħmuġa jew, meta jsirlu rapport ta' tabib, li dik il-persuna jew il-ilbies tagħha jkunu verminużi, u dik il-persuna jew ma tagħtix jew ma tkunx kapaċi tagħti l-kunsens tagħha li tiġi mnaddfa, is-Suprintendent jista' jġiegħel lil dik il-persuna, u lbiesha, jiġu hekk imnaddfa. Persuni maħmuġin jew verminużi.

31. (1) Tabib li jikkura jew jeżamina persuna minhabba xi marda li għandha tiġi avzata għandu jirrapporta dik il-marda li għandha tiġi avzata lis-Suprintendent fuq iċ-ċertifikat indikat. Notifikazzjoni ta' marda u sustanzi kontaminanti.

(2) Il-persuna li tkun tieħu hsieb xi laboratorju li tircievi xi *specimen* jew kampjun li jkun jagħti riżultat pożittiv li jindika li l-pazjent mnejn ikun ġie l-*specimen* jista' jkun qed ibati minn xi marda li għandha tiġi avzata, għandu jirrapporta dawk ir-riżultanzi lis-Suprintendent f'dak iż-żmien u b'dak il-mod skond ma s-Suprintendent jista' jordna.

(3) Ir-rapporti li għandhom isiru skond is-subartikoli (1) u (2) ma jeħtieġu ebda kunsens mingħand il-persuna li tkun qed tiġi kkurata jew eżaminata.

(4) Is-Suprintendent jista' jitlob lil kwalunkwe persuna tavżah bil-preżenza jew l-okkorrenza ta' xi wahda minn dawn li ġejjin:

(a) xi marda li għandha tiġi avzata jew suspett li din teżisti;

(b) xi organiżmi patoġeniċi umani jew suspett li dawn jeżistu;

(ċ) xi sustanza kontaminanti jew suspett li din teżisti.

(5) Persuna li tikser xi htieġa ta' dan l-artikolu tkun hatja ta' reat.

Rapporti u informazzjoni mis-Suprintendent.

32. Is-Suprintendent jista, fl-interess tas-sahha pubblika, jaghti informazzjoni lil xi persuna jew persuni li jistgħu jkunu milquta b'xi marda li ghandha tiġi avzata jew organiżmu patoġeniku uman jew sustanza kontaminanti.

Tixrid ta' mard.

33. (1) Persuna li tkun taf li ghandha marda li ghandha tiġi avzata u fil-każ ta' xi tifel, il-ġenitur, tutur jew persuna oħra li jkollha l-kustodja tat-tifel, ghandhom jiehdu kull miżura u prekawzjoni raġonevoli biex ma tixteridx il-marda.

(2) Persuna li tikser xi htieġa ta' dan l-artikolu tkun hatja ta' reat.

Meta tfaqqa' xi marda (*outbreak*).

34. (1) Is-Suprintendent jista', b'avviż pubbliku, jiddikjara li tkun feqqgħet xi marda li ghandha tiġi avzata. Dik id-dikjarazzjoni ghandha tiġi revokata meta it-tixrid ta' dik il-marda jkun spicċa.

(2) Is-Suprintendent jista' jaghti ordnijiet li jkun iqis mehtieġa jew adatti għall-kontroll ta' xi marda li tfaqqa' u min ma jharisx l-ordnijiet mogħtija ikun hati ta' reat taħt dan l-artikolu.

(3) Is-Suprintendent jista' wkoll jagħti tagħrif dwar dik it-tifqieġha barra minn Malta u b'mod partikolari jindika port jew ajruport li jista' jkun infettat.

Matul l-epidemiji.

35. Meta jiġri li xi parti minn Malta tintlaqat b'xi marda epidemika, it-tobba li jkunu qed jesercitaw il-professjoni tagħhom fl-inhawi milquta mill-marda, kif ukoll tobba oħra li jitqabbd u jagħmlu hidma mill-Gvern, ma ghandhomx jirrifjutaw milli jikkuraw persuni li jkunu qegħdin ibatu minn dik il-marda f'dawk l-inhawi.

Użu ta' erti kontaminanti.

36. Is-Suprintendent jista jirrikjedi li xi persuna iżzomm, tuża jew diddisponi minn xi kontaminant, organiżmu patoġeniku uman u kwalunkwe materjal iehor jew sustanza li tista tikkaguna mard fil-bniedem skond l-ordinjiet jew regolamenti li johroġ taħt dan l-Att.

Dfin jew it-tqegħid ta' katavru f'kamra mortwarja.

37. (1) Ebda persuna ma ghandha, kemm-il darba ma tkunx awtorizzata mis-Suprintendent, iżzomm il-katavru ta' xi persuna li tkun mietet b'xi marda għal iktar minn erbgha w ghoxrin siegħa, f'kamra użata bhala post ta' abitazzjoni, post għall-irqad jew kamra fejn isir ix-xogħol:

Iżda ebda haġa li tinstab f'dan l-artikolu ma ghandha tipprevjeni li dak il-katavru jitnehha, qabel ma jiskadu 24 siegħa, għal go kamra mortwarja meta dik it-tnehhija ssir wahda mehtieġa taht xi disposizzjoni ta' dan l-Att jew ta' xi liġi ohra.

(2) Hadd ma jista' jnehhi l-katavru ta' persuna li tmut id-dar, fi sptar jew post iehor provdut għall-kura ta' persuni li jbatu minn xi marda, hlief għall-fini li jiġi midfun minnufih, meta tabib jiċċertifika li fil-fehma tiegħu jkun mixtieq, sabiex jiġi prevenut ir-riskju li dik il-marda tiġi komunikata jew li tinfirex l-infezzjoni, li dak il-katavru ma ghandux jitnehha minn dik id-dar, sptar jew post hlief biex isir dak id-dfin:

Iżda ebda haġa f'dan is-subartikolu ma ghandha tipprevjeni lis-Suprintendent milli jawtorizza t-tnehhija ta' dak il-katavru lejn kamra mortwarja li tiġi indikata mill-istess Suprintendent.

(3) Is-Suprintendent jew uffiċjal awtorizzat jista' jordna li l-ġisem ta' persuna mejta jittiehed f'kamra mortwarja jekk -

(a) il-persuna tkun mietet b' xi marda li ghandha tiġi avzata u l-ġisem ikun jinsab f' xi fond fejn ikun hemm persuni jghixu jew jorqdu; jew

(b) tkun liema tkun il-kawża tal-mewt, il-ġisem ikun f'tali stat li jkun ta' periklu għas-saħha.

(4) Persuna li ma tikkonformax ruhha mad-disposizzjonijiet ta' dan l-artikolu tkun hatja ta' reat.

(5) Kemm-il darba l-qraba tal-persuna mejta ma jinkarigawx ruhhom li jidfnu l-ġisem fiż-żmien mogħti b'dik l-ordni kif hawn qabel imsemmi, ikun id-dmir tas-Suprintendent li jara li ssir id-dfin ta' dak il-ġisem u kull nefqa li ssir għal dak l-iskop tista' tiġi rkuprata mis-Suprintendent bhala dejn ċivili.

Taqsim V

PROCEDIMENTI LEGALI

38. (1) Meta jkun hemm tassew għaliex jiġi suspettat li persuna tkun kisret xi disposizzjoni ta' dan l-Att jew ta' regolamenti magħmulin tahtu, il-pulizija ghandha, wara li jsirilha rapport mis-Suprintendent, tmexxi procedimenti kriminali kontra min ikun qed jagħmel dak il-ksur. Procedimenti.

(2) Fi proċedimenti kriminali li jitmexxew mill-pulizija dwar xi reat taht dan l-Att, is-Suprintendent jew uffiċjal awtorizzat jista', minkejja kull liġi li tmur kontra dan, tressaq l-akkuża quddiem il-qorti, iġġib il-provi, tittratta quddiem il-qorti u xort'ohra tmexxi l-prosekuzzjoni minflok il-pulizija.

(3) Id-dikjarazzjoni mahlufa ta' uffiċjal awtorizzat li tghid li jkun ġie mqabbad għaldaqshekk kif provdut fis-subartikolu (2) tkun prova konkluziva tal-fatt, jekk il-qorti tkun tehtieg prova dwar dan.

Spejjeż tal-proċedimenti.

39. Persuna li tinstab hatja ta' reat kontra dan l-Att tista' tehel l-ispejjeż:

(a) għall-eżami u l-analisi ta' xi oġġett li dwaru jkun sar ir-reat; u

(b) għall-qbid u t-tnehhija ta' xi oġġett li dwaru jkun sar ir-reat; u

(c) għat-trasport u l-hżin ta' xi oġġett li dwaru jkun sar ir-reat; u

(d) għal kull spiza ohra li jkun għamel is-Suprintendent u li jkollha x'taqsam mar-reat.

Il-hati għandu jhars kull liġi u regolament.

40. (1) Meta persuna tinsab hatja ta' xi reat kontra dan l-Att, il-qorti għandha, meta jkun mehtieg, minbarra li tagħti piena, tordna lill-hati jnehhi kull inkonvenjent li jorigina mir-reat jew, jekk iċ-ċirkostanzi jkunu hekk jehtieg, li jikkonforma ruhu mal-liġi, f'kull każ f'dak iż-żmien li jista' jiġi stabbilit mill-qorti għal dak l-ghan u, fil-każ li ma jharisx xi ordni bhal dik, huwa jista' jehel multa ohra ta' mhux iżjed minn 50 lira Maltija għal kull ġurnata li jibqa' ma jharisx il-liġi wara li jkun skada iż-żmien stabbilit kif hawn qabel imsemmi.

(2) Il-qorti għandha, meta jsirilha rikors għaldaqstant mill-prosekuzzjoni f'kull waqt tawtorizza lill-pulizija tnehhi dak l-inkonvenjent jew xort'ohra jinfurzaw il-liġi bi spejjeż tal-hati, li, f'kull każ, jista' jiġi mgieghel jirrimborża daww l-ispejjeż bhala dejn ċivili.

(3) Meta r-reat li dwaru persuna tkun instabet hatja ikollu x'jaqşam mar-rimi ta' skart ikun kif ikun, il-qorti għandha, meta dan ikun japplika, minbarra li tagħti piena, tordna lill-hati jnehhi dak l-iskart.

(4) Jekk il-hati jonqos milli jikkonforma ruhu ma' ordni magħmul taht is-subartikolu (3), għandhom japplikaw id-disposizzjonijiet tas-subartikolu (2).

(5) Jekk il-hati jkun assenti minn Malta jew ikun harab jew, minhabba f' dizordni mentali jew xi inkapaċità ohra fiżika, ma jkunx jista' jidher quddiem il-qorti jew, għal xi raġuni ohra li tkun iċ-ċitazzjoni ma tkunx tista' tiġi notifikata, u s-Suprintendent jiċċertifika bil-ġurament li jkun urġentement mehtieġ li dak l-inkonvenjent jitnehha jew li l-liġi tiġi xort'ohra infurzata, l-qorti għandha tordna li iċ-ċitazzjoni tiġi notifikata lir-rappreżentant leġittimu tal-hati jew lill-persuna li jkollha l-kustodja tal-hati jew lill-persuna li tkun qed tamministra l-propjetà tiegħu jew, fin-nuqqas ta' xi rappreżentant jew persuna magħrufa kif hawn qabel imsemmi, lil mart jew żewġ jew bin jew bint il-hati. F'kull każ, jekk l-inkonvenjent jew in-nuqqas ta' konformità mal-liġi jiġu ppruvati, il-qorti għandha tapplika d-disposizzjonijiet tas-subartikolu (2) ta' dan l-artikolu jew f'każijiet adatti, id-disposizzjonijiet tas-subartikolu (1).

41. Meta tiġi ddikjarata htija għal xi reat kontra d-disposizzjonijiet ta' dan l-Att meta r-reat ikollu x'jaqsam ma' xi nhawi, fond, roqgħa ilma jew vettura li tkun tehtieġ liċenzja taht dan l-Att, il-qorti tista' tordna s-sospensjoni ta' xi liċenzja jew liċenzji mahruġa fir-rigward tal-persuna akkużata jew tal-fond li dwaru jkunu qegħdin isiru l-proċedimenti.

Sospensjoni ta' liċenzja.

42. Persuna li f'applikazzjoni, informazzjoni, parir jew *record* għall-fini ta' dan l-Att, jew tagħmel dikjarazzjoni li tkun taf li tkun falza jew qarrieqa, jew thalli barra xi fatt materjali, tkun hatja ta' reat kontra dan l-artikolu.

Informazzjoni falza jew qarrieqa.

43. (1) Meta tkun mehtieġa x-xieħda ta' l-uffiċjal prosekutur, dak l-imsemmi uffiċjal għandu jinstama' qabel ma jassumi d-dmirijiet ta' uffiċjal prosekutur, kemm-il darba ma tinħassx il-htieġa tax-xieħda tiegħu fi stadju ulterjuri tal-proċedimenti.

Kull uffiċjal jista' jitharrek bhala xhud.

44. Persuna li tinstab hatja għall-ewwel darba ta' reat kontra d-disposizzjonijiet ta' dan l-Att tista', meta tinstab hatja, tehel multa ta' mhux inqas minn mitt lira u mhux iżjed minn elfejn lira jew priġunerija għal żmien mhux inqas minn sitt xhur u mhux iżjed minn sentejn jew dik il-multa u priġunerija flimkien, u meta persuna tinsab hatja t-tieni darba jew aktar drabi tista' tehel multa ta' mhux inqas minn mitejn lira u mhux iżjed minn hamest elef lira jew priġunerija għal żmien mhux inqas minn sentejn u mhux iżjed minn erba' snin jew dik il-multa u priġunerija flimkien.

Reati u pieni.

45. (1) Mingħajr preġudizzju għal kull haġa li saret jew kull responsabbiltà mġarrba tahtom, il-liġijiet jew l-artikoli jew partijiet minn liġijiet elenkati fis-subartikolu (2) ta' dan l-artikolu (hawn iżjed 'il quddiem imsejħha l-Liġijiet Imħassra) huma b'dan imħassra.

Thassir u riservi.

(2) Att dwar l-Arja Pura, Kap. 200; Att dwar Żibel u Skart, Kap. 206; L-artikoli 97, 101 sa 110, 117, 118, 121, 122 u l-artikoli 124 sa 127 tal-Kodiċi tal-Liġijiet tal-Pulizija, Kap. 10; Ordinanza dwar it-Tharis mill-Mard, Kap. 36.

(3) Kull liċenzja mogħtija taht xi wahda mil-Liġijiet Imhassra għandha tibqa' fis-seħħ u tkun tista' tiġġedded bħallikieku din kienet liċenzja taht dan l-Att.

(4) Regolamenti magħmulin taht il-Liġijiet Imhassra għandhom jibqgħu fis-seħħ bħallikieku magħmulin taht id-disposizzjoni korrispondenti ta' dan l-Att, u jistgħu jiġu emendati, imhassra jew sostitwiti xorta wahda.

Għanijiet u Raġunijiet

L-għan ewlieni ta' dan l-Abbozz hu biex jikkonsolida l-liġijiet li għandhom x'jaqsmu mas-saħħa pubblika.

**A BILL
entitled**

AN ACT to promote and protect health

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Part I

PRELIMINARY

1. (1) The short title of this Act is the Public Health Act, 2003. Short title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for Health may by notice in the Gazette establish and different dates may be so established for different provisions and different purposes thereof.

2. In this Act, unless the context otherwise requires; Interpretation.

“abatement notice” means the official notification for the elimination or removal of a nuisance issued in virtue of article 12 of this Act;

“airport” means an airport designated by the state in whose territory it is situated as an airport of entry or departure for international air traffic;

“animal” means any animal whether kept as a pet or otherwise and includes birds, fish, reptiles and insects;

“authorised officer” means any duly qualified person authorised by the Superintendent to carry out any functions under this Act and includes any nominated officer;

“bathing area” means any place where bathing water is found;

“bathing water” means sea water along the coastline of the Maltese islands which is recognised as such by the Superintendent and wherein bathing is not prohibited;

“body of water” means an area of sea, whether enclosed or not, and whether public or private;

“chimney” includes structures and openings of any kind from or through which smoke, grit, dust or fumes may be emitted, and, in particular, includes flues, and references to a chimney of a building include references to a chimney which serves the whole or a part of a building but is structurally separate from the building but does not include an exhaust pipe of any vehicle;

“consent” means approval given by an individual without any force, fraud or threat ;

“contaminant” means any substance declared under article 27 to be a contaminant;

“contaminated land” means land considered as a public health risk by the Superintendent because of its being contaminated by waste disposal, or by industrial or other waste, or other activities;

“Council of Health” means the Council constituted by article 7 of the Department of Health (Constitution) Ordinance;

“dark smoke” means smoke which is classified as such when measured in terms of any regulations prescribed by the Minister under this Act;

“disease” includes any sickness or illness which may cause a disruption of human body functions, systems or organs; and includes also any notifiable disease as well as any symptoms associated with a disease;

“domestic furnace” means any furnace which is to used solely or mainly for domestic purposes, and is designed for heating a boiler with a maximum heating capacity of less than 16.12 kilowatts;

“free pratique” means permission for a ship to enter a port and disembark passengers, or for an aircraft, after landing, to disembark passengers;

“human pathogenic organism” means an organism declared under article 27 to be a human pathogenic organism, and any toxins produced by such an organism;

“inhabited area” means an area occupied or capable of being occupied by 100 persons at an accommodation rate of 3.5 persons per residential unit;

“medical examination” means any physical, psychological or psychiatric examination and includes the taking of samples of any substance or excrement from the body;

“medical practitioner” means a person legally entitled to practice as a medical practitioner under any law for the time being in force;

“Minister” means the Minister responsible for public health;

“noise” means noise emitted from all sources and includes noise from road, air traffic, industries, construction and public work, the surrounding neighbourhood, noise emitted from ventilation systems, office machines and home appliances;

“nominated officer” means any person authorised by the Superintendent to carry out any specified function or functions under this Act for such period of time as the Superintendent may determine;

“notifiable disease” means a disease declared under article 27 to be a disease which is required to be reported to the Superintendent;

“nuisance” means unlawful interference, of public health significance, with the enjoyment of property or with a person’s way of life and which is prejudicial to health and has an element of repetition;

“owner” includes:

- (a) the agent of the owner or a trustee;
- (b) any person who receives, or is entitled to receive; rental payments under a lease of the premises;
- (c) an occupier; and
- (d) a person in charge of or operating any premises;

“person” means physical or legal person and includes a public authority;

“port” means a port designated by the state in whose territory it is situated as a port of entry or departure for international travel or trade;

“practicable” means reasonably practicable having regards, amongst other things, to local conditions and circumstances, to the financial implications and to the current state of technical knowledge;

“premises” includes:

- (a) land;
- (b) a building or part of a building;
- (c) a structure or part of a structure; and
- (d) a tent, stall or other temporary structure;

“private dwelling” means any building or part of a building used or intended to be used for or by a person to reside in;

“public health” means the physical and mental well being of the community;

“public health emergency” means any situation in which a public health risk is actual or imminent;

“public health risk” includes any person and any structure, activity, animal, substance or thing that may contribute to disease in humans or may have adverse effects on human health or prevent and, or, restrict the improvement of public health;

“recreational water” means bathing water, swimming pool water and any body of water used for recreational purposes ;

“smoke” includes soot, ash, grit and gritty particles emitted in smoke;

“Superintendent” means the Superintendent of Public Health and to the extent of any delegation or authority given includes an authorised officer;

“swimming pool water” means water in a pool intended for recreational bathing, swimming, diving, or for therapeutic purposes whether located indoors or outdoors other than such pool used or intended to be used as a pool at a single-family residence, but includes a swimming pool located at a single-family residence, which is used or intended to be used for commercial or business purposes;

“vaccine” means a vaccine, derived from any source, that is used to prevent disease in humans;

“vehicle” includes any sea-going craft or aircraft;

“waste” includes refuse, rubbish, sewage, manure, liquid waste, stagnant water, rubble and debris;

“water” excludes water for human consumption.

Part II

ADMINISTRATION

Superintendent

- 3.** This Act shall be administered by the Superintendent.

Act XXVIII of
2000. Act XIV of
2002.

Provided that in matters related to radiation the Superintendent shall act through the Radiation Protection Board established by the Occupational Health and Safety Authority Act 2000 and that in matters related to food safety the Superintendent shall act through the Food Safety Commission established by the Food Safety Act 2002.

- 4.** The Superintendent shall be responsible for public health in Malta and shall:

Functions and
powers of
Superintendent.

- (a) ensure that the provisions of this Act and of regulations made thereunder are complied with;

(b) develop and implement strategies to promote and improve public health;

(c) issue standards for public health;

(d) advise the Minister on matters regarding public health in general and on matters relating to this Act in particular;

(e) carry out any other function assigned to him by this Act or any other law; and

(f) perform any other act which may be necessary or conducive to the better performance of the functions and responsibilities assigned to him by this Act.

Delegation.

5. (1) The Superintendent may under such conditions as he may deem fit, delegate any of his powers under this Act to any person.

(2) Such delegation may be with respect to different parts or articles of this Act and to different persons or entities or to a combination and be subject to any direction by the Superintendent who may, at any time, revoke it.

Powers of authorised officers.

6. (1) For the purposes of this Act, the Superintendent or an authorised officer may, at any reasonable time -

(a) enter, and inspect any area, premises, body of water or vehicle;

(b) require any person to answer any question and, or, produce any records under that person's control concerning any activities carried in any area, premises, body of water or vehicle;

(c) inspect, extract or seize any record or take any copy of any record relevant to public health in whatever form held and, where any record is kept by means of a computer -

(i) shall have access to, and inspect and check the operation of any computer, any associated apparatus or material which is or has been or could have been used in connection with the records; and

(ii) shall require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require;

(d) request any translation of any document into Maltese or English;

(e) examine and, or, inspect any person or object found in or on any area, premises, body of water or vehicle;

(f) mark, fasten, seal, take and remove a sample of any object found in or on any area, premises, body of water or vehicle;

(g) open any container, receptacle or package found in or on any area, premises, body of water, or vehicle;

(h) weigh, count, measure or gauge any object found in or on any area, premises, body of water or vehicle;

(i) seize any object or record found in or on any area, premises body of water and vehicle;

(j) seal any area, premises, body of water or vehicle;

(k) take any photographs, film, tape or video image and make any sketch, plan, or drawing or otherwise make a record of any person, premises, body of water or vehicle, or anything contained, therein or thereon;

(l) test and, or, examine any drainage system;

(m) carry out any test, examination, or measurement by instruments, monitor any situation, and make observations that may be required under this Act;

(n) give any order under this Act that he may deem necessary;

(o) refer any matter to any relevant board under this Act.

(2) An authorised officer shall, when exercising a power delegated to him by the Superintendent under the provisions of this Act -

(a) provide an identification document issued by the Superintendent under article 11 when requested by the owner of the area, premises, body of water or vehicle;

(b) give reasonable notice unless such notice would defeat the objective of the intended exercise.

(3) An authorised officer, while exercising any power under this Act, may request the assistance of a police officer or of any other person as he may require.

(4) A person who seizes any object under paragraph (1) (i), shall, by notice in writing served on the owner of the object or the person in charge of the said object at the time, specify the details of the object seized and the date.

Exemptions.

7. (1) The Superintendent may by order and in the national interest exempt:

- (a) any person;
- (b) any matter or activity;
- (c) any area, premises, body of water;
- (d) and any vehicle

from any provision of this Act.

(2) An order made in accordance with sub-article (1) of this article shall be immediately enforceable, and shall without prejudice to its enforceability be published in the Gazette as soon as practicable after it is made. Any such order may be revoked, amended or substituted by subsequent order of the Superintendent.

Information request.

8. The Superintendent or any authorised officer may for the purposes of this Act request any person to:

- (a) give his personal details;
- (b) give details of any licence, permit or exemption under this Act;
- (c) provide any information relating to public health; and
- (d) give information about his or any other person's activities in respect of any matter under this Act.

Hindering or obstructing authorised officer.

9. Any person who by any means whatsoever, hinders or obstructs the Superintendent or an authorised officer from exercising any of his powers and functions under this Act shall be guilty of an offence against this Act.

10. The Superintendent and any authorised officer may not directly or indirectly involve himself in any activity that may be in conflict with the execution of his duties under this Act. Conflict of interest.

11. The Superintendent shall issue identification documents to authorised officers. Identification documents.

12. (1) When the Superintendent or an authorised officer believes, on reasonable grounds, that any requirement under this Act or under any regulation made thereunder is not being complied with he may issue an abatement notice to any person whom he believes is responsible to comply or ensure compliance with such requirement. Abatement notices.

Provided that an abatement notice may be issued to different persons when the responsibility for complying falls on more than one person.

(2) An abatement notice shall be in writing and shall contain:

- (a) all relevant details relating to the infringement; and
- (b) the address or an indication of the place where the infringement is taking place; and
- (c) an order stating what is required to be done to comply with the notice.

(3) An abatement notice may be given orally by the Superintendent or an authorised officer:

- (a) in urgent cases; or
- (b) if it proves impossible to serve it in written form.

(4) An abatement notice shall be served in writing:

- (a) at either the residential or commercial address of the person on whom the abatement notice is to be served;
- (b) or, where the person on whom an abatement notice is to be served cannot be found, by affixing the abatement notice onto the premises, where the infringement is taking place, and any person who removes or in any way interferes with an abatement notice so affixed shall be guilty of an offence.

(5) Any person or persons, on whom an abatement notice is served, shall abate the nuisance without delay and in any case not later than such time indicated in the abatement notice.

Provided that the indication of any such time in the abatement notice shall be without prejudice to any other action that may be taken by the Superintendent or any authorised officer before the expiry thereof.

(6) Any person on whom an abatement notice has been served and who fails to comply with any of the requirements of the notice, shall be guilty of an offence against this Act and the Court may apart from awarding punishment, order the accused to undertake such works so as to prevent the reoccurrence of the infringement.

Undertakings.

13. (1) When it appears to the Superintendent that any person has engaged in any conduct that constitutes an offence against this Act or has failed to comply with any regulations made thereunder, the Superintendent may, at his discretion, instead of authorising proceedings against that person, caution that person in writing, and seek an undertaking in writing from that person that he shall refrain from the conduct specified in the undertaking.

(2) The Superintendent shall maintain a register of undertakings made under sub-article (1), which register shall be kept at an office specified by him, and shall be available for public inspection at such times as may be established by notice published in the Gazette.

(3) Any person who acts in contravention of an undertaking made in accordance with sub-article (1) shall be guilty of an offence against this Act.

Declaration of an emergency.

14. (1) The Superintendent may, if he is so satisfied, declare that a public health emergency exists.

(2) The declaration shall specify:

- (a) the nature of the public health emergency; and
- (b) the area to which the declaration applies.

Directions by Superintendent.

15. (1) After declaring a public health emergency the Superintendent may take any one or more of the measures hereunder as he may consider necessary in order to reduce, remove or eliminate the threat to public health:

- (a) segregate or isolate any person in any area; or

- (b) evacuate any persons from any area; or
- (c) prevent access to any area; or
- (d) control the movement of any vehicle; or
- (e) order that any person undergo a medical examination; or
- (f) order that any substance or object be seized, destroyed or disposed of as he may direct; or
- (g) order such other action be taken as he may consider appropriate.

(2) Any person who does not comply with any direction by the Superintendent given by virtue of this article shall be guilty of an offence against this Act.

16. (1) For the purpose of this Part the Superintendent may Special powers. authorise any person to;

- (a) enter any place if necessary by using such reasonable force to:
 - (i) save human life; or
 - (ii) prevent injury to any person; or
 - (iii) rescue any injured or endangered person; and
- (b) close any area, premises, body of water or vehicles; and
- (c) remove by reasonable force any person who fails to comply with a direction.

17. (1) Any person may apply to the Superintendent for Compensation. reasonable compensation for any loss or damage suffered as a result of anything done under this Part.

(2) Compensation is not payable to any person who suffers any loss or damage because:

- (a) of any action or inaction by that person that is not the result of a direction under this Part; or
- (b) the loss or damage caused by a public health emergency.

Awareness of
Public Health Risk.

18. (1) Any person who becomes aware of any fact or situation which he reasonably ought to believe to be a public health risk or a potential public health risk shall, as soon as he becomes aware of such risk, inform the Superintendent.

(2) Any person who fails to comply with the provisions of sub-article (1) shall be guilty of an offence against this Act.

Recording of
information.

19. No person may record, collect, transmit or store any records, information or forms for the purpose of this Act other than in accordance with the provisions of this Act or any regulations made thereunder.

Powers of
Superintendent with
regard to certain
articles.

20. (1) The Superintendent may order for the purposes of this Act that any article, item or substance that causes a threat to public health:

(a) is not imported, manufactured, sold, used, stored or transported or handled in any manner whatsoever;

(b) is to be dealt with in accordance with any directions he may impose.

(2) Any person who, does not comply with an order of the Superintendent under sub-article (1) shall be guilty of an offence.

Removal and
disposal.

21. (1) The Superintendent may require any person to treat, remove, recall, dispose of or destroy any articles, items, goods or substances that, in his opinion, may cause a threat to public health.

(2) The Superintendent may require any person who is in possession or, at the time, is in control of any premises, area, vehicle or object, which, in his opinion, may cause a threat to public health, to clean, disinfect or disinfest such premises, area, vehicle or object.

(3) The requirements of sub-articles (1) and (2) shall be carried out in accordance with any directions that the Superintendent may give and at the expense of the person required to comply with the said requirements.

Superintendent may
carry out direction
and the expenses
recovered as civil
debts.

22. If a person fails to comply with any direction given by the Superintendent under this Act, the Superintendent may take any measures he deems appropriate to have the direction carried out at the expense of that person.

23. (1) Any person who assaults, abuses, harasses or threatens an authorised officer, a nominated officer or a police officer exercising a function under this Act or otherwise hinders, obstructs or delays a power or the performance of a function under this Act, shall be guilty of an offence under this article.

Offences against authorised officers.

(2) Any person who fails to comply with a requirement of an authorised officer, nominated officer or a police officer under this Act shall be guilty of an offence under this article.

24. (1) A person who removes or otherwise interferes with :-

Interference with seals and samples.

(a) any seal or mark made by an authorised officer or a nominated officer;

(b) any sample taken by an authorised officer or nominated officer; or

(c) any object or document seized by an authorised officer or nominated officer;

shall be guilty of an offence under this article.

(2) A person who contaminates any sample taken by an authorised officer or a nominated officer shall be guilty of an offence.

25. The Minister may, from time to time, after consulting the Superintendent, establish committees, boards or other similar groups to advise and assist the Minister and the Superintendent in the performance of their functions under this Act.

Board and Committees.

Part III

POWERS TO MAKE REGULATIONS

26. The Minister, after consulting the Superintendent, may make regulations in general to regulate matters related to public health and without prejudice to the generality of the aforesaid, may by such regulations make provisions relating to public health:

Powers to the Minister.

(a) (i) requiring the licensing, registration or approval of any person, premises, equipment, machinery, apparatus or service concerning public health matters;

(ii) prescribing conditions, obligations or directions to any licence, registration or approval;

(iii) specifying the date of issue and the duration of any licence;

(iv) specifying reasons for withdrawal, cancellation or suspension of any licence, registration or approval;

(b) for the acquisition, disclosure, transmission, publication, restriction and storage of information relevant to public health;

(c) prescribing fees for any services given under this Act;

Recreational waters.

(d) for the control of recreational waters and in particular:

(i) the quality standards thereof;

(ii) the method and frequency of sampling and the methods for testing and analysis thereof;

(iii) the closure of bathing areas;

(iv) the regulation, registration and licensing of swimming pools;

(v) the regulation of areas where and times when animals may be taken into the sea;

(e) for the control of smoke and in particular:

(i) the methods of measurement of dark smoke and setting the limits on the rate of emissions of smoke;

(ii) identifying specific chimney heights depending on the purpose of the chimney, on the type of fuel to be used or in use and the location of the building;

(iii) declaring smoke controlled areas;

(iv) regulating or exempting from regulations any burning process, including furnaces and domestic furnaces;

(v) controlling and monitoring indoor air pollution;

(vi) giving effect to international agreements or standards with regard to smoke and air pollution applicable to Malta;

(f) regarding the limit or elimination of any noise, which may give rise to a nuisance, inconvenience or disturbance or constitute a danger to health and in particular:

(i) setting out objectives for reducing noise levels;

(ii) setting noise level standards for residential noise and noise that is emitted from or caused by a vehicle, machinery or equipment;

(g) regulating:

(i) dumping, keeping, transportation, storage, collection, treatment, recycling, reuse, disposal, importation and exportation of waste; and

(ii) houses or other premises built upon or near any contaminated land;

(h) regulating:

(i) premises used for habitation or assembly, including caravans and caravan sites, day care centres and any other structures used for habitation whether permanent or not and whether movable or fixed;

(ii) prohibiting the keeping of animals, in any premises, in any area whether within an inhabited area or not;

(i) prescribing:

Matters relating to water.

(i) the standards for water quality for different uses;

(ii) the sampling and monitoring requirements for specific types of water and their uses;

(iii) water which may become prejudicial to health when used in any process or system ;

(iv) the registration or licensing of activities, processes and systems where water is used;

(v) the regulation of suppliers or carriers of water ;

(j) regulating:

(i) the construction, layout, siting and material to be used for any drainage system and ancillary facilities;

(ii) sanitary practices relating to disposal of waste in or from any premises;

(iii) the removal of stoppages from and the maintenance of drainage systems and other ancillary facilities of private and public premises;

(k) prescribing:

(i) the obligations of any commander, ship master, or any other member of the crew or staff on an aircraft or sea-going craft;

(ii) the signals to be hoisted or messages to be given by sea-going craft or by aircraft having any case of disease on board;

(iii) regulations regarding the granting of free pratique;

(iv) regulations relating to the issue of deratting certificates or deratting exemption certificates;

(v) the obligations of any person engaged with any airport or port authorities or any other person at any airport or port;

(vi) regulations regarding the discharge or loading of cargo, waste, water or food supplies, fuel, equipment, as well as smoke or gas emissions;

(l) (i) regulating the importation, exportation, licensing, keeping, sale, giving by way of compensation or otherwise of poisonous, venomous or otherwise dangerous living organisms which are not endemic in Malta and which may pose a public health risk to any person that may come in contact with them;

(ii) regulating the control or extermination of rats, mice or any other pest which may act as a vector or carrier of disease;

(iii) regulating the importation, use, storage and sale of chemicals and substances containing chemical which are or may pose a public health risk;

(iv) regulating burning process, including furnaces and domestic furnaces; and

(m) (i) regulating any activity where there is risk of potential exposure to ionising radiation, including activities of producing, manufacturing, importing, exporting, supplying, keeping, conveying, using or otherwise dealing with radioactive substances or radiation apparatus as well as the exposure to radiation in the diagnosis and treatment of disease;

(ii) classifying and regulating:

A. radioactive substances;

B. ionising or non-ionising radiation apparatus;

C. sealed radioactive sources;

D. other radiation apparatus;

(iii) specifying standards, practices and procedures to be followed with regard thereto;

(iv) regulating any act or thing that is involved in or related to an activity referred to in (ii) and (iii) above,

(v) regulating licences, permits, registrations, authorities or approvals in connection therewith;

(vi) requiring the keeping of records, furnishing of information, and notification of accidents or other matters or events by persons carrying on activities referred to in (ii) and (iii) above;

(vii) prescribing the monitoring of levels of exposure to radiation of persons engaged in activities referred to in (ii) and (iii) above and the monitoring of the health of such persons as well as of the general public during and after such activities;

(viii) guarding the protection of persons and the environment against the harmful effects of radiation resulting from activities referred to in (ii) and (iii) above.

27. The Superintendent may make, vary or revoke orders:

Powers of the
Superintendent.

Notifiable diseases
and contaminants.

- (a) (i) listing and categorising notifiable disease;
- (ii) declaring an organism to be a human pathogenic organism;
- (iii) declaring a substance to be a contaminant;

Advertising.

(b) controlling advertisements that may affect public health and in particular:

- (i) controlling the visual, audio and written content thereof ;
- (ii) controlling the layout and sequence of events of the advertisements;
- (iii) regulating the persons or class of persons used in the advertisements;
- (iv) requiring a written permission from the Superintendent before the publication of an advertisement;

Epidemics and
infectious diseases.

(c) prescribing measures to guard against or to control dangerous epidemics or infectious disease and in particular:

- (i) regulating the prompt internment of the dead;
- (ii) regulating the power to inspect premises;
- (iii) regulating the provision of medical aid, the distribution of medicine, the establishment of hospitals, the promotion of cleansing, ventilation and disinfection and otherwise for guarding against the spread of disease and for the treatment of persons suffering therefrom;
- (iv) regulating occupancy in premises or any parts thereof to prevent them from being so overcrowded as to be dangerous to health;
- (v) prescribing such other matter as the Superintendent may deem expedient for the prevention or mitigation of such disease;

Certificates,
immunisation, etc.

(d) ensuring the protection of the public by immunisation against particular diseases and in particular may by such order:

- (i) regulate and control the practice of any particular type of immunisation in humans;
 - (ii) prescribe forms, certificates, notices, immunisation certificates and postponement certificates;
 - (iii) prescribe those diseases against which immunisation of humans shall be compulsory;
 - (iv) regulate and control the importation, exportation, manufacture, storage and transport of any type of vaccine;
 - (v) publish schedules regarding compulsory or recommended immunisations.;
- (e) (i) specifying the qualifications or conditions necessary for a person to qualify for a registration or a licence under this Act; Public health risk.
- (ii) specifying the criteria and conditions for the licensing or registration of premises or persons under this Act;
- (f) (i) requiring the medical examination of persons exposed or believed to have been exposed to radiation; Radiation.
- (ii) providing measures to be taken in case of a public health emergency caused by any type of radiation;
- (g) giving any other direction that is or may be given by the Superintendent under this Act.

Part IV

PREVENTION AND CONTROL OF DISEASE

- 28.** (1) The Superintendent may require a person to undergo a medical examination by a medical practitioner within such period as the Superintendent may specify if the Superintendent has reason to believe that such person is suffering from a notifiable disease or if he has an occupation which is considered capable of spreading disease. Medical examination.
- (2) The medical practitioner who conducts a medical examination under this article shall as soon as practicable provide the Superintendent with a written report of the results thereof.
- (3) Any person who fails to undergo a medical examination or any medical practitioner who fails to provide a written report shall be guilty of an offence.

Directions by the Superintendent.

29. (1) The Superintendent may order that a person suffering from a notifiable disease:

(a) be isolated in such place as the Superintendent determines;

(b) be placed under the supervision of a specified person;

(c) submits to further medical examination, medical testing, immunisation, medical treatment or counselling;

(d) discloses to an authorised officer the name and address of any other person with whom contact by that person may result or may have resulted in the transmission of the disease;

(e) refrains from doing anything which may cause the spread of disease.

(2) Where a child is suffering from a disease or has resided in a house where a disease exists or has existed for any period at any time not earlier than six weeks before, the Superintendent may require the parent, guardian or any other person not to allow the child to attend school without providing to the person in charge of such school a medical certificate that such child is free from disease or infection and is fit to attend school.

Warrant by magistrate.

(3) The Superintendent may apply to a magistrate for a warrant to apprehend and detain or quarantine any person who fails to comply with a direction under sub-article (1) and for that purpose, to enter any area, premises, body of water or vehicle.

Persons dirty or verminous.

30. Where it appears to the Superintendent that a person is so dirty or, on a report by a medical practitioner, that a person or his clothing are verminous, and that person does not consent or is unable to consent to be cleansed, the Superintendent may cause such person, including his clothing to be cleansed.

Notification of disease and contaminants.

31. (1) Any medical practitioner who treats or examines any person for a notifiable disease shall report such notifiable disease to the Superintendent on the prescribed certificate.

(2) The person in charge of a laboratory that receives a primary specimen or sample that yields a positive result indicating that the patient who supplied the specimen is suffering from a notifiable disease shall report such findings to the Superintendent within such time and in such manner as the Superintendent may direct.

(3) The reports that are to be made in terms of sub-articles (1) and (2) shall not require the consent of the person being treated or examined.

(4) The Superintendent may require any person to notify him of the presence or occurrence of any of the following:

- (a) any notifiable disease or suspicion thereof;
- (b) any human pathogenic organisms or suspicion thereof;
- (c) any contaminant or suspicion thereof.

(5) Any person who contravenes any requirement of this article shall be guilty of an offence.

32. The Superintendent may, in the interest of public health, give information to any person or persons who may be affected by any notifiable disease or any human pathogenic organism or contaminant.

Reports and information by Superintendent.

33. (1) A person who is aware of having a notifiable disease and in case of a child, the parent, guardian or any other person having the custody of that child, shall take all reasonable measures and precautions to prevent the transmission of the disease.

Transmitting disease.

(2) Any person who contravenes any requirement of this article shall be guilty of an offence.

34. (1) The Superintendent, by public notice, may declare that there is an outbreak of a notifiable disease. Such declaration shall be revoked when the outbreak is over.

Outbreak of disease.

(2) The Superintendent may give any directions he considers necessary or appropriate for the control of an outbreak and any person who does not comply with the directions given shall be guilty of an offence under this article.

(3) The Superintendent may also give information about such outbreaks outside Malta and in particular indicate any port or airport that may be infected.

35. Whenever any part of Malta is affected by any epidemic disease, medical practitioners exercising their profession within the area affected by the disease, as well as other medical practitioners engaged by the Government, shall not refuse to treat persons suffering from such disease within the area.

Epidemics.

Use of certain materials.

36. The Superintendent may require any person to keep, use or dispose of any contaminant, human pathogenic organism and any other material or substance capable of causing disease in humans in accordance with any orders or regulations that may be issued under this Act.

Burial or removal of body to mortuary.

37. (1) No person shall, unless authorised by the Superintendent, retain the body of any person who has died from a disease for more than twenty-four hours, in a room used as a dwelling-place, sleeping-place or workroom.

Provided that nothing contained in this article shall prevent the removal of such body, before the lapse of 24 hours, to a mortuary where such removal becomes necessary under any provisions of this Act or any other law.

(2) It shall not be lawful for any person to remove the body of a person who dies at home, in any hospital or in any other place provided for the treatment of persons suffering from a disease, except for the purpose of immediate burial, where a medical officer certifies that in his opinion it is desirable, in order to prevent the risk of communicating such disease or of spreading infection, that such body shall not be removed from such home, hospital or place except for such burial.

Provided that nothing in this sub article shall prevent the Superintendent from authorising the removal of such dead body to a mortuary designated by the said Superintendent.

(3) The Superintendent or an authorised officer may order the removal of a dead body to a mortuary if -

(a) the person died of any notifiable disease and is lying in a dwelling in which persons live or sleep; or

(b) whatever the cause of death, the body is in such a state as to pose a risk to health.

(4) A person who does not comply with the provisions of this article shall be guilty of an offence.

(5) Unless any relative of the deceased undertakes to bury the body and effect such burial within the period of time stipulated by such order as aforesaid, it shall be the duty of the Superintendent to cause the burial of such body and any expense so incurred may be recovered by the Superintendent as a civil debt.

Part V

LEGAL PROCEEDINGS

38. (1) Where there is reasonable cause to believe that any person has contravened any of the provisions of this Act or of any regulations made thereunder, the police shall, on the report of the Superintendent, institute criminal proceedings against the offender. Proceedings.

(2) In any criminal proceedings instituted by the police for an offence under this Act, the Superintendent or any authorised officer, may, notwithstanding any law to the contrary, lay the charge before the court, produce evidence, plead and otherwise conduct the prosecution instead of the police.

(3) The sworn statement of any authorised officer, to the effect that he has been deputed as provided in sub-article (2) shall be conclusive evidence of the fact, should proof thereof be required by the court.

39. A person convicted of an offence against this Act shall be liable for costs relating to: Cost of proceedings.

(a) the examination and analysis of any object to which the offence relates; and

(b) the seizure and disposal of any object to which the offence relates; and

(c) the transportation and storage of any object to which the offence relates; and

(d) any other costs incurred by the Superintendent and occasioned by the offence.

40. (1) Where a person is found guilty of an offence against this Act, the court shall, where necessary, besides awarding punishment, order the offender to abate any nuisance arising from the offence or, if the circumstances so require, to comply with the law, in either case within such time as shall be fixed by the court for the purpose and, in the case of non-compliance with any such order, he shall be liable to a further fine (*multa*) not exceeding 50 liri for every day of non-compliance after the expiration of the said time fixed as aforesaid. Offender to conform with laws and regulations.

(2) The court may upon an application to that effect by the prosecution at any time authorise the police to abate the nuisance or to enforce the law at the expense of the offender, who, in either case, shall be liable to refund such expense as a civil debt.

(3) When the offence for which a person has been found guilty relates to dumping of any waste in any manner whatsoever, the court shall, where applicable, besides awarding punishment, order the offender to remove such waste.

(4) If the offender fails to abide with an order made under sub-article (3), the provisions of sub-article (2) shall apply.

(5) If the offender is absent from Malta or has absconded or is, on account of mental disorder or other physical incapacity, unable to appear before the court or, for any reason whatsoever the summons cannot be served and the Superintendent certifies on oath that it is urgently required that the nuisance be abated or that the law be otherwise enforced, the court shall proceed to order that the summons be served on the lawful representative of the offender or on the person having the custody of the offender or on the person having the management of his property or, in default of any known representative or person as aforesaid, on the offender's husband or wife or son or daughter. In any case, if the nuisance or non compliance with the law is proved, the court shall apply the provisions of sub-article (2) of this article or in appropriate cases, the provisions of sub-article (1).

Suspension of licence.

41. Upon conviction for an offence against the provisions of this Act where the offence relates to an area, premises, body of water or vehicle requiring a licence under this Act, the court may order the suspension of any licence or licences issued in respect of the person charged or the premises forming the subject of the proceedings.

False or misleading information.

42. Any person in any application, information, advice or record made or submitted for the purpose of this Act, either makes a statement knowing it to be false or misleading, or omits any material fact shall be guilty of an offence against this article.

Officers may be called as witnesses.

43. Where the evidence of the prosecuting officer is required, the said officer shall be heard before he assumes the duties of prosecuting officer unless the necessity of his evidence arises at a later stage of the proceedings.

Offences and penalties.

44. A person guilty of a first offence against any of the provisions of this Act shall be liable, on conviction, to a fine (*multa*) of not less than one hundred liri and not exceeding two thousand liri or to imprisonment for a term of not less than six months and not exceeding two years or both such fine and such imprisonment and on a second or subsequent conviction, to a fine (*multa*) of not less than two hundred liri and not exceeding five thousand liri or to imprisonment for a term of not less than two years and not exceeding four years or to both such fine and such imprisonment.

45. (1) Without prejudice to anything done or any liability incurred thereunder the laws or articles or parts of laws listed in sub-article (2) of this article (hereinafter the Repealed Laws) are hereby repealed. Repeal and saving.

(2) Clean Air Act, Cap. 200; Litter Act, Cap 206; Articles 97, 101 to 110, 117, 118, 121, 122 and articles 124 to 127 of the Code of Police Laws Cap. 10; Prevention of Disease Ordinance, Cap. 36.

(3) Any licence granted under any of the Repealed Laws shall continue in force and be subject to renewal as if its were a licence under this Act.

(4) Any regulation made under the Repealed Laws shall continue in force as if it was made under the corresponding provision of this Act, and may be amended, repealed or substituted accordingly.

Objects and Reasons

The main object of this Bill is to consolidate the laws relating to public health.

