Critical laws relevant to Public and environmental health

1. Public health act (Cap 242)

Objective

It is an Act of parliament to make provision for security and maintaining health

Introduction

Chapter 242 of the Laws of Kenya deals with Public Health. The current publication is revised copy which had earlier been revised in 1972. The document is arranged in parts. The Public Health Act commenced on 6th September, 1921. It is an act of parliament to make provision for securing and maintaining health.

Structure

1. Divided in top parts and section Part (I- XV)
2. **PART I – Preliminary**

Deals with the meanings and interpretations of the terminologies and technical words used in the body of the document e.g. it describes an "adult" as a person of eighteen years of age or over. "Approved and "prescribed" mail respectively approved or prescribed by the Minister or by the appointed officers or by the regulations framed under this Act as the case may be, “building " includes any structure whatsoever for whatever purpose used, etc.

1. **PART II – Administration**

It explains how for example the Central board of health (hereinafter referred to as the board), is constituted, how the Act empowers appointment of Director of Medical services, members of the board, their responsibilities, their qualifications, the powers bestowed upon the appointed officers in the administration of public health services in the maintenance and promotion of public health. All the officers appointed under this section, shall carry out duties in relation to public health as the Director of Medical Services assigns them.

The ,functions of the medical Department is, subject to the provisions of this Act, to prevent and guard against the introduction of infectious disease into Kenya from outside; to promote the public health and the prevention, limitation or suppression of infectious, communicable or preventable diseases within Kenya, to advise and direct local authorities in regard to matters affecting the public health; to promote or carry out researches, and investigations in connection with the prevention or treatment of human diseases; to prepare and publish reports and Statistical and other information relative to the public health: and generally to carry out in accordance with directions the powers and duties in relation to the public health conferred or imposed by this Act.

It shall be the duty of the department to obtain and publish periodically such information regarding infectious disease and other health matters in Kenya, and such procurable information regarding epidemic disease in territories adjacent to Kenya or in other countries, as the interests of the public health may require.

1. **PART III – Notification of infectious diseases**

The provisions of this Act, unless otherwise expressed, shall, so far as they concern notifiable infectious diseases, apply to smallpox, plague, cholera, scarlatina or scarlet fever, typhus fever, diphtheria or membranous croup, measles, whooping cough, erysipelas puerperal fever (including septicaemia, pyaemia, septic cellutis or other serious condition occurring during the . puerperal state) enteric or typhoid fever (including para-typhoid fever), epidemic cerebral-spinal menegitis or celebro-spinal fever, acute polio-myelitis, leprosy, anthrax glanders, rabies, meta fever, sleeping sickness or human trypanosomiasis, beriberi, yaws and all forms of tuberculosis which are clinically recognizable apart forms reaction to the tuberculin test.

The Minister may, by notice in the gazette- declare that any infectious disease other than those specified, shall be notifiable diseases under this Act, e.g. the Avian Bird flu, HIV/AIDS,Ebola etc.

1. **PART IV - Preventing /Suppression of infectious diseases**

It states among other things that, "A medical officer of health may at any time enter and inspect any premises in which he has reason to believe that any person suffering or who has recently suffered from any infectious disease is or has recently been present, or any inmate of which has recently been exposed to the infection of any infectious disease, and may medically examine any person in such premises for the purpose of ascertaining whether such a person is suffering or has recently suffered from any such disease.

1. **PART V - Deals with venereal diseases**

It states among other things that, "unless otherwise expressed, in so far as they concern venereal diseases, shall be deemed to apply to syphilis, gonorrhea, gonorrheal opthalmia, soft chancre, Venereal warts and venereal Granuloma. It also states that, any person who knows or ahs reason to believe that he/she is suffering from any venereal disease shall forthwith consult a medical practitioner with respect thereto, and shall place himself under treatment by that medical practitioner, or by some other medical practitioner, or shall attend for treatment at any hospital or other place available for the treatment of venereal diseases.

1. **PART VI – Ports and Inland boarders**

It states amongst others, "That except in case danger, no commander of a vessel arriving at any port or place in Kenya and no person on board thereof shall communicate or attempt to communicate with the shore or any other vessel or any boat, and no person from the shore or form any other vessel or boat shall communicate with that vessel, otherwise than by signal, until pratique has been granted to such vessel in accordance with rule made under this part.

1. **PART VII - Deals with leprosy**

It -states amongst others that " it shall be lawful for the Minister to erect and establish from time to time asylums for the detention of persons removed thereto under this Act, and for the purpose of acquiring sites for the erection and establishment of asylums to appropriate and set apart any unalienated public land, and to order the fencing and enclosing of any land so appropriated and set apart. This is for the purpose of preventing the spread of leprosy. The Minister may by order direct that, from a date named therein until further order, all persons affected with leprosy found within any local area specified in such order shall be removed to and detained in any asylum.

1. **PART VIII – Deals with prevention of the spread of smallpox**

It states amongst others, that "The parent or guardian of every child in Kenya shall, unless such child is has suffered from smallpox, cause such child to be successfully vaccinated by a. public vaccinator, or other medical practitioner, and the parent or guardian of every such child procure one of the following certificates on the form prescribed, signed by a public vaccinator or other medical practitioner-

1. (a) a certificate of successful vaccination
2. (b) a certificate of insusceptibility to vaccination
3. (c) a certificate of unfitness for vaccination
4. (d) a certificate that the child has suffered from smallpox ;
5. **PART IX – Sanitation and housing**

\It states amongst others that, "It shall be the duty of every health authority to take all lawful, necessary and reasonably practicable measures for preventing or causing to be prevented or remedied all conditions liable to be injurious or dangerous to health arising from the erection of dwellings or premises on unhealthy sites or on sites of insufficient extent, or from overcrowding, or from the construction condition or manner of use of any of factory or trade premises, and to take proceedings against any person causing or responsible for the continuance of any such condition." Had this law been applied in the case of the buildings that collapsed in Nairobi and Kisumu cities, the disasters that occurred recently would have been averted:

1. **PART X – Protection of food stuffs**

It states amongst others, "That all warehouses, godowns or buildings of whatever nature used for the storage of foodstuffs shall be constructed of such materials and in such a manner as shall in the opinion of the medical officer of health render such warehouse godown or building rat-proof. It also states that no person shall reside or sleep in any kitchen or room in which foodstuffs are prepared or stored for sale.”

1. **PART XI – Public water supplies meat, milk and other articles of food**

It states amongst others that, "It. shall be the duty of every local authority to take all lawful, necessary and reasonably practicable measures:-

(a) for preventing any pollution dangerous to health of any supply of water which the public within its district has a right to use and does use for drinking or domestic purposes (whether such supply is derived from sources within or beyond its district); and

(b) for purifying any such supply which has become so polluted; and to take measures (including if necessary, proceedings at law) against any person so polluting any such supply or polluting any stream so as to be a nuisance or danger to health".

1. **PART XII – Prevention and destruction of mosquitoes**

For the purposes of this Act- All breeding places of mosquitoes are supposed to declared nuisances.

1. **PART XIII – Deals with cemeteries**

It states amongst others that "It shall be lawful for the Minister to select appoint and to notify in the gazette sufficient and proper places to be the sites of and to be used as cemeteries; and it shall be obligatory where such cemeteries exist bury the dead in such cemeteries in conformity with the provisions of rules made by any public authority",

1. **PART XIV – General public Health Issues**

Such as building basements not to be occupied by humans without permission, regulation of lodging houses, nursing homes, markets, public toilets, control of irrigated land and rules for the regulation of standing or running Water.

1. **PART XV – Miscellaneous orders /notices/Loving penalties e.t.c**

Deals with Miscellaneous provisions such as the printing or writing of orders under this Act, serving of notices, powers and duties of officers of this department, powers of entry and inspection of premises and penalties for obstruction, etc.

In conclusion, it is apparent that chapter 242 of the laws of Kenya caters comprehensively for all public health concerns of the republic of Kenya.

**REFERENCE**

Government Printer, Nairobi. (1986). The Public Health Act, Chapter 242, Revised Edition. Laws of Kenya

**The Food, Drugs and Chemical Substances Act (254)**

Objective

Prevention of alteration of food, drugs and chemical substances.

Divided into parts and sections

**Part I – Preliminary**

Short title

Interpretation

**Part II – General provisions**

1. **Food**

Prohibition against sale of unwholesome poisonous of adultered food

Deception

Standard foods

Prohibition against sale of food not of nature, substance of quality demanded

Preparation of food under insanitary conditions

1. **Drugs**

Prohibited sale of drugs

Deception

Standards of drugs

Prohibition against sale of food not of nature, substance of quality demanded

Preparation of food under insanitary conditions

1. **Cosmetics**

Prohibited sale of cosmetics

Standards of cosmetics

Preparation of cosmetic under insanitary conditions

**Part III – Administration and enforcement**

Establishment of board

Regulations

Inspection of animals by authorized officers

Powers of authorized officers

Power of Director of Medical Services or Director of Agriculture to have articles analyzed

Duty of municipal council to enforce act

Power of Minister to obtain particulars of certain food ingredients

**Part IV – Legal proceedings**

Power of court to order license to be cancelled

Prosecution

Penalties

Certificates of analysis and presumptions

Saving of Cap 242 and Cap 245

Minister’s power to amend schedule

Subsidiary Legislations

The food, Drugs and chemical substance (Food Hygiene) Regulations Licenses

The food drugs and chemical; substances (Food labeling Additives and standards) regulation

Offences and penalties (pg 100)