

Zambia

Extermination of Mosquitoes Act, 1944

Chapter 312

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Extermination of Mosquitoes Act, 1944

Contents

1. Short title and application	1
2. Interpretation	1
3. Power to prescribe measures for extermination of mosquitoes	2
4. Duties of occupiers	2
5. Right of entry	2
6. Prosecution of measures on lands	2
7. Compensation	3
8. Penalties	3
Schedule (Section 7(1))	4

Zambia

Extermination of Mosquitoes Act, 1944

Chapter 312

Commenced on 18 August 1944

[This is the version of this document at 31 December 1996.]

[13 of 1944; 2 of 1945; 31 of 1949; 55 of 1963; 69 of 1965; 24 of 1966; 13 of 1994; Government Notices 291 of 1964; 497 of 1964]

An Act to prescribe measures for the extermination of mosquitoes; and to provide for matters incidental thereto.

1. Short title and application

This Act may be cited as the Extermination of Mosquitoes Act, and shall apply to every municipality, mine township and township and, if the Minister so directs, to any area within eight kilometres of the boundaries of a municipality or township and, if the Minister is satisfied that a source of infection to a populated area is situated outside such limit of eight kilometres, to the area in which such source is situated.

[As amended by No. 31 of 1949, G.N. No. 291 of 1964 and No. 69 of 1965]

2. Interpretation

In this Act, unless the context otherwise requires—

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

"**local authority**" means—

- (a) in the area of a municipal council, township council, such council;
- (b) in any other area, the District Secretary for the District in which the area is situated;

"**Medical Officer of Health**" means any Government Medical Officer, any medical practitioner appointed by the Director of Medical Services to act as Medical Officer of Health in any area specified in such appointment, and the Medical Officer of Health of a municipal council or township council;

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

"**owner**" shall, as regards land or any interest therein, include any person, other than the President, receiving the rent or profits of any lands or premises from any tenant or occupier thereof or who would receive such rent or profits if such land or premises were let whether on his own account or as agent for any person, other than the President, entitled thereto or interested therein. The term includes any lessee or licensee from the President and any superintendent, overseer or manager of such lessee or licensee residing on the holding.

[As amended by No. 2 of 1945, No. 55 of 1963, G.N. No. 291 of 1964 and No. 69 of 1965]

3. Power to prescribe measures for extermination of mosquitoes

The Minister may, by statutory instrument, make rules prescribing the measures to be taken for the extermination of mosquitoes (in this Act referred to as the "prescribed measures") within any of the areas to which this Act applies.

[As amended by No. 31 of 1949 and G.N. No. 291 of 1964]

4. Duties of occupiers

- (1) Every occupier or, in the absence of the occupier, every owner of a building or land within any of the areas to which this Act applies shall take all the prescribed measures and in addition all such other measures as are reasonably necessary to prevent the breeding of mosquitoes in or on such building or land which the local authority may by notice in writing order him to take, not involving in the case of buildings or lands outside municipalities or townships the expenditure of a sum exceeding three thousand penalty units on the same building or land during a period of twelve months:

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

- (2) In the case of two or more persons being joint occupiers or joint owners, each of them shall be deemed an occupier or owner for the purposes of this section.
- (3) Where any such occupier or owner fails to take any of the measures which he is required to take under subsection (1), the local authority may, on giving not less than fourteen days' notice in writing of its intention so to do, cause such measures to be taken; and thereupon such occupier or owner shall, without prejudice to any penalty which he has incurred through such failure, be liable to pay all the costs of such undertaking not exceeding the limit of expenditure mentioned in subsection (1), which shall be recoverable as a debt by the local authority.

[As amended by No. 69 of 1965 and No. 24 of 1966 and Act [No. 13 of 1994](#)]

5. Right of entry

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

- (a) of ascertaining whether the measures required to be taken under this Act are being taken;
- (b) of causing any measure to be taken in pursuance of the provisions of subsection (3) of section four;
- (c) of determining whether any measures for the extermination of mosquitoes on such land, other than those prescribed or ordered under this Act, are desirable in the interests of public health in the vicinity thereof; and
- (d) of preparing a scheme in pursuance of the provisions of subsection (1) of section six:

Provided that no entry shall be made into a dwelling-house without the consent of the occupier or an order of a magistrate who is hereby authorised to issue such an order.

6. Prosecution of measures on lands

- (1) Where the Director of Medical Services is satisfied that any measures of the kind mentioned in paragraph (c) of section five are desirable in the interests of public health in the vicinity of the land on which such measures are to be taken, he shall cause a scheme to be prepared for the prosecution of such measures, and the plans and specifications incidental thereto, for the consideration of the Minister.

- (2) The Minister may approve the scheme either in its entirety or with such modifications as he may consider necessary
- (3) A copy of the approved scheme and the plans and specifications incidental thereto shall be deposited in such place as the Minister may direct, and shall be available for inspection without fee by the owner or occupier of any lands affected thereby; and notice shall be published in the *Gazette* to the effect that such a scheme has been approved and containing a short description of the locality in which such lands are situate.
- (4) Notice shall be served upon the occupier or occupiers of the lands to which an approved scheme relates containing such particulars and accompanied by such plans, if any, as are necessary to furnish information as to the nature of the works authorised to be done on such land.
- (5) On the expiration of twenty-eight days after service as provided in subsection (4), it shall be lawful for the Director of Medical Services and any persons authorised by him in that behalf to enter upon the said lands and to do thereon all such acts as are necessary for the execution of the works authorised by the approved scheme.

[As amended by No. 55 of 1963 and G.N. No. 291 of 1964]

7. Compensation

- (1) Where any person suffers injury by reason of the prosecution of an approved scheme and is unable to agree with the Director of Medical Services as to the amount of compensation to be paid in respect of such injury, the amount due, if any, shall be settled by the High Court, which shall have jurisdiction to hear and determine the same upon a summons taken out by the Attorney-General or the person affected in the form contained in the Schedule or to a like effect:

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

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

[Cap. 189]

[As amended by No. 55 of 1963 and G.N. No. 291 of 1964]

8. Penalties

- (1) Any person who obstructs any officer empowered to carry out the provisions of this Act, in any act authorised by this Act, is guilty of an offence and is liable to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a term not exceeding three months.
- (2) Any occupier or owner who contravenes any of the provisions of section four is guilty of an offence and is liable, in the case of a first offence, to a fine not exceeding one hundred and fifty penalty units or to imprisonment for a term not exceeding fifteen days, and, in the case of a second or subsequent offence, to a fine not exceeding four hundred and fifty penalty units or to imprisonment for a term not exceeding one month.

[As amended by Act [No. 13 of 1994](#)]

Schedule (Section 7(1))**Form of summons*****In the High Court for Zambia******In the matter of the Settlement of Compensation payable
under section 7 (1) of the Extermination of Mosquitoes Act***

Let all parties attend at _____ on the _____ day
of _____, 19 _____

at _____ 'clock in the _____ noon on the hearing of an application
on the part of _____ for the determination of the amount of
compensation payable to _____ in respect of injury suffered by him in consequence of
the prosecution of the measures authorised to be taken on the lands shown on the plan attached to the scheme
approved by the Minister on the _____ day of _____, 19 _____, a copy of which
is attached hereto.

When the summons is taken out by the Attorney-General, the following words shall be added:

The Attorney-General is willing to pay as compensation the sum of _____

N.B.-If the said _____ is willing to accept the compensation
above mentioned, he shall notify his assent to the Attorney-General on or before the _____ day of _____, 19 _____

If the said _____ is unwilling to accept such compensation,
he shall on or before the said day inform the Attorney-General of the amount which he is willing to accept.

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

Dated _____ day of _____, 19 _____

This summons was taken out by:

Registrar of the High Court

To: *(Insert names of the parties interested in the question to be decided.)*

[As amended by G.N. No. 291 of 1964]