

**PUBLIC HEALTH  
(MOSQUITO) (MALARIA ERADICATION)  
REGULATIONS 1960  
(G.N.S 161 of 1960)**

In exercise of the powers conferred upon him by section 37 of the Public Health Ordinance 1960 [Ord. 7/60.] and all other powers thereunto him enabling, the Governor in Council has made the following regulations:

**Short title and commencement.**

1. These regulations may be cited as the Public Health (Mosquito) (Malaria Eradication) Regulations 1960 and shall come into operation on the date\* on which the Public Health Ordinance 1960 shall come into operation and shall apply to the area specified in the Schedule hereto.

**Interpretation.**

2. In these Regulations —

“inspection” means inspection of any premises or of any articles thereon with a view to spraying;

“Malaria Officer” means any person appointed by the Director to be a Malaria Officer in any area and includes the Malaria Control Officer;

“person in charge of the spraying team” means the person in immediate control of the operation of spraying any particular premises and normally present at the operation;

“spraying” means spraying of any premises (whether internally or externally) or any articles thereon with insecticide;

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\* In force 1st January 1961 – see G.N.S 156/60.

“spraying team” means two or more persons occupied as a unit in the operation of spraying and includes the person in charge of the spraying team.

**Spraying.**

3. Spraying may be carried out in such places within the area to which these Regulations apply in such manner as the Malaria Control Officer may from time to time direct.

**Inspection.**

4. Inspection or spraying shall be carried out on any day between the hours of six o'clock in the morning and six o'clock in the evening and, subject to the provisions of regulation 5, any member of a spraying team may enter any premises for such purposes and may, if necessary, use force in order to effect such entry:

Provided that spraying shall not be carried out at such a time as to cause unnecessary inconvenience or hardship to the occupier of any premises:

And provided further that reasonable measures shall be taken by the person in charge of the spraying team to ensure that the premises and any articles thereon are left in a condition not worse than before the inspection or spraying and in particular it shall be his duty to take any steps which the occupier of premises is required to take under the duty placed upon the occupier under regulation 6 and as soon as the spraying is over to repair any damage done in obtaining entry to the premises.

**Notice of entry.**

5. (1) The Malaria Officer or person in charge of a spraying team, or any person duly authorised in this respect by the Malaria Officer, shall give to the occupier of such premises not less than forty-eight hours' notice of his intention to inspect or spray the premises and of the time at which the inspection or spraying is to be carried out.

(2) If the occupier of any premises is unknown or cannot be found after reasonable enquiries a notice shall be affixed to some conspicuous part of the premises.

(3) Nothing in this regulation shall apply to the spraying of premises with the consent of the occupier thereof.

**Action by occupier on receipt of notice.**

6. An occupier of premises who has received a notice in accordance with paragraph (1) of regulation 5 or who has consented to the spraying of the premises without such notice shall before the spraying commences —

- (a) put away all foodstuffs, clothing and other articles likely to be damaged by spraying;
- (b) extinguish all fires and naked flames on the premises for the duration of spraying;
- (c) leave or place mosquito nets, mattresses and food-safes in such a position that they can conveniently be sprayed;
- (d) leave or place all receptacles intended for the storage of water or capable of holding water in such positions that they are reasonably accessible for inspection of their contents.

**Record of spraying.**

7. (1) The person in charge of the spraying team may issue to the occupier of any premises which has been sprayed pursuant to these Regulations a notice containing a record of the spraying of the premises.

(2) The occupier of premises who has received a notice in accordance with paragraph (1) of this regulation shall keep the notice and shall produce it at the request of the Malaria Officer or of the person in charge of any spraying team which subsequently visits the premises.

**Report of new building in area sprayed.**

8. When any building, whether temporary or otherwise, and for any purpose whatever, is erected in a place which has already been sprayed by a spraying team it shall be the duty of the person erecting the building immediately to communicate the fact, along with details of the situation, nature and purpose of the building, to the Native Chief or Headman of such place or to the District Officer of the district in which the building is erected:

Provided that no such communication need be made if the fact of the erection of the building has already been made known to a local authority under any written law.

**Duty of Native Chief or Headman.**

9. When a Native Chief or Headman becomes aware that a new building has been erected in any part of the area under his jurisdiction, such area having been sprayed by a spraying team, he shall immediately communicate the fact, along with details of the situation, nature and purpose of the building, to the District Officer of the district concerned.

**Power to direct persons to give information, etc..**

10. The Malaria Officer may at any time direct any person or class or group of persons to attend at a stated place and time for the purpose of giving information relating to malaria infection and submitting to a medical examination, including blood examination, and any person affected by such direction shall comply therewith.

**No compensation.**

11. No person shall be entitled to compensation for any expense incurred or damage suffered in pursuance of these Regulations unless such damage has been occasioned maliciously or without reasonable cause.

**Offences and penalties.**

12. (1) Any person who contravenes or fails to comply with any of the provisions of these Regulations or any direction given under these Regulations shall be guilty of an offence and shall be liable on conviction to fine of five hundred ringgit.

(2) Any person who obstructs any person engaged in carrying out these Regulations or in doing any act authorised by these Regulations or who refuses the entry to any premises of any person authorised under these Regulations to inspect or spray such premises shall be guilty of an offence and shall be liable on conviction to a fine of one thousand ringgit.

SCHEDULE

The whole area of Sabah excluding the urban areas of Kota Kinabalu and Sandakan.

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