

PUBLIC HEALTH ACT 1935

Public Health (Amendment) Regulations 2018

IN exercise of the powers conferred on me by section 143 of the Public Health Act 1935, I hereby make these Regulations—

Short title and commencement

1.—(1) These Regulations may be cited as the Public Health (Amendment) Regulations 2018.

(2) These Regulations come into force on 1 August 2018.

(3) In these Regulations, the Public Health Regulations 1937 is referred to as the “Principal Regulations”.

Part 10 deleted

2. The Principal Regulations are amended by deleting Part 10.

Part 13 inserted

3. The Principal Regulations are amended after regulation 142 by inserting the following new Part—

“PART 13—TRANSITION

Transfer of assets, interests, rights, privileges, liabilities and obligations

143.—(1) All assets, interests, rights, privileges, liabilities and obligations of a local authority in a rural district shall be transferred to and vest in municipal councils as designated under section 6A of the Local Government Act 1972 without conveyance, assignment or transfer.

(2) Any right or liability vested in a municipal council under subregulation (1) may, on or after 1 August 2018, be enforced by or against the municipal council in its own name and it is not necessary for the municipal council to give notice to any person whose right or liability is affected by the vesting.

Appointees and employees

144.—(1) Any appointment made to a local authority in a rural district immediately prior to 1 August 2018 shall be revoked.

(2) Any person whose appointment has been revoked under subregulation (1) may be appointed by the Board for the purposes of carrying out its functions under the Act or subsidiary legislation in a rural district.

(3) Any person employed by a local authority in a rural district immediately prior to 1 August 2018 shall be transferred to the municipal council designated under section 6A of the Local Government Act 1972.

(4) Until such time as the terms and conditions of employment of persons transferred under subregulation (3) are determined by the municipal council, the terms and conditions immediately prior to the transfer shall continue to apply to such persons.

Existing deed, bond, agreement, instrument or arrangement

145. All deeds, bonds, agreements, instruments and arrangements to which a local authority in a rural district is a party immediately prior to 1 August 2018 shall continue in force and shall be enforceable by or against a municipal council as designated under section 6A of the Local Government Act 1972 as if the municipal council had been a party to the deed, bond, agreement, instrument or arrangement.

Continuation of proceedings

146. Any action, arbitration, proceeding or cause of action that, immediately prior to 1 August 2018, is pending against or in favour of a local authority in a rural district, or to which a local authority in a rural district is a party, may be prosecuted and, without amendment to any writ, pleading or other document, continued and enforced against or in favour of the Board.

Regulations

147. Pursuant to section 142 of the Act, the following subsidiary laws shall be carried out under the Local Government Act 1972—

- (a) Lami (Garbage Removal and Disposal) By-laws 2008;
- (b) Lautoka (Garbage Removal and Disposal) By-laws 2000;
- (c) Nasinu (Garbage Removal and Disposal) By-laws 2000;
- (d) Nausori (Garbage Removal and Disposal) By-laws 2012;
- (e) Navua Rural Local Authority (Garbage Removal and Disposal) By-laws 2012;
- (f) Public Health (Sanitary Services) Regulations 1941; and
- (g) Suva (Garbage Disposal) By-laws 2009.”.

Existing deed, bond, agreement, instrument or arrangement

145. All deeds, bonds, agreements, instruments and arrangements to which a local authority in a rural district is a party immediately prior to 1 August 2018 shall continue in force and shall be enforceable by or against a municipal council as designated under section 6A of the Local Government Act 1972 as if the municipal council had been a party to the deed, bond, agreement, instrument or arrangement.

Continuation of proceedings

146. Any action, arbitration, proceeding or cause of action that, immediately prior to 1 August 2018, is pending against or in favour of a local authority in a rural district, or to which a local authority in a rural district is a party, may be prosecuted and, without amendment to any writ, pleading or other document, continued and enforced against or in favour of the Board.

Subsidiary legislation to be applied under Local Government Act 1972

147. Pursuant to section 142 of the Act, the following subsidiary legislation shall be applied under the Local Government Act 1972—

- (a) Lami (Garbage Removal and Disposal) By-laws 2008;
- (b) Lautoka (Garbage Disposal) By-laws 1944;
- (c) Nasinu (Garbage Removal and Disposal) By-laws 2000;
- (d) Nausori (Garbage Removal and Disposal) By-laws 2012;
- (e) Navua Rural Local Authority (Garbage Removal and Disposal) By-laws 2012;
- (f) Public Health (Sanitary Services) Regulations 1941; and
- (g) Suva (Garbage Disposal) By-laws 2009.”.

Made this 31st day of July 2018.

R. S. AKBAR
Minister for Health and Medical Services