

CAYMAN ISLANDS



ENVIRONMENTAL HEALTH BILL, 2026

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A BILL FOR AN ACT TO PROVIDE THE LEGISLATIVE FRAMEWORK FOR ENVIRONMENTAL HEALTH IN THE ISLANDS; TO PROVIDE FOR THE FUNCTIONS OF THE DIRECTOR OF ENVIRONMENTAL HEALTH AND ENVIRONMENTAL HEALTH OFFICERS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Health, Environment and Sustainability



Memorandum of OBJECTS AND REASONS

This Bill provides the legislative framework for environmental health in the Islands, provides for the functions of the Director of Environmental Health and Environmental Health Officers and for incidental and connected purposes.

The Bill is divided into fourteen parts, contains fifty-seven clauses and three schedules.

PART 1 - PRELIMINARY

Part 1 of the Bill deals with preliminary matters.

Clause 1 provides for the short title and commencement of the legislation.

Clause 2 contains definitions of words used throughout the legislation, including definitions such as “adversely affect”, “Director”, “environmental health”, “food”, “food handling”, “hazardous waste”, “potentially health-impacting trade” and “statutory nuisance”.

PART 2 - ADMINISTRATION

Part 2 of the Bill deals with the administration of the legislation, including providing for the functions of the Director of the Department of Environmental Health, the Environmental Health Officers and the Department.

Clause 3 continues to establish the Department of Environmental Health (the “Department”), with its staff appointed or designated under the Public Service Management Act (2018 Revision). The clause further provides that the Department shall have a Director and suitably qualified staff appointed or designated by the Director to perform the functions of the Department.

Clause 4 provides that the Department is headed by the Director, who shall exercise the functions conferred on the Director under this legislation and any other Act. The Director may also exercise the functions of an Environmental Health Officer, direct Environmental Health Officers in the performance of their functions and delegate certain powers to an Environmental Health Officer.

Clause 5 provides that an Environmental Health Officer is to perform the functions conferred under this legislation or any other Act, as well as any functions directed by the Director.

Clause 6 provides for the functions of the Department. These functions include —

- (a) monitoring environmental health risks and implementing preventative and remedial measures to reduce harm from physical, chemical, biological and radiological factors;

- (b) liaising with relevant governmental bodies, health care and other care facilities in providing reports, statistics, technical advice and assistance, and monitoring and inspection services;
- (c) promoting environmental health standards;
- (d) providing or facilitating relevant training under the legislation; and
- (e) raising public awareness of environmental health issues and providing services, facilities, programmes and training to support the Department's functions.

The clause further provides at subclause (2) that the Department shall continuously improve public services aimed at preventing environmental health related illness or injury and protecting and improving public health in the Islands.

PART 3 - LABORATORY SERVICES

Part 3 of the Bill provides for environmental health laboratories.

Clause 7 provides that the Cabinet, after consultation with the Director and the Chief Medical Officer, has the power, by Order —

- (a) to designate laboratories to provide services that support the functions of the Department, such as undertaking physical, chemical, biological and radiological analysis of any substance, investigating environmental factors that adversely affect health or maintaining linkages with international laboratories or institutes that offer analytical services that are not available in the Islands; and
- (b) to prescribe quality standards for laboratory services that shall be in accordance with internationally recognised standards.

In carrying out those services, the staff of an environmental health laboratory shall comply with directives from the Director, including a direction to collaborate with a public health laboratory (that is, a laboratory designated under the Public Health Act, 2026).

PART 4 - STATUTORY NUISANCES

Part 4 of the Bill sets out statutory nuisances and the Director's duties with respect to them.

Clause 8 provides that the Director shall monitor statutory nuisances in the Islands and take steps to prevent and remediate them. However, in respect of any action the Director may take that may adversely affect the environment generally or any natural resource protected under the National Conservation Act (2013), the Director shall first consult with the National Conservation Council.

Clause 9 sets out statutory nuisances for the purpose of the legislation.

PART 5 - POTENTIALLY HEALTH-IMPACTING TRADES

Part 5 of the Bill provides for potentially health-impacting trades.



Clause 10 provides that the Director shall monitor potentially health-impacting trades and take steps to ensure they are conducted safely and in accordance with the legislation.

Clause 11 specifies the trades that constitute potentially health-impacting trades under the legislation. They include cosmetology, hairdressing and barber services, tattooing and body piercing services, mining and waste management. The clause also creates an offence for anyone who conducts a potentially health-impacting trade in a manner that adversely impacts the health of another person. The penalty for this is twelve months imprisonment, a fine of five thousand dollars or both on summary conviction.

Subclause (3) of Clause 11 also provides that it is a defence for a person charged with this offence to prove that he or she could not reasonably have known of the health risk, or that he or she took reasonable precautions, exercised due diligence and gave appropriate advice about the risk. In determining if the conduct of a potentially health-impacting trade is or was likely to adversely affect health, subclause (4) provides that regard is to be had to the immediate, short-term or long-term effects, the cumulative health impacts, the health sensitivity of users over an extended period and internationally recognised safety standards.

Clause 12 provides that an employer whose operations include a potentially health-impacting trade has a duty to identify, assess and control the health risks in the workplace and classify activities according to the level and nature of the health risks in the workplace.

PART 6 - FOOD SAFETY AND HYGIENE

Part 6 deals with food safety and food hygiene.

Clause 13 provides that the Director is responsible for monitoring the way in which food intended for human consumption is handled. The Director shall also take steps under the legislation to protect the public from food unfit for human consumption.

Clause 14 creates an offence for any person who causes food intended for human consumption to become unfit for human consumption. The penalty for the offence is, on summary conviction, two years imprisonment, a fine of ten thousand dollars or both.

The clause provides that a person who sells or offers food for sale that is likely to adversely affect the health of a person commits an offence and is liable on summary conviction to imprisonment for twelve months, a fine of five thousand dollars or to both.

A person charged under this clause may not be liable if the person proves that, at the time of the sale or offer for sale of the food, the person —

- (a) did not know, and could not with reasonable diligence have ascertained, that it was likely to adversely affect health; or
- (b) the person had taken all reasonable precautions and exercised all due diligence to ensure that the health of any person who consumed it would not be adversely affected.

In determining if food is likely to adversely affect the health of a person —

- (a) regard shall be had to the likely immediate, short-term, and long-term effects of that food on the health of a person consuming it;

- (b) regard shall be had to the likely cumulative effects of that food on the health of a person consuming it in ordinary quantities;
- (c) regard shall be had to the health sensitivities of any category of consumers if the food was intended specifically for that category of consumers; and
- (d) regard may be had to internationally recognised standards relating to food safety and hygiene.

Clause 15 creates an offence for a person who sells, or offers for sale, food that is unfit for human consumption. This clause specifies that, in determining unfitness for human consumption, consideration must be given to whether the contamination was due to an extraneous matter or to putrefaction, deterioration or decay. The punishment for the offence, on summary conviction, is imprisonment not exceeding six months, a fine not exceeding two thousand dollars or both.

Clause 16 makes it an offence for a person to sell or offer for sale, for human consumption, food that is falsely described or presented in a way intended to mislead the consumer with respect to the nature, substance or quality of the food. A person charged with this offence may plead a defence that the person did not know, or could not with reasonable diligence have known, that the food was of such a nature or composition as to give rise to the offence. If convicted summarily of the offence, the punishment is imprisonment of six months, a fine of two thousand dollars or both.

Clause 17 provides a definition of “sale of food”.

Clause 18 provides for the following presumptions about food —

- (a) food commonly used for human consumption that is sold, offered, exposed, presented or kept for sale is presumed to be intended for sale for human consumption, unless the contrary is proven;
- (b) any food commonly used for human consumption which is found on premises used for the importation, exportation, manufacture, production, transportation, storage, preparation, or sale of that food is presumed to have been intended for sale for human consumption, unless the contrary is proven;
- (c) any article or substance capable of being used in the composition or preparation of any food commonly used for human consumption which is found on premises at which that food is prepared is presumed to be intended for the composition or preparation of food for human consumption, unless the contrary is proven; and
- (d) all food which is part of a batch, lot or consignment of the same description or class is presumed to be in the same condition, unless the contrary is proven through a detailed assessment.

PART 7 - AIR QUALITY

Part 7 of the Bill provides for the duties of the Director in respect of the quality of air in the Islands and offences for a person who contaminates the air.



Clause 19 provides that the Director shall monitor and regulate air quality in the Islands and, in so doing, shall take steps necessary to protect the public from air quality that will adversely affect the health of the public.

Clause 20 creates an offence for any person who causes or permits the emission of any substance that contaminates the air to such an extent as to adversely affect the health of a person. On summary conviction, a person found guilty of this offence is liable to imprisonment for two years, a fine of ten thousand dollars or both.

Clause 20 further provides, at subclause (2), that a person may defend against the offence by proving that he or she could not reasonably have known the emission contaminated the air so as to adversely affect a person's health and that he or she took all reasonable precautions and exercised due diligence to ensure that the health of the person was not adversely affected by the emission.

Clause 20 also provides, at subclause (3), that in determining if the air was contaminated so as to be likely to adversely affect health, regard —

- (a) shall to be had to the immediate, short-term or long-term effects and the cumulative health impacts of consumption of the air; and
- (b) may be had to internationally recognised safety standards.

PART 8 – NOISE AND VIBRATION

Part 8 of the Bill deals with noise and vibration that may adversely affect the health of persons and how such noise and vibration could be prevented.

Clause 21 provides the duties of the Director in protecting the public from noise or vibrations that may adversely affect health and cause unreasonable interference with a person's enjoyment of various aspects of life, either privately or in a public place.

Clause 22 creates an offence for any person who causes or permits noise or vibration to be generated so as to adversely affect the health of a person. The penalty for such an offence on summary conviction is imprisonment for three months, a fine of five thousand dollars or both.

Clause 22 further provides, at subclause (2), that a person may defend against the offence by proving that he or she could not reasonably have known that the noise or vibration generated was to an extent to adversely affect a person's health and that he or she took all reasonable precautions and exercised due diligence to ensure that the health of the person was not adversely affected by the noise or vibration.

Clause 22 also provides, at subclause (3), that in determining if the noise or vibration generated is or was likely to adversely affect health, regard is to be had to the level of the noise or vibration with the use of a sound level meter or similar measuring device, the duration of the noise or vibration, the time of day or night of the noise or vibration, the location at which the noise or vibration is being generated and its proximity to locations inhabited or frequented by members of the public and internationally recognised standards relating to harmful levels of noise and vibration.

Clause 23 empowers an Environmental Health Officer to enter premises from which noise or vibration is generated in order to ascertain its source, level, likely duration, or to request the licence or permit allowing such noise or vibration. Subclause (2) of clause 23 restricts an Environmental Health Officer from entering a dwelling house or tourist accommodation without permission from the person in charge, unless the noise or vibration is occurring at the time of arrival of the Environmental Health Officer who is accompanied by a constable.

Clause 24 authorises the Environmental Health Officer or constable to require a person in control of the noise or vibration to take immediate steps to reduce it and sets out the requirements the officer or constable are to consider before action is required.

Clause 25 provides that failure to comply with an abatement order constitutes an offence punishable, on summary conviction, to imprisonment for one month, a fine of one thousand dollars or both. The clause also allows the seizure of equipment generating the noise or vibration for a period of no more than three days, but allows its earlier release if the Environmental Health Officer or constable who seized the equipment reasonably believes that its return will not result in the resumption of the noise or vibration.

PART 9 - ENFORCEMENT MEASURES

Part 9 of the Bill contains enforcement measures.

Clause 26 provides the circumstances in which an Environmental Health Officer may inspect premises. These circumstances are —

- (a) where the Environmental Health Officer is acting on a complaint or a report received and reasonably believes that a provision of this legislation, or a regulation made under this legislation, is being contravened or had been contravened at the premises;
- (b) a statutory body with responsibility for granting, issuing or renewing licenses, permits, or similar approvals requests confirmation from the Director that no provisions of this legislation are being contravened, or are likely to be contravened, at the premises; or
- (c) the Director authorises an inspection of the premises in furtherance of the Director's duties under this legislation.

The Environmental Health Officer may enter a dwelling-house having given six hours' notice to the occupier of the residence or on a warrant to enter issued by a magistrate. However, where the urgency of the risk to public health warrants, entry may be permitted by the Director.

During the course of an inspection, the clause further permits the taking of any item, substance or sample for further examination and for the Environmental Health Officer conducting the inspection to request certain documents.

Clause 27 empowers an Environmental Health Officer to issue a formal warning or a formal advice to a person in breach of this legislation, or who may be at risk of breaching this legislation, respectively.



Clause 28 empowers an Environmental Health Officer to issue a written improvement notice or a notice to desist to a person the Environmental Health Officer reasonably believes is causing or permitting an infraction adversely affecting public health specified in the clause. The specifications of the notice are set out in subclause (2) of clause 28. The clause also specifies how service is to be effected and that any appeal against such a notice shall be in accordance with the procedures set out in Schedule 3.

Clause 29 creates an offence for a person who fails to comply with a notice to improve or desist, which carries, on summary conviction, a penalty of a fine of two thousand dollars and a further fine of two hundred dollars for each day of non-compliance with the notice.

Clause 30 provides the steps to be taken by an Environmental Health Officer to whom it appears that food, intended for human consumption, is unfit for human consumption. These steps include the issuance of a notice for storage and preservation of the food, seizure of the food and the determination of the fitness of the food for human consumption within twenty-eight days of the notice. This clause further provides that, where an Environmental Health Officer orders the condemnation and subsequent destruction or disposal of food under this Part, no action shall be brought or fixed penalties issued against the person whose food was so condemned and destroyed or disposed for any offence specified under Part 6.

Clause 30 also provides that expenses incurred by the Director for the seizure, storage, destruction and disposal of food will be borne by the owner of the food, but that the Director shall compensate the owner for any depreciation in value of the food resulting from an action of an Environmental Health Officer if the notice is withdrawn or the Director declines to condemn the food.

Clause 31 provides for the seizure of any item or substance that presents an imminent risk of adversely affecting the health of a person. This clause specifies the steps to be taken by an Environmental Health Officer, including keeping a record of anything seized. Subclause (3) provides that after fourteen days have elapsed from the seizure of any item or substance, the person aggrieved by the seizure may request of the Director, in writing, the return of that item or substance. The subclause also provides factors that the Director is to consider in making the decision.

Clause 32 provides that the Director may apply to a court of summary jurisdiction for an order for forfeiture of any item or substance seized.

Clause 33 provides for closure orders. A closure order may be sought from the Grand Court by the Director in instances where the Director believes that any premises or any activity conducted on any premises is seriously adversely affecting the health of a person in a manner that cannot be remedied under the other enforcement measures of this legislation. The clause also sets out the procedure for the application to the Grand Court, the court's hearing of the application and the subsequent decision. A closure order may be made in respect of the whole or a part of premises and may include provisions for access to part of any premises.

The clause further provides that the Court may order the Director to take all reasonable steps to secure suitable accommodations for the occupant of a dwelling-house who, in

circumstances beyond his or her control, is unable to secure temporary alternative accommodation. The expenses of that accommodation are payable by the occupant.

Clause 34 empowers the Director to enter premises to undertake works for the prevention or remediation of a contravention under the legislation if the Director is satisfied of the existence of a contravention. The clause further provides the manner in which the Director may exercise this power including under which circumstances the power may be exercised with or without the consent of the owner or occupier of the premises. A person who, in furtherance of the power of the Director, has been asked to provide assistance, shall comply with the request and any expenses incurred by the Director in carrying out this power are recoverable from the owner or occupier of the premises.

PART 10-REMOVAL, TREATMENT AND DISPOSAL OF REFUSE

Part 10 of the Bill deals with the removal, treatment and disposal of refuse.

Clause 35 empowers the Director to, with respect to the whole or part of the Islands —

- (a) undertake the collection, segregation, removal, transportation, treatment, reuse, recycling, recovery, transfer, export or disposal of garbage and refuse;
- (b) undertake the cleaning of any apparatus used for the purposes of storage or disposal of human waste; and
- (c) in accordance with the Procurement Act (2023 Revision), engage a person under contract to undertake such services.

Clause 36 requires the Director to maintain in good condition, a facility, a plant or apparatus provided by or on behalf of the Government for, among other things, the treatment or disposal of garbage or refuse.

Clause 37 gives the Director the power to sell anything removed from premises and for the proceeds to be paid into the general revenue of the Islands.

Clause 38 empowers the Director, by Order published in the Gazette, to require the owner or occupier of premises to provide and maintain suitable waste bins as may be prescribed. Failure of a person to do so constitutes an offence punishable, on summary conviction, by a fine of two hundred dollars.

Clause 39 makes it an offence for a person to interfere without legal authority with a waste bin or to trespass on a facility provided by, or on behalf of the Government for the treatment and disposal of refuse. This offence carries, on summary conviction, a fine of five hundred dollars.

PART 11 - HAZARDOUS WASTE

Part 11 of the Bill deals with hazardous waste.

Clause 40 provides that the Director has a duty to monitor the production, storage, transportation and disposal of hazardous waste.



Clause 41 provides that the Chief Medical officer may direct, by Order, the safe transportation, storage and disposal of hazardous waste or items or substances that are capable of generating hazardous waste. The Order shall prescribe the least restrictive and the least onerous measures to protect the health of the public arising from the management of such hazardous waste or items or substances that are capable of generating hazardous waste.

The clause further provides that the Chief Medical Officer may be heard in proceedings arising from a contravention of the Order.

PART 12 - SWIMMING POOLS

Part 12 of the Bill deals with swimming pools.

Clause 42 provides the duties of the Director to monitor the safe construction of swimming pools.

Clause 43 provides that the Director may order the closure of a swimming pool where the Director is satisfied that the swimming pool poses a risk to public health. The clause also provides the manner in which this order may issued, including the requirements related to the form of the order (verbal or written) and the closure period of the swimming pool. It also provides that the order may be rescinded if the risk is mitigated or rectified. Failure to comply with a closure order is an offence punishable on summary conviction to a fine of five thousand dollars under the clause.

PART 13 - HANDLING AND DISPOSAL OF HUMAN REMAINS

Part 13 of the Bill contains clause 44 that provides that the Director is responsible for approving the importation, burial and exhumation of human remains in accordance with regulations.

PART 14 - GENERAL

Part 14 of the Bill provides for general matters.

Clause 45 requires an Environmental Health Officer to produce a Government-issued identification card when exercising functions under the legislation.

Clause 46 creates offences for a person who gives false or misleading information to a public officer, intentionally obstructs or hinders a public officer, or fails, without reasonable excuse, to assist a public officer exercising a function under the legislation. The penalties for these offences, on summary conviction, are imprisonment for six months or a fine of one thousand dollars, or both, imprisonment for three months or a fine of five hundred dollars or both, and a fine of five hundred dollars, respectively.

Clause 47 permits the Director to initiate proceedings for offences under the legislation or regulations under the legislation.

Clause 48 provides that, where an offence under the legislation is committed by a body corporate due to the consent or connivance of a director, manager, secretary or similar officer of the body corporate or any person in purported authority, then that individual may be charged with the offence.

Clause 49 provides that the Director shall notify the Director of Public Health in writing advising of any risk that may be adversely affecting public health. On receipt of the information, the Director of Public Health shall cause this information to be communicated to the public. The clause also provides that if the Director, subsequent to the Director of Public Health informing the public of the risk, becomes aware that the risk is in fact not established, the Director shall inform the Director of Public Health.

Clause 50 provides that a referral may be made in writing at anytime by the Director or Chief Medical Officer, if satisfied that there has been a contravention of the legislation. The referral may be made to the Director of the Department of Commerce and Investment (where the contravention is by a trade or business as defined by section 2 of the *Trade and Business Act (2026 Revision)*) or another public officer or statutory body as may be relevant. A referral under this clause will allow the seriousness of the contravention to be ascertained, but will not inhibit the exercise of any public officer's functions.

Clause 51 provides that a public officer will not be personally liable in civil proceedings for any act or the failure to act in the discharge or purported discharge of his or her functions, unless the act or omission was done in bad faith. In any event, a civil proceeding shall not be brought against a public officer personally in respect of any act or failure to act without the leave of the Grand Court.

Clause 52 provides that any person aggrieved by a decision of a public officer or the failure of a public officer to act under the legislation may seek judicial review.

Clause 53 provides for a system of fixed penalties in lieu of court proceedings. The clause also provides that the fixed penalties are to be prescribed. In deciding whether to issue a fixed penalty, the clause provides what the Director should consider the nature and seriousness of the offence, including the level of culpability of the person, if the person expressed any genuine remorse and if any steps were taken at restitution.

The clause provides that the procedure for fixed penalties is set out in Schedule 1 of the legislation.

Clause 54 provides that any monies payable under the legislation are recoverable as a civil debt in a court of competent jurisdiction.

Clause 55 provides that a notice or document served under the legislation or regulations under the legislation will not be invalidated by the fact that the notice or document contains an inaccuracy unless such inaccuracy is proved material or misleading.

Clause 56 sets out the regulation-making power of the Cabinet. The clause specifies the regulations that the Cabinet may only make after consultation with the Director, the Chief Medical Officer, or both. Regulations may be made under the legislation, among other things, for food handling, food hygiene, the management of hazardous waste, noise and vibration, air quality, potentially health-impacting trades, handling and disposal of human

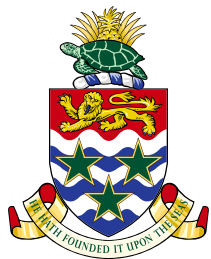


waste, treatment and disposal of garbage and refuse, prescribing fixed penalties and prescribing fines for offences created under the regulations to the legislation.

Clause 57 provides for transitional matters.

Schedule 1 to the Bill provides the procedure for the fixed penalties system, Schedule 2 sets out the fixed penalty notice procedure and Schedule 3 sets out the appeal process against notices to improve or desist.

CAYMAN ISLANDS



ENVIRONMENTAL HEALTH BILL, 2026

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ENVIRONMENTAL HEALTH BILL, 2026

A BILL FOR AN ACT TO PROVIDE THE LEGISLATIVE FRAMEWORK FOR ENVIRONMENTAL HEALTH IN THE ISLANDS; TO PROVIDE FOR THE FUNCTIONS OF THE DIRECTOR OF ENVIRONMENTAL HEALTH AND ENVIRONMENTAL HEALTH OFFICERS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

PART 1 - PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Environmental Health Act, 2026.
- (2) This Act comes into force on such date as may be appointed by Order made by the Cabinet and different dates may be appointed for different provisions of this Act and in relation to different matters.

Interpretation

2. In this Act —

“**adversely affect**”, with respect to the health of a person, includes cause illness or injury;

“**air**” includes indoor air and outdoor air;

“**aircraft**” means anything constructed or used for the conveyance of persons or goods by air, however propelled;

“**Airports Authority**” means the statutory authority established by section 3 of the *Airports Authority Act (2005 Revision)*;

“**Cabinet**” means the body established by section 44 of the *Constitution of the Islands*;

“**Chief Medical Officer**” means the person appointed as such under section 5 of the *Public Health Act, 2026*;

“**Clerk of the Court**” has the meaning assigned by section 2 of the *Summary Jurisdiction Act (2025 Revision)*;

“**community setting**” has the meaning assigned by section 2 of the *Public Health Act, 2026*;

“**constable**” means —

(a) a “**police officer**” as defined in section 2 of the *Police Act (2021 Revision)*;
or

(b) an “**officer**” as defined in section 2 of the *Customs and Border Control Act (2024 Revision)*;

“**controlled drug**” has the meaning assigned by section 2(1) of the *Misuse of Drugs Act (2026 Revision)*;

“**Department**” means the Department of Environmental Health established by section 3(1), unless the context clearly indicates otherwise;

“**Director**” means the Director of Environmental Health appointed or designated under section 3(2), unless the context clearly indicates otherwise;

“**Director of Public Health**” means the person appointed as the Director of the Department of Public Health under section 4 of the *Public Health Act, 2026*;

“**dwelling-house**” means any structure in which a person permanently or temporarily resides, but does not include a vehicle, a vessel, or tourist accommodation;

“**educational institution**” has the meaning assigned by section 2 of the *Education Act (2024 Revision)*;

“**environmental health**” means the discipline of identifying and understanding —

(a) the impacts of environmental exposures to hazardous physical, chemical, biological, radiological and other agents in air, water, soil, food; and

(b) other stressors that may adversely affect the health of a person,

in order to prevent risk of harm and promote good health;

“**environmental health laboratory**” means a laboratory so designated under section 7;



“**Environmental Health Officer**” means a person employed or designated as such under section 3(2);

“**food**” means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans, and includes parts of animals slaughtered for human consumption, drink, chewing gum and any substance, including water, intentionally incorporated into food during its manufacture, preparation or treatment, but does not include animal feed, live animals, medicinal products or controlled drugs, cosmetics, tobacco products, residues or contaminants;

“**food handling**” or “**handling of food**” means any activity involving food intended for human consumption in a community setting or by a commercial entity, including its production, collection, extraction, processing, storage, transportation, preparation, treatment, preservation, packing, cooking, thawing, serving, display or sale;

“**Grand Court**” means the court established by section 94 of the *Constitution of the Islands*;

“**hazardous waste**” means any item, substance, or combination thereof, whether from commercial or non-commercial sources, that may adversely affect the health of a person, other living organism or the environment if appropriate precautions are not taken in relation to its safe production, storage, handling, transportation and disposal;

“**health care facility**” has the meaning assigned by section 2 of the *Health Practice Act (2026 Revision)*;

“**infectious disease**” has the meaning assigned by section 2 of the *Public Health Act, 2026*;

“**litter**” has the meaning assigned by section 2 of the *Litter Act (1997 Revision)*;

“**person responsible**” means —

- (a) a person to whose act, default or sufferance a contravention of this Act is properly attributable;
- (b) in relation to a contravention of this Act involving a vehicle, an aircraft or a vessel, may include a person registered or licenced to operate it, or its driver or operator; or
- (c) in relation to a contravention of this Act involving machinery or equipment, may include any person who is operating it;

“**Port Authority**” means the statutory authority established by section 3 of the *Port Authority Act (2025 Revision)*;

“**portfolio**” has the meaning assigned by section 2 of the *Public Service Management Act (2018 Revision)*;

“**potentially health-impacting trade**” means any trade specified or prescribed as such under section 11;

“**premises**” means any building or land, whether open or enclosed, whether privately owned, publicly owned, or maintained under statutory authority, and includes any part of such premises, ponds, lakes, drains, canals and inland watercourses;

“**public health laboratory**” means a laboratory so designated under section 8 of the *Public Health Act, 2026*;

“**Public Health Officer**” has the meaning assigned by section 2 of the *Public Health Act, 2026*;

“**public place**” means any land, not including land within buildings enclosed on all sides, to which members of the public have general access, whether for payment or not, and includes land comprising ponds, lakes, drains, canals and inland watercourses;

“**risk of harm**” has the meaning assigned by section 2 of the *Public Health Act, 2026*;

“**refuse**” means any item or substance that has been disposed of with the intention that it be removed, recycled, or otherwise treated as waste;

“**serious harm**” has the meaning assigned by section 2 of the *Public Health Act, 2026*;

“**statutory nuisance**” means an activity or circumstance specified or prescribed as such under section 9;

“**substance**” means any natural or artificial matter that has identifiable physical characteristics, and includes liquids, gases, and chemical, physical or biological agents;

“**swimming pool**” means any structure intended for swimming, recreational bathing or wading, including a spa or hot tub;

“**vehicle**” has the meaning assigned by section 2 of the *Traffic Act (2026 Revision)*;

“**vessel**” has the meaning assigned by section 2 of the *Port Authority (2025 Revision)*; and

“**vermin**” means any animal, including a live mammal, reptile, amphibian, bird, fish, invertebrate or insect, that may present a risk of infectious disease and is difficult to control in its growth and distribution, and includes the eggs, larvae and pupae of such animal, but does not include any protected species under Schedule 1 of the *National Conservation Act, 2013* unless the taking of that species is authorised by a permit or a licence under that Act.



PART 2 - ADMINISTRATION

Department of Environmental Health

3. (1) There continues to be established a Department of Environmental Health, the staff of which are appointed or designated under the *Public Service Management Act (2018 Revision)* on such terms and conditions specified in their instruments of appointment or designation.
- (2) The staff of the Department shall include a Director of Environmental Health and such number of persons, with qualifications or experience in matters relating to environmental health, as appear to be necessary to exercise the functions of Environmental Health Officers under this or any other Act, to be appointed or designated by the Director.

Director of Environmental Health

4. (1) The Director has the functions conferred on the Director under this Act and any other Act.
- (2) The Director is the head of the Department and may —
- (a) give general or specific directions to Environmental Health Officers as to the performance of their functions under this Act; and
 - (b) exercise any of the functions of an Environmental Health Officer under this or any other Act.
- (3) The Director may delegate in writing any of the Director's powers to an Environmental Health Officer except those set out in sections 26(4), 43, 49 and 50 of this Act.

Environmental Health Officers

5. An Environmental Health Officer shall exercise the functions conferred on the Environmental Health Officer under this or any other Act in addition to any lawful general or specific direction given by the Director.

Functions of the Department of Environmental Health

6. (1) The functions of the Department are —
- (a) to monitor and carry out environmental health surveillance of physical, chemical, biological and radiological factors that are external to a person and may adversely affect health, with a view to instituting preventative and remedial measures to reduce the risk of harm to a person from those factors;
 - (b) to liaise with ministries, portfolios, departments of Government, statutory authorities, Government companies and health care facilities and other care facilities with a view to providing reports, statistics, technical advice,

- technical assistance, monitoring, and inspection services in relation to environmental health;
- (c) to promote internationally recognised standards in relation to environmental health;
 - (d) to provide or facilitate any relevant training under this Act;
 - (e) to improve the awareness of members of the public as to the issues that may affect environmental health; and
 - (f) to provide services, facilities, programmes and training the Director considers appropriate to support the functions of the Department under this Act.
- (2) The Department shall exercise its functions in a manner that ensures continuous improvement in the quality of services provided to the public for, or in connection with —
- (a) the prevention of illness or injury linked to environmental health; and
 - (b) the protection or improvement of the health of the people of the Islands.

PART 3 - LABORATORY SERVICES

Environmental health laboratories

7. (1) After consultation with the Director and the Chief Medical Officer, the Cabinet may, by Order, designate one or more laboratories, or parts of laboratories, to provide any of the following services as may be required to support the Department in the performance of its functions —
- (a) undertaking physical, chemical, biological and radiological analysis of any substance;
 - (b) investigating environmental factors that adversely affect health; or
 - (c) maintaining linkages with international laboratories or institutes that offer analytical services that are not available in the Islands.
- (2) When performing services under this section, members of staff of environmental health laboratories shall comply with lawful directions given by the Director, including directions to collaborate with a public health laboratory.
- (3) After consultation with the Director and the Chief Medical Officer, the Cabinet may, by Order, prescribe quality standards for laboratory services provided under this section and the quality standards shall be in accordance with the World Health Organisation standards, the Pan American Health Organisation standards or other internationally recognised standards.



PART 4 - STATUTORY NUISANCES

Statutory nuisances: duties of Director

8. (1) The Director shall monitor the existence of statutory nuisances in the Islands and shall take steps under this Act to prevent or remediate them.
- (2) Before taking an action under subsection (1), the Director is subject to the duty under section 41 of the *National Conservation Act, 2013* to consult with the National Conservation Council established under section 3 of that Act, if that action may adversely affect the environment generally or any natural resource protected under that Act.

Statutory nuisances

9. (1) The following constitute statutory nuisances for the purposes of this Act —
- (a) premises, vehicles or vessels kept in an unsanitary condition that pose a direct or indirect threat to good health, resulting in immediate or long-term harm;
 - (b) the discharge or emission from premises, vehicles or vessels of a liquid, gas or other substance in a manner that adversely affects health or is a nuisance;
 - (c) the accumulation or deposit at premises of any material or substance, including water or moisture, that adversely affects health or is a nuisance;
 - (d) the keeping of an animal, or an animal carcass, at premises in a manner that adversely affects health or is a nuisance;
 - (e) the presence of vermin at premises to the extent that it adversely affects health or is a nuisance;
 - (f) the growth at any premises of vegetation which, whether due to its nature or the extent of its growth, adversely affects health or is a nuisance;
 - (g) premises without lighting or with lighting that is too dim or too bright or otherwise so defective as to adversely affect health or be a nuisance;
 - (h) premises without ventilation or with ventilation that is so poor as to adversely affect health or be a nuisance;
 - (i) artificial light emitted from premises that adversely affects health or is a nuisance unless the light is emitted from —
 - (i) premises owned or operated by the Airports Authority or the Port Authority;
 - (ii) premises used primarily for the purpose of operating public service vehicles;
 - (iii) premises used primarily for the purpose of embarkation and disembarkation from public service vehicles;

- (iv) premises used primarily for the purposes of outdoor sports and recreational events;
 - (v) a prison or other place of detention;
 - (vi) a lighthouse; or
 - (vii) premises belonging to any other category of premises prescribed by Cabinet by Order;
 - (j) noise or vibration emitted from premises, or from or by a vehicle, machinery, or equipment on a public highway, that adversely affects health or is a nuisance, except for noise emitted by —
 - (i) an aircraft;
 - (ii) a law enforcement, emergency service, or military vehicle;
 - (iii) general road traffic;
 - (iv) a public officer lawfully exercising functions under this or any other Act; or
 - (v) a lawful public procession or demonstration;
 - (k) the keeping of a swimming pool in such a condition, or state of disrepair, that it adversely affects health or is a nuisance;
 - (l) the accumulation or deposit of litter at any premises where —
 - (i) it is visible from a public highway or other public thoroughfare; and
 - (ii) it contributes to the defacement of the area,and the accumulation or deposit is not authorised under any other Act; and
 - (m) any other statutory nuisance as may be prescribed.
- (2) For the purposes of this section, “**public service vehicle**” means any of the following —
- (a) a public passenger vehicle as defined by section 2 of the *Traffic Act (2026 Revision)*;
 - (b) an emergency vehicle as defined by section 2 of the *Traffic Act (2026 Revision)*; or
 - (c) a non-emergency vehicle belonging to a Government entity with roof-mounted warning lights.



PART 5 - POTENTIALLY HEALTH-IMPACTING TRADES

Potentially health-impacting trades: duties of Director

- 10.** Without prejudice to the functions of any public officer or statutory body under this or any other Act, the Director shall monitor the manner in which potentially health-impacting trades are conducted in the Islands and shall take steps under this Act to ensure that those activities are conducted in a safe manner and in accordance with this Act.

Potentially health-impacting trades

- 11.** (1) The following constitute “potentially health-impacting trades” for the purposes of this Act —
- (a) cosmetology, hairdressing or barber services;
 - (b) tattooing or body-piercing services;
 - (c) mining;
 - (d) construction;
 - (e) chemical manufacturing;
 - (f) oil and gas operations;
 - (g) smelting or recycling of metal;
 - (h) waste management, including management of electronic waste; and
 - (i) any other trade as may be prescribed by Cabinet.
- (2) A person who conducts a potentially health-impacting trade in a manner that is likely to adversely affect the health of a person commits an offence and is liable on summary conviction to imprisonment for twelve months or to a fine of five thousand dollars or both.
- (3) In proceedings for an offence under this section it is a defence for a person to prove that, at the time the trade was conducted, either of the following circumstances applied —
- (a) the person did not know, and could not with reasonable diligence have ascertained, that the manner in which the trade was conducted was likely to adversely affect health; or
 - (b) the person had —
 - (i) taken all reasonable precautions and exercised all due diligence to address any risk that may adversely affect health; and
 - (ii) given appropriate advice in relation to any such risks to any person whose health may be adversely affected.
- (4) In determining whether the conduct of a potentially health-impacting trade is, or was, likely to adversely affect health for the purposes of this Act, regard shall be had to —

- (a) its likely immediate, short-term and long-term effects on the health of a person exposed to it;
- (b) its likely cumulative effects on the health of a person exposed to it over an extended period of time;
- (c) the health sensitivities of any category of persons for whom the services are specifically intended to be provided; and
- (d) internationally recognised standards relating to the safe conduct of the potentially health-impacting trade.

Duty of employer in potentially health-impacting trade

- 12.** An employer whose operations include a potentially health-impacting trade shall —
- (a) identify, assess and control occupational health hazards through a suitable and sufficient health risk assessment proportionate to the nature and level of risk; and
 - (b) classify work activities according to their occupational health risk, having regard to the likelihood, frequency, duration and severity of exposure to hazardous chemical, biological, physical, ergonomic or psychosocial agents.

PART 6 - FOOD SAFETY AND HYGIENE

Food safety and hygiene: duties of Director

- 13.** The Director shall —
- (a) monitor the handling of food; and
 - (b) take steps under this Act to protect the public from food likely to adversely affect health or otherwise be unfit for human consumption,
- to ensure that the handling of food is conducted in the manner as may be prescribed by the regulations.

Food likely to adversely affect health

- 14.** (1) A person who causes food intended for human consumption to become likely to adversely affect the health of a person by —
- (a) adding any substance to it;
 - (b) abstracting any constituent from it; or
 - (c) subjecting it to any other process or treatment,
- commits an offence and is liable on summary conviction to imprisonment for two years or to a fine of ten thousand dollars, or both.



- (2) A person who sells, or offers for sale, any food likely to adversely affect the health of a person as a result of any of the activities listed in subsection (1), commits an offence and is liable on summary conviction to imprisonment for twelve months or a fine of five thousand dollars or both.
- (3) In proceedings for an offence under subsection (2), it is a defence for a person to prove that, at the time the food was sold or offered for sale, either of the following circumstances applied —
 - (a) the person did not know, and could not with reasonable diligence have ascertained, that it was likely to adversely affect health; or
 - (b) the person had taken all reasonable precautions and exercised all due diligence to ensure that the health of any person who consumed it would not be adversely affected.
- (4) In determining whether any food is, or was, likely to adversely affect health for the purposes of this Act —
 - (a) regard shall be had to the likely immediate, short-term, and long-term effects of that food on the health of a person consuming it;
 - (b) regard shall be had to the likely cumulative effects of that food on the health of a person consuming it in ordinary quantities;
 - (c) regard shall be had to the health sensitivities of any category of consumers if the food was intended specifically for that category of consumers; and
 - (d) regard may be had to internationally recognised standards relating to food safety and hygiene.

Sale of food unfit for human consumption

- 15.** (1) A person who sells, or offers for sale, any food unfit for human consumption commits an offence and is liable on summary conviction to imprisonment for six months or a fine of two thousand dollars, or both.
- (2) In proceedings for an offence under this section it is a defence for a person to prove that, at the time the food was sold or offered for sale, either of the following circumstances applied —
- (a) the person did not know, and could not with reasonable diligence have ascertained, that it was unfit for human consumption; or
 - (b) the person had —
 - (i) displayed when it was offered for sale; and
 - (ii) provided to any person to whom it was sold,a written notice indicating that the food was unfit for human consumption.
- (3) In determining whether any food is, or was, unfit for human consumption for the purposes of this Act, regard shall be had to whether the food was unfit for human consumption because of contamination —

- (a) by extraneous matter or otherwise; or
- (b) through putrefaction, deterioration or decay.

Misleading description or misleading presentation of food

- 16.** (1) A person who sells, or offers for sale, food for human consumption —
- (a) in circumstances where the food is falsely described or presented for sale; or
 - (b) in a manner which is intended to mislead as to its nature, substance or quality,
- commits an offence and is liable on summary conviction to imprisonment for six months or a fine of two thousand dollars or to both.
- (2) In proceedings for an offence under this section it is a defence for a person to prove that the person did not know, or could not with reasonable diligence have ascertained, that the food was of such a nature or composition as to give rise to an offence under this section.

Meaning of “sale of food”

- 17.** In this Act, “**sale of food**” includes the following activities without regard to whether there is the payment of money in exchange for the food —
- (a) the supply of food in the course of the operation of a business;
 - (b) the supply of food in the course of the operation of —
 - (i) a canteen;
 - (ii) a club;
 - (iii) an educational institution;
 - (iv) a church or other place of worship;
 - (v) a health care facility;
 - (vi) a care facility;
 - (vii) a children’s home; or
 - (viii) a prison or other place of detention;
 - (c) the supply of food as a prize, reward or otherwise in connection with any form of entertainment or event to which members of the public are admitted; or
 - (d) any other activity as may be prescribed in regulations made by Cabinet.

Presumptions

- 18.** For the purposes of this Act —



- (a) if food commonly used for human consumption is sold, offered, exposed, presented or kept for sale it is presumed to be intended for sale for human consumption, unless the contrary is proven;
- (b) any food commonly used for human consumption which is found on premises used for the importation, exportation, manufacture, production, transportation, storage, preparation, or sale of that food is presumed to have been intended for sale for human consumption, unless the contrary is proven;
- (c) any article or substance capable of being used in the composition or preparation of any food commonly used for human consumption which is found on premises at which that food is prepared is presumed to be intended for the composition or preparation of food for human consumption, unless the contrary is proven; and
- (d) all food which is part of a batch, lot or consignment of the same description or class is presumed to be in the same condition, unless the contrary is proven through a detailed assessment of the batch, lot or consignment.

PART 7 - AIR QUALITY

Air quality: duties of Director

- 19.** The Director shall monitor and regulate the quality of air in the Islands by taking steps —
- (a) to protect the public from air that is capable of adversely affecting health; and
 - (b) to ensure that any activities that may adversely affect the quality of air are conducted in accordance with this Act.

Offence of air contamination

- 20.** (1) A person who causes or permits the emission of any substance that causes the air to be contaminated to the extent that it is likely to adversely affect the health of a person commits an offence and is liable on summary conviction to imprisonment for two years or to a fine of ten thousand dollars, or to both.
- (2) In proceedings for an offence under this section it is a defence for a person to prove that any of the following circumstances applied —
- (a) at the time of the emission the person did not know, and could not with reasonable diligence have ascertained, that it was likely to adversely affect health;
 - (b) the person took all reasonable precautions and exercised all due diligence to ensure that the health of a person was not adversely affected as a result of the emission; or

- (c) the person took all reasonable steps to enable a person who may be exposed to the emission to protect the second-mentioned person's own health from any risks arising from exposure to the emission.
- (3) In determining whether any air was contaminated to the extent that it was likely to adversely affect health for the purposes of this Act —
 - (a) regard shall be had to the likely immediate, short-term and long-term effects of the air on the health of a person;
 - (b) regard shall be had to the likely cumulative effects of the air on the health of a person exposed to it in ordinary quantities; and
 - (c) regard may be had to internationally recognised standards relating to air quality.

PART 8 - NOISE AND VIBRATION

Noise and vibration: duties of Director

- 21.** Without prejudice to the functions of a constable or an Environmental Health Officer under the *Towns and Communities Act (1995 Revision)*, the Director shall monitor levels of noise and vibration in the Islands and shall take steps under this Act to protect the public from noise or vibration capable of —
- (a) adversely affecting health; or
 - (b) causing unreasonable interference with a person's —
 - (i) enjoyment of the person's dwelling-house or tourist accommodation;
 - (ii) ability to hear, to concentrate or to study at an educational institution;
 - (iii) ability to hear in a public place; or
 - (iv) ability to rest at a health care facility or other care facility,
- and to ensure that any activities involving the generation of noise or vibrations are conducted in accordance with regulations as may be prescribed.

Harmful noise or vibration

- 22.** (1) A person who causes or permits noise or vibration to be generated in circumstances where it is likely to adversely affect the health of a person commits an offence and is liable on summary conviction to imprisonment for three months, or to a fine of five thousand dollars or to both.
- (2) In proceedings for an offence under this section it is a defence for a person to prove that, at the time that the noise or vibration was generated —
- (a) the person did not know, and could not with reasonable diligence have ascertained, that the noise or vibration was being generated in a manner likely to adversely affect health;



- (b) the person had taken all reasonable precautions and exercised all due diligence to ensure that the health of a person would not be adversely affected as a result of the noise or vibration; or
 - (c) the person had taken appropriate measures to enable any person who may be exposed to the noise or vibration to protect their own health from any risks arising from it.
- (3) In determining whether any noise or vibration is, or was, likely to adversely affect the health of a person for the purposes of this Act —
 - (a) regard shall be had to the level of the noise or vibration with the use of a sound level meter or similar measuring device;
 - (b) regard shall be had to the duration of the noise or vibration;
 - (c) regard shall be had to the time of day or night of the noise or vibration;
 - (d) regard shall be had to the location at which the noise or vibration is or was generated and its proximity to locations inhabited or frequented by members of the public; and
 - (e) regard may be had to internationally recognised standards relating to harmful levels of noise and vibration.

Power of entry

- 23.** (1) Subject to subsection (2), an Environmental Health Officer may at any time enter premises from which noise or vibration is emitted for any of the following purposes —
- (a) establishing the source of the noise or vibration;
 - (b) assessing the level of the noise or vibration;
 - (c) establishing the likely duration of the noise or vibration; or
 - (d) requesting the production of any licence or permit relating to any activity giving rise to the noise or vibration.
- (2) Entry shall not be made to a dwelling-house or tourist accommodation under this section without the written consent of a person with control over the premises unless —
- (a) the noise or vibration is occurring at the time of the arrival of the Environmental Health Officer; and
 - (b) the Environmental Health Officer is accompanied by a constable in uniform.

Requirement to reduce noise or vibration

- 24.** (1) If an Environmental Health Officer or a constable reasonably believes that —
- (a) noise or vibration is being emitted from premises in contravention of section 22; or

- (b) noise or vibration is being emitted from premises in circumstances amounting to an unreasonable interference with a person's —
 - (i) enjoyment of the person's dwelling-house or tourist accommodation;
 - (ii) ability to study at an educational institution;
 - (iii) ability to hear in a public place; or
 - (iv) ability to rest or recuperate at a health care facility or other care facility,

the Environmental Health Officer or constable may require any person who appears to be in a position to exercise control over the noise or vibration to take immediate steps to reduce its level.

- (2) In considering whether to take action under subsection (1)(b), the Environmental Health Officer or constable shall have regard to the following factors —
 - (a) the level of the noise or vibration;
 - (b) the reason for the noise or vibration;
 - (c) the duration, or likely duration, of the noise or vibration;
 - (d) the time of day or night at which the noise or vibration is occurring;
 - (e) the location at which the noise or vibration is being generated and its proximity to a dwelling-house or tourist accommodation, an educational institution, a health care facility or other care facility; and
 - (f) whether the noise or vibration is being generated in connection with any activity that is licenced, permitted, or otherwise authorised under this or any other Act.

Failure to comply with a requirement to reduce noise or vibration

- 25.** (1) A person who fails, without reasonable excuse, to comply with a requirement under section 24 commits an offence and is liable on summary conviction to imprisonment for one month, a fine of one thousand dollars or to both.
- (2) If the circumstances in section 24(1)(a) or (b) are established and —
 - (a) a person fails to comply with a requirement to reduce the level of noise or vibration; or
 - (b) no person present is willing or able to exercise control over the noise or vibrations,

an Environmental Health Officer or a constable may seize the equipment being used to generate the noise or vibration and may retain it for a maximum period of three working days in such manner as may be prescribed.

- (3) The Environmental Health Officer or the constable may release the equipment seized under subsection (2) before the expiry of the maximum retention period,



if the Environmental Health Officer or the constable has reasonable grounds to believe that releasing the equipment is unlikely to result in the resumption of noise or vibration.

PART 9 - ENFORCEMENT MEASURES

Powers of entry, inspection and examination

- 26.** (1) An Environmental Health Officer may inspect any premises in any of the following circumstances —
- (a) the Environmental Health Officer, acting on a complaint or a report received, reasonably believes that a provision of this Act or regulation made under this Act is being contravened or has been contravened at the premises;
 - (b) a statutory body with responsibility for granting, issuing or renewing licences, permits, or similar approvals requests confirmation from the Director that no provisions of this Act are being contravened, or are likely to be contravened, at the premises; or
 - (c) the Director authorises an inspection of the premises in furtherance of the Director's duties under this Act.
- (2) Subject to subsection (3), an Environmental Health Officer may at any time enter any premises for the purposes of an inspection under this section and may do so with the assistance of any other person including a constable.
- (3) Entry under this section shall not be made to a dwelling-house unless six hours' notice is given to the occupier, or a warrant from a magistrate authorising earlier entry has been issued.
- (4) The Director may authorise entry without a notice or warrant required under subsection (3) if the Director reasonably believes that the urgency of the circumstances makes it impracticable to give the notice or obtain the warrant and a delay would pose serious harm to public health, safety or the preservation of evidence.
- (5) In the course of an inspection under this section, an Environmental Health Officer may examine, or cause to be examined, anything located at the premises.
- (6) If it is not possible for an examination under subsection (5) to be undertaken at the premises during an inspection, any item, substance, or a sample thereof may be taken away for the purpose of examination and returned as soon as practicable on the completion of the examination.
- (7) In the course of an inspection under this section, an Environmental Health Officer may require the production of documentation, including licences, permits, and other relevant business records, for inspection and copying.

- (8) Where documentation under subsection (7) is held electronically, any person who is in a position to assist the Environmental Health Officer to inspect and copy the documents shall comply with a request to do so.
- (9) Any premises which are entered for the purposes of an inspection under this section shall, if unoccupied, be left as effectively secured against entry as it was when it was entered.

Advice and warnings

- 27.** (1) An Environmental Health Officer may issue a formal warning to any person who is contravening this Act or formal advice to any person who may be at risk of contravening this Act.
- (2) Any warning or formal advice issued under this section shall be in writing and the fact that any warning or advice has been issued may be taken into account by an Environmental Health Officer in considering whether to take any other action under this Act.

Notices to improve or desist

- 28.** (1) An Environmental Health Officer may issue a notice to improve or to desist to any person who, in the Environmental Health Officer's reasonable opinion —
- (a) is causing or permitting circumstances to exist that may give rise to a statutory nuisance;
 - (b) is causing or permitting a potentially health-impacting trade to be conducted in a manner that is likely to adversely affect the health of a person;
 - (c) is causing or permitting the importation, exportation, manufacture, or handling of food for human consumption in a manner that may result in food that adversely affects the health of a person, or is otherwise unfit for human consumption;
 - (d) is causing or permitting the emission of any substance that contaminates the environment to the extent that it is likely to adversely affect the health of a person;
 - (e) is causing or permitting the generation of noise or vibration in circumstances where it is likely to adversely affect the health of a person;
 - (f) is causing or permitting any other activity that contravenes this Act; or
 - (g) is a manager or supervisor, or holds a similar position of authority, over a person in relation to the conduct by that person of the relevant activity, where that person may be issued a notice under subsections (a) to (f).
- (2) The notice shall be in writing and —
- (a) shall specify any provision of this Act which has been, or is likely to be, contravened;



- (b) shall include specific requirements that are reasonably necessary to remedy or otherwise prevent a contravention of this Act;
 - (c) shall contain sufficient information to enable the subject of the notice to understand the nature of the required improvement to be carried out or the activity that the subject of the notice is required to desist from;
 - (d) may permit the person to whom the notice is issued to carry out the specified acts by alternate means specified in the notice; and
 - (e) may require immediate compliance with the notice if there is an imminent risk of adversely affecting the health of a person, but otherwise shall require compliance within a reasonable period of time.
- (3) If the notice requires structural work to be undertaken at the premises, it shall be served on the owner of the premises.
- (4) The notice shall be served personally on the subject by an Environmental Health Officer and if personal service cannot be effected, service may instead be effected by leaving it at the last known address of the intended subject and displaying a copy in a conspicuous place at an entry to any premises to which the notice relates.
- (5) The notice may be appealed by way of the procedures set out in Schedule 3, however, the notice remains in effect while the appeal is heard unless a court hearing the appeal directs otherwise.

Failure to comply with a notice to improve or desist

- 29.** A person who, without reasonable excuse, fails to comply with a notice served under section 28 commits an offence and is liable on summary conviction to a fine of two thousand dollars and a further fine of two hundred dollars for each day during which the notice is not complied with.

Seizure and condemnation of food

- 30.** (1) If it appears that any food intended for human consumption presents a risk of adversely affecting the health of a person or is otherwise unfit for human consumption, an Environmental Health Officer may —
- (a) give written notice to the person in charge of the food that, unless the notice is withdrawn, the food or any specified portion of it —
 - (i) shall not be used for human consumption;
 - (ii) shall be stored in a place specified in the notice; and
 - (iii) may be sealed in a manner that enables it to be preserved for analysis;
 - (b) seize the food and remove it in order that the Director may make a determination as to the manner of disposal of the food; or

- (c) issue a written notice to confirm that the food has been condemned as unfit for human consumption and ensure that the food is destroyed or disposed of safely by the person in charge of the food.
- (2) If an Environmental Health Officer exercises powers under subsection (1)(a), the Environmental Health Officer shall, as soon as is reasonably practicable, and in any event within twenty-eight days after giving the notice, determine whether or not he or she is satisfied that the food is fit for human consumption and —
 - (a) if so satisfied, immediately withdraw the notice; or
 - (b) if not so satisfied, seize the food in order to have the Director make a determination as to the manner of disposal of the food.
- (3) If an Environmental Health Officer exercises powers under subsection (1)(b) or (2)(b), the Environmental Health Officer shall inform the person in charge of the food that it is to be dealt with by the Director and that the person or other persons who may be liable to prosecution in respect of the food are entitled to attend before the Director to make representations and provide evidence in relation to the food.
- (4) If it appears to the Director, on the basis of such evidence as the Environmental Health Officer considers appropriate in the circumstances, that any food falling to be dealt with by him or her under this section is not fit for human consumption, the Director shall condemn the food and order —
 - (a) the safe destruction or disposal of the food, subject to subsection (6); and
 - (b) the owner of the food to pay any expenses reasonably incurred by the Director in connection with the seizure, storage, destruction or disposal of the food.
- (5) If a notice under subsection (1)(a) is withdrawn, or the Director declines to condemn food dealt with under this section, the Director shall compensate the owner of the food for any depreciation in its value resulting from any action taken by an Environmental Health Officer under this section.
- (6) If the Director orders the destruction or safe disposal of any condemned food, the Director may retain and preserve a representative sample of the food as evidence for the purposes of any proceedings for an offence in respect of that food.
- (7) If an Environmental Health Officer exercises powers of condemnation under subsection 1(c), no proceedings shall be brought, or fixed penalties issued, against any person for an offence under Part 6 in respect of any food that has been destroyed or disposed of safely.



Seizure and forfeiture of other items or substances

- 31.** (1) An Environmental Health Officer exercising powers of inspection under section 26 may seize any item or substance, other than food, which, either due to its condition or the manner in which it appears to be intended for use, presents an imminent risk of adversely affecting the health of a person.
- (2) An Environmental Health Officer exercising powers under this section shall —
- (a) ensure that a record is kept of anything seized, including the reason for its seizure and the date of its seizure;
 - (b) provide a copy of the record to the person from whom it was seized; and
 - (c) inform the person from whom it is seized of the procedures under subsections (3) and (4).
- (3) Any person aggrieved by the exercise of powers of seizure under this section may, within fourteen days after the seizure, make a request in writing to the Director for the return of the item or substance and, on receipt of such a request, the Director —
- (a) may, if satisfied that the item or substance will no longer present a risk of adversely affecting the health of a person, return it to its owner;
 - (b) shall, if satisfied that the return of the item or substance will present a risk of adversely affecting the health of a person, commence proceedings for forfeiture under section 32, unless subsection (c) applies; or
 - (c) shall, if satisfied that the item or substance may be required as evidence in proceedings for an offence, retain the item or substance until such time as those proceedings have concluded.
- (4) If a written request is not made under subsection (3), the relevant item or substance may be treated as forfeited and disposed of in such manner as the Director sees fit, subject to any duty to retain evidence under subsection (3)(c).

Summary proceedings for forfeiture

- 32.** (1) The Director may apply to a court of summary jurisdiction for an order for forfeiture of any item or substance seized under section 31.
- (2) On the hearing of an application under this section, a court may —
- (a) order that the item or substance be forfeited and destroyed or disposed of in a manner the court sees fit;
 - (b) order the return of the item or substance to its owner, with or without an order that the Director compensate the owner for any loss arising from its seizure; and
 - (c) in its discretion, award legal costs to the successful party pursuant to section 33 of the *Summary Jurisdiction Act (2025 Revision)*.

- (3) Before making an order under this section, the court shall provide a reasonable opportunity for the Director, and any person who has made a written request for the return of the item or substance, to be heard.

Closure order

- 33.** (1) If the Director is of the opinion that any premises, or any activity conducted at any premises, presents such a risk of seriously adversely affecting the health of a person that it cannot be effectively managed by the taking of any other enforcement measures under this Act, the Director may apply to the Grand Court for an order to close the premises (a “closure order”) under this section.
- (2) An application for a closure order shall specify the premises to which it relates, and shall be accompanied by a summary of the facts giving rise to the application.
- (3) In advance of the hearing of an application for a closure order, the Director shall ensure that —
- (a) any person who appears to exercise overall control of the premises, or the activities being conducted at the premises, is provided with a copy of the application and the summary of facts;
 - (b) if the premises to which the application relates include a dwelling-house, a copy of the application is served on all known occupants; and
 - (c) a copy of the application is displayed in a conspicuous place at all entrances to the premises.
- (4) Any person served with a copy of an application under this section may be treated as a party to the application.
- (5) On hearing an application under this section, the Grand Court may —
- (a) issue a summons to any person who, in the opinion of the Court, has not been served with a copy of the application and should be treated as a party to it;
 - (b) make a closure order for up to six months if satisfied that a risk of seriously adversely affecting the health of a person cannot be effectively managed by the taking of any other enforcement measures under this Act;
 - (c) decline to make any order if it is satisfied that there is no risk of seriously adversely affecting the health of a person; and
 - (d) in its discretion, award legal costs to a successful party to a contested hearing in accordance with the court’s jurisdiction.
- (6) Before making a closure order, the Court —
- (a) shall provide a reasonable opportunity for any party to the application to be heard in person or by video-link where the circumstances require;



- (b) may adjourn any part of the proceedings for no more than three working days for the purpose of collection of evidence; and
 - (c) may make an interim closure order for the duration of the adjournment.
- (7) In any proceedings under this section, the Court shall decide any issue in the interests of environmental health.
- (8) A closure order may prohibit access to the premises —
 - (a) by all persons or any person or group of persons;
 - (b) at all times or at any time as may be specified; and
 - (c) in all circumstances or such circumstances as may be specified.
- (9) A closure order —
 - (a) may be made in respect of the whole or any part of the premises; and
 - (b) may include provision for access to a part of the premises, including a specified building or structure that is part of the premises.
- (10) On the making of a closure order —
 - (a) the Director shall display, or cause to be displayed, a copy of the order in a prominent place at all entrances to the premises;
 - (b) the Director shall provide, or cause to be provided, a copy of the order to the Commissioner of Police; and
 - (c) a constable may use reasonable force to remove a person from the premises for the purpose of enforcing the order.
- (11) A person who, without reasonable excuse, fails to comply with a closure order commits an offence and is liable on summary conviction to imprisonment for six months or a fine of five thousand dollars, or both.
- (12) If a closure order is made in relation to a dwelling-house and an occupant of the dwelling-house satisfies the Court that —
 - (a) the circumstances giving rise to it were beyond the occupant's control; and
 - (b) the occupant shows that the occupant is unable to secure temporary alternative accommodation,the Court may order the Director to take all reasonable steps to ensure that the occupant has suitable accommodation during the period of the order.
- (13) The cost of any accommodation under subsection (12) shall be borne by the occupant.
- (14) The Grand Court may revoke a closure order at any time if it is satisfied that the risk giving rise to the making of the order has been satisfactorily reduced.
- (15) Before revoking a closure order, the Grand Court shall provide a reasonable opportunity to be heard to each party to the original application for the closure order.

Power to undertake works

- 34.** (1) Subject to subsection (2), the Director may enter any premises if the Director is satisfied of the existence of a contravention of this Act for the purposes of undertaking works to prevent or otherwise remediate the contravention.
- (2) The Director's powers under this section may be exercised —
- (a) with the written consent of the owner or occupier of the premises, except that consent for any structural works may only be given by the owner;
 - (b) without the written consent of the owner or occupier of the premises if all of the following circumstances apply —
 - (i) a notice to improve or desist has been served under section 28 in relation to the premises;
 - (ii) the notice has not been complied with; and
 - (iii) fourteen days have elapsed since service of the notice and it is not subject to an appeal under section 28(5);
 - (c) without the written consent of the owner or occupier of the premises during any period in which a closure order under section 33 is in force in relation to the premises; or
 - (d) without the written consent of the owner or occupier of the premises in furtherance of any order of a court.
- (3) In exercising powers under this section, the Director may engage the assistance of any other person, including —
- (a) the person in charge of the department responsible for public works;
 - (b) the Director of Public Health; or
 - (c) a constable.
- (4) Any person who has been requested to provide assistance under subsection (3) shall comply promptly with the request.
- (5) Any person who has been engaged to assist the Director in the exercise of powers under this section may, at the direction of the Director, enter any premises for the purposes of doing so.
- (6) Any expenses reasonably incurred by the Director in the course of any works undertaken under this section are recoverable from the owner or occupier of the relevant premises or from any other person whose act or default gave rise to a contravention of this Act.
- (7) Any unoccupied premises entered as a result of the exercise of powers under this section shall be left no less secure than it was at the time of entry.



PART 10 - REMOVAL, TREATMENT AND DISPOSAL OF REFUSE

Collection, disposal and cleaning services

35. The Director may —

- (a) undertake the collection, segregation, removal, transportation, treatment, reuse, recycling, recovery, transfer, export or disposal of garbage and refuse;
- (b) undertake the cleaning of any apparatus used for the purposes of storage or disposal of human waste; and
- (c) in accordance with the *Procurement Act (2023 Revision)*, engage a person under contract to undertake services under this section,

in respect of the whole or any part of the Islands.

Garbage and refuse: duty of Director

36. The Director shall maintain in good condition, each of the following provided by, or on behalf of, the Government —

- (a) a facility for the collection, treatment, recycling, disposal, or transfer of garbage and refuse; and
- (b) a plant or apparatus for the deposit, treatment, recycling, disposal, or transfer of garbage and refuse.

Sale of garbage and refuse

37. The Director may sell anything that has been lawfully removed from any premises under this Part and the full proceeds of all the sales shall be paid into the general revenue of the Islands.

Waste bins

- 38.** (1) The Director may, by Order published in the Gazette, require the owners or occupiers of any premises to provide such reasonable number of waste bins, of a material, size and construction as the Director may prescribe, for the safe and sanitary disposal of refuse.
- (2) An owner or occupier who fails to comply with an Order under subsection (1) or who fails to maintain in good order and condition any waste bin required by the Order commits an offence and is liable on summary conviction to a fine of two hundred dollars.

Interfering with waste or refuse

- 39.** A person who, without lawful authority or reasonable excuse, interferes with any waste bin or trespasses on any facility provided by, or on behalf of, the Government for the deposit, treatment, recycling, disposal or transfer of refuse, commits an offence and is liable on summary conviction to a fine of five hundred dollars.

PART 11 - HAZARDOUS WASTE**Hazardous waste: duties of Director**

- 40.** Without prejudice to the functions of any public officer or statutory body under this or any other Act, the Director shall monitor the manner in which hazardous waste is produced, stored, transported and disposed of in the Islands and shall take steps under this Act —
- (a) to protect the health of the public from being adversely affected from hazardous waste; and
 - (b) to ensure that any activities relating to hazardous waste are conducted in accordance with any general directions as may be prescribed by Order and any regulations made pursuant to this Act.

General directions relating to hazardous waste

- 41.** (1) The Chief Medical Officer may, by Order, give general directions as to the safe transportation, storage, use or disposal of —
- (a) hazardous waste; or
 - (b) items or substances that are capable of generating hazardous waste,
- for the purposes of protecting the public from any risk of adversely affecting the health of the public.
- (2) An Order under this section shall prescribe —
- (a) the least restrictive or least onerous measures available to protect the public from serious risk of adversely affecting the health of the public in the transportation, storage, use or disposal of hazardous waste or items or substances that are capable of generating hazardous waste; and
 - (b) penalties for contravention of the Order and for any loss or damage incurred as a result of the contravention.
- (3) The Chief Medical Officer is entitled to be heard in any proceedings arising from a contravention of an Order under this section.



PART 12 - SWIMMING POOLS

Swimming pools: duties of Director

- 42.** The Director shall monitor swimming pools to ensure that they are safe and do not present an unreasonable risk of adversely affecting the health or safety of any person.

Requirement to close swimming pools

- 43.** (1) If the Director is satisfied that a swimming pool presents an unreasonable risk of adversely affecting the health of a person, the Director may require any person who appears to exercise control over the swimming pool, or the premises at which it is located, to close the swimming pool.
- (2) A requirement under this section —
- (a) may be made verbally or in writing, but if made verbally shall be confirmed in writing within twenty-four hours;
 - (b) shall specify the period of time for which the swimming pool is to remain closed, such period being no longer than fourteen days; and
 - (c) may be rescinded in writing by the Director at any time after it was made if the risk of adversely affecting the health of a person is mitigated or rectified in accordance with the requirements of the Director.
- (3) A person specified in subsection (1) who, without reasonable excuse, fails to comply with a requirement to close a swimming pool commits an offence and is liable on summary conviction to a fine of five thousand dollars.

PART 13 - HANDLING AND DISPOSAL OF HUMAN REMAINS

Cemeteries and crematoria

- 44.** The Director is responsible for approving for the importation, burial and exhumation of human remains in accordance with regulations as may be prescribed.

PART 14 - GENERAL

Requirement for identification

- 45.** (1) Each Environmental Health Officer shall be provided by Government with an identification card indicating that that person is an Environmental Health Officer under this Act and bearing a photograph of the Environmental Health Officer.
- (2) An Environmental Health Officer shall, if requested to do so, produce that identification card for inspection to any person in relation to whom the

Environmental Health Officer is about to exercise, is exercising or has exercised a function under this Act.

Providing false information and obstructing public officers

46. (1) A person who knowingly or recklessly provides false or misleading information to a public officer exercising functions under this Act commits an offence and is liable on summary conviction to imprisonment for six months or a fine of one thousand dollars, or to both.
- (2) A person who intentionally obstructs or hinders a public officer exercising functions under this Act commits an offence and is liable on summary conviction to imprisonment for three months or a fine of five hundred dollars, or to both.
- (3) A person who, without reasonable excuse, fails to give to a public officer exercising functions under this Act any assistance or information reasonably required by that officer for the performance of such functions commits an offence and is liable on summary conviction to a fine of five hundred dollars.

Restrictions on prosecution

47. Proceedings in respect of an offence under this Act, or regulations made under this Act, may be initiated by the Director exercising functions under this Act or regulations made under this Act.

Liability of company officers

48. (1) If an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to, any act or default on the part of —
- (a) a director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in such capacity,
- each of the persons specified in paragraph (a) or (b), as well as the body corporate, commits that offence and is liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the act or default of a member in connection with the member's functions of management as if the member were a director of the body corporate.

Public advisory notices

49. (1) If the Director is satisfied that —
- (a) a statutory nuisance exists that is likely to adversely affect the health of a person;



- (b) a potentially health-impacting trade is being, or has been, conducted in a manner likely to give rise to a risk of adversely affecting the health of a person;
- (c) food that is likely to give rise to a risk of adversely affecting the health of a person, or is otherwise unfit for human consumption, is being, or has been, sold or offered for sale;
- (d) a substance is being, or has been, emitted into the air that contaminates the air to the extent that it is likely to adversely affect the health of a person;
- (e) noise or vibration is being generated in a manner likely to adversely affect the health of a person;
- (f) an Order under section 41 has been contravened in a manner likely to adversely affect the health of a person;
- (g) premises have been made the subject of a closure order under section 33;
- (h) a swimming pool has been made the subject of a requirement to close under section 43; or
- (i) any other contravention of this Act gives rise, or has given rise, to a risk of adversely affecting the health of a person,

the Director shall notify the Director of Public Health in writing advising of any risk that may adversely affect the health of the public and to which members of the public may have already been exposed.

- (2) The notice under subsection (1) shall be issued by any expedient means and shall contain only such information as will enable the Director of Public Health to sufficiently ascertain the information in order to communicate or cause to be communicated to the public the risk and the steps necessary to protect the public from any circumstances giving rise to the notice.
- (3) If a notice is issued under this section and it is subsequently determined that the circumstances giving rise to the notice were not established, the Director shall further notify the Director of Public Health, in writing, making it clear that the circumstances giving rise to the notice were not established.

Referral to other public officers or statutory bodies

- 50.** (1) If the Director is satisfied, or the Chief Medical Officer notifies the Director in writing that he or she is satisfied, that the provisions of this Act have been contravened, the Director or the Chief Medical Officer may refer the contravention to —
- (a) the Director of the Department of Commerce and Investment, where the contravention is by a trade or business as defined by section 2 of the *Trade and Business Act (2026 Revision)*; or
 - (b) any other public officer or statutory body as may be relevant.

- (2) A referral under this section —
 - (a) may be made at any time;
 - (b) shall be in writing;
 - (c) shall enable the seriousness of the contravention to be ascertained; and
 - (d) does not inhibit the exercise by any public officer of any other functions under this Act.

Immunity from liability

- 51.** (1) A public officer is not personally liable in civil proceedings for any act, or failure to act, in the discharge, or the purported discharge, of the public officer's functions under this Act, unless it is shown that the act, or failure to act, was in bad faith.
- (2) Civil proceedings shall not be brought personally against a public officer in respect of any act, or failure to act, to which subsection (1) applies, without the leave of a judge of the Grand Court, and such leave shall not be granted unless the judge is satisfied that there are substantial grounds to believe that the person has acted, or failed to act, in bad faith.
- (3) Before granting leave under subsection (2), a judge shall give notice of an application for leave to the person against whom it is sought to bring the proceedings, and that person shall be entitled to be heard.

Judicial review

- 52.** Nothing in this Act inhibits a person's right to seek relief from a court, including interim relief, by way of judicial review of any act, failure to act, or decision taken by a public officer in furtherance of the public officer's functions under this Act.

Fixed penalties

- 53.** (1) An offence under this Act may attract fixed penalties as prescribed and the payment of the fixed penalty is an alternative to court proceedings for that offence.
- (2) In considering whether to issue a fixed penalty to a person under this Act, the Director shall take into account the nature and seriousness of the offence and may have regard to the following factors —
- (a) the level of culpability of the person;
 - (b) any genuine remorse expressed by the person;
 - (c) the foreseeable level of harm the offence caused, or may have caused;
 - (d) any steps taken by the person to remedy the offence or provide restitution to a victim;
 - (e) any formal warning or advice given to the person prior to the offence;
 - (f) any prior fixed penalty or conviction for an offence under this Act; and



- (g) whether the offence was committed for gain.
- (3) The procedure set out in Schedule 1 applies to fixed penalties issued under this section.
- (4) Payment of the fixed penalty under this section discharges liability for criminal conviction of the offence for which the fixed penalty was issued.
- (5) In considering a penalty for an offence under this Act, a court may take into account the fact that the person has previously been issued a fixed penalty notice under Schedule 2 for, or has been convicted of, an offence under this Act.
- (6) A fixed penalty paid under this Act shall be paid to the general revenue of the Islands.

Recovery of charges, fees or other sums payable

- 54.** Any unpaid charges, fees or other sums payable under this Act, or regulations made under this Act, shall be recoverable as a civil debt in any court of competent jurisdiction.

Inaccuracy in notices

- 55.** Any notice or other document served under this Act, or regulations made under this Act, that contains an inaccuracy is not invalidated by virtue of that inaccuracy unless a party establishes that the inaccuracy —
- (a) was material; and
 - (b) misled the party.

Regulations

- 56.** (1) The Cabinet may make regulations generally for administering this Act, for giving effect to its objects and purposes, or with respect to any matter which may be prescribed under this Act, including regulations —
- (a) prescribing forms, notices, or other documents;
 - (b) prescribing fees or other charges in relation to any works undertaken, or services provided, by the Director in connection with this Act;
 - (c) preventing or remediating statutory nuisances;
 - (d) providing for the monitoring of potentially health-impacting trades, including prescribing guidance, standards, and codes of practice for methods of exposure monitoring, occupational exposure criteria and health surveillance requirements;
 - (e) prescribing the categories of hazardous waste and the duties relating to the production, storage, transportation and disposal of hazardous waste;
 - (f) prescribing fixed penalties, not exceeding ten thousand dollars, for offences against this Act;

- (g) prescribing fines, not exceeding five thousand dollars, for offences created under regulations; and
 - (h) amending the provisions of Schedules 1 to 3 of this Act.
- (2) After consultation with the Director and the Chief Medical Officer, the Cabinet may make regulations —
- (a) for the purpose of protecting the public from food that is likely to adversely affect health or is otherwise unfit for human consumption by —
 - (i) prescribing standards for the handling of food for human consumption;
 - (ii) providing for a register of persons or businesses permitted to handle food and for registration, licensing, or other fees to be charged in connection with the handling of food;
 - (iii) requiring appropriate qualifications, accreditations or training standards to be in place to permit persons to engage in the handling of food;
 - (iv) controlling the use of any substance, item, equipment or process in the course of handling of food;
 - (v) requiring records relating to food hygiene to be maintained by persons or businesses conducting the handling of food; and
 - (vi) prescribing offences relating to the handling of food and fines for the commission of those offences;
 - (b) relating to the emission of substances into the air, in line with internationally recognised standards, for the purposes of protecting the public from air that is contaminated to the extent that it is likely to adversely affect health and prescribing —
 - (i) controls and standards of use of any substance, equipment, machinery or process that may adversely affect air quality;
 - (ii) requirements for record keeping relating to emissions of substances by persons or businesses involved in activities that may adversely affect air quality; and
 - (iii) offences relating to air pollution and fines for the commission of those offences; and
 - (c) relating to noise and vibrations, consistent with internationally recognised standards, for the purposes of protecting the public from noise or vibrations capable of adversely affecting health, or of causing unreasonable interference with a person's enjoyment of their home, the ability to study at an educational institution or the ability to rest or recuperate at a health care facility or other care facility, by prescribing —
 - (i) the levels of noise or vibration that may not be exceeded generally;



- (ii) prohibition of noise or vibration on particular days;
 - (iii) the levels of noise or vibration that may not be exceeded at particular times;
 - (iv) the instruments that may be used to measure noise and vibration;
 - (v) temporary exemptions from the provisions of Part 8 or the regulations by the organisers of public events authorised on application;
 - (vi) monitoring noise and vibrations and compliance with this Act; and
 - (vii) offences relating to noise and vibration and fines for the commission of those offences.
- (3) After consultation with the Chief Medical Officer, the Cabinet may make regulations relating to the importation, exportation, manufacture, production or handling of food intended for human consumption, in line with internationally recognised standards, for the purposes of protecting the public from food that is likely to adversely affect health or be otherwise unfit for human consumption by prescribing —
 - (a) controls on the importation or exportation of food intended for human consumption;
 - (b) controls on the use of any substance, item, equipment or process in the manufacture, production or handling of food;
 - (c) requirements for record keeping relating to food safety by persons or businesses conducting those activities; and
 - (d) offences relating to the importation, exportation, manufacture, production or handling of food and fines for the commission of those offences.
- (4) After consultation with the Director, the Cabinet may make regulations —
 - (a) providing for the collection, storage, treatment, recycling, disposal, or transfer of garbage, refuse and human waste including —
 - (i) prescribing fees to be paid in connection with the provision of services under section 35;
 - (ii) prescribing fees, charges, levies and other cost-recovery mechanisms in relation to waste management activities and waste management facilities, including the application of the “polluter pays” principle;
 - (iii) imposing duties on owners or occupiers of premises in connection with the provision of services under section 35;
 - (iv) prohibiting owners or occupiers of premises from impeding, obstructing, interfering with or otherwise preventing the provision of services under section 35;

- (v) prescribing the circumstances under which services under section 35 may be provided by persons other than the Director and the fees to be paid in connection with those services;
 - (vi) requiring owners or occupiers of premises to remove and dispose of garbage and refuse or to clean any apparatus used for the disposal or storage of human waste in circumstances where such services are not provided under section 35, subject to section 47 of the *Water Authority Act (2022 Revision)*; and
 - (vii) providing for the regulation and management of waste throughout the entire waste management lifecycle, including its prevention, minimisation, segregation, handling, storage, collection, transportation, transfer, treatment, processing, reuse, recycling, recovery, export and disposal, and the establishment, operation, maintenance, monitoring, closure and post-closure management of waste management facilities and infrastructure, including —
 - (A) the export of waste for reuse, recycling, recovery, treatment or disposal where such waste cannot be appropriately processed or managed within the Islands; and
 - (B) the licensing, control, monitoring and regulation of the export of waste by public authorities, private entities and other persons;
- (b) relating to cemeteries and crematoria by prescribing for —
- (i) the approval of spaces for burial;
 - (ii) the grant or revocation of operating licenses for existing and new cemeteries or crematoria;
 - (iii) the circumstances in which the disposal of human remains at sea may take place;
 - (iv) the exhumation of human remains;
 - (v) the transportation of human remains;
 - (vi) the disposal of human remains on land that is publicly or privately owned; and
 - (vii) the collection of fees for any services provided under the regulations.
- (5) Regulations made under subsection (2)(c) may apply to the whole or part of the Islands or in relation to particular industrial or commercial sectors.
- (6) Regulations made under subsection (4)(a) may differentiate between waste produced by commercial activities and waste produced by non-commercial activities.
- (7) Regulations made under subsection (4)(a)(vii) include the power to prescribe the recycling materials that are to be separated and may prescribe different



persons or classes of persons who are to carry out the separation of recycling materials.

Transitional

- 57.** (1) A person who was appointed or purported to be appointed prior to the commencement of this Act as a public officer of the Department is deemed to have been lawfully appointed and continues to be appointed under this Act, subject to the *Public Service Management Act (2018 Revision)*.
- (2) Proceedings commenced under the *Public Health Act (2026 Revision)* that are not determined on the day immediately preceding the commencement of this Act shall be determined as if this Act had not come into force.
- (3) The regulations made under the *Public Health Act (2026 Revision)* that are in force immediately before the commencement of this Act have effect until expressly repealed by regulations made under this Act.

SCHEDULE 1

Procedure for Fixed Penalties

(section 53(3))

1. If a person is to be issued with a fixed penalty for an offence under this Act, the following procedures apply.
2. A fixed penalty notice, in the form set out in Schedule 2, shall —
 - (a) contain a declaration by an Environmental Health Officer that the Environmental Health Officer reasonably believes that an offence under this Act has been committed;
 - (b) give particulars of the acts or omissions that constitute the offence;
 - (c) set out the prescribed fixed penalty for the offence and the method by which payment may be made;
 - (d) set out the consequences of failing to pay the fixed penalty within the period required for payment (not being less than twenty-eight days after the fixed penalty notice was served); and
 - (e) include the date on which the person to whom the notice is issued must attend the court in the event that full payment is not made (such date not being less than ten days after the date by which full payment must be made).
3. A fixed penalty notice shall be served by an Environmental Health Officer by —
 - (a) personally delivering a copy of the notice to the person to whom it is addressed; or
 - (b) if the person to whom it is addressed cannot be found, by leaving it in a conspicuous place at the person's last known address or place of business.
4. An Environmental Health Officer who serves a fixed penalty notice shall complete and sign a certificate of service, in the form set out in Schedule 2, which is evidence in any proceedings that the notice was properly served, unless the contrary is proved.



5. No proceedings may be commenced in respect of the act or omission that constitutes the offence set out in a fixed penalty notice unless twenty-eight days have elapsed since service of the fixed penalty notice.
6. Full payment of a fixed penalty within twenty-eight days discharges a person's liability to conviction for the offence to which it relates.
7. If a fixed penalty remains unpaid after twenty-eight days following its service —
 - (a) the Director shall, within three days, file a copy of the fixed penalty notice with the Clerk of the Court and the Director of Public Prosecutions;
 - (b) the Director shall provide written certification that the penalty remains unpaid, which is evidence of the facts stated therein unless the contrary is proved;
 - (c) the fixed penalty notice is then be deemed to be a complaint within the meaning of section 14 of the *Criminal Procedure Code (2026 Revision)* and acts as a summons issued in accordance with section 15 of the *Criminal Procedure Code (2026 Revision)*; and
 - (d) any further proceedings in respect of the offence specified in the fixed penalty notice shall be in accordance with the procedure set out for Category C offences under the *Criminal Procedure Code (2026 Revision)*.

SCHEDULE 2**Fixed Penalty Notice***(section 53)***Environmental Health Act, 2026****Fixed Penalty Notice Number:****TO:**

.....

[NAME OF PERSON, DATE OF BIRTH AND ADDRESS]

If you are the person to whom this notice is addressed, you are believed to have committed the offence set out below. You may discharge your liability to conviction for the offence by paying the fixed penalty in full by the date for payment specified below, in which case court proceedings may not be brought against you for that offence.

If full payment is not made by the date specified below, this notice acts as a summons for you to attend the summary court in [Grand Cayman / Cayman Brac] at [TIME] on[DATE] to answer a charge that you have committed the offence. If you fail to pay the fixed penalty in full and fail to attend court, a warrant may be issued for your arrest.

Payment of this fixed penalty may be made by cash, cheque, debit or credit card, at the office of the Department of Environmental Health, 580 North Sound Road, George Town, Grand Cayman or at the District Administration Centre, Cayman Brac, or online at www.gov.ky/deh/

Offence	Section of Act	Fixed Penalty
DETAILS OF OFFENCE (time, date, and particulars of offence)		



Offence	Section of Act	Fixed Penalty
DETAILS OF OFFENCE (time, date, and particulars of offence)		
Offence	Section of Act	Fixed Penalty
DETAILS OF OFFENCE (time, date, and particulars of offence)		



Offence	Section of Act	Fixed Penalty
DETAILS OF OFFENCE (time, date, and particulars of offence)		
Date by which payment must be made: (28 days after the day on which this notice was served)		

*I am an Environmental Health Officer and I have reason to believe that this offence has been committed by the person named above, and I certify that I served this fixed penalty notice on that person at [TIME] on [DATE], by [personal delivery / leaving it at the last known address or place of business - **DELETE AS APPROPRIATE**].*

SIGNED:

NAME:

IDENTIFICATION NUMBER:

DATE:



SCHEDULE 3

Appeals Against Notices to Improve or Desist

(section 28(5))

1. A person served with a notice to improve or desist under section 28 may appeal against the notice on any of the grounds specified in paragraph 2 below by —
 - (a) filing a notice of appeal in a court of summary jurisdiction within fourteen days after the date on which the notice to improve or desist was served; and
 - (b) serving a copy of the notice of appeal on the Director and any other person required under this Schedule.
2. The grounds on which an appeal may be brought are as follows —
 - (a) a requirement of the notice is unreasonable or unnecessary;
 - (b) a time period specified in the notice is not reasonably sufficient for the purposes of compliance;
 - (c) the best practicable means to prevent or remediate the circumstances giving rise to the notice had been put in place before the notice was served;
 - (d) the circumstances giving rise to the notice are lawfully permitted under this or any other Act; or
 - (e) the notice should have been served on another person instead of the appellant, that first-mentioned person being —
 - (i) a person responsible for the circumstances giving rise to the notice;
 - (ii) the owner of the relevant premises, in cases where the circumstances giving rise to the notice are the result of any defect of a structural character; or
 - (iii) the owner or occupier of the relevant premises, if the person responsible for the circumstances giving rise to the notice cannot be found or a contravention of this Act has not yet occurred.
3. If the grounds on which an appeal is brought include a ground specified in paragraph 2(e), the appellant shall serve a copy of the notice of appeal on any person referred to in that ground, and may serve it on any other person with an interest in any premises, vehicle, vessel, aircraft, machinery or equipment that is linked to the circumstances giving rise to the notice.
4. (1) On hearing the appeal, the court may —
 - (a) quash the notice to improve or desist;
 - (b) amend the notice to improve or desist in such manner as appears fit;

- Passed by the Parliament the _____ day of _____, 2026.

Clerk of the Parliament