

# UNIVERSITY OF SWAZILAND

Faculty of Health Sciences

DEGREE IN ENVIRONMENTAL HEALTH SCIENCE

MAIN EXAMINATION PAPER 2015

**TITLE OF PAPER** : **Environmental Health Law**

**COURSE CODE** : **EHM 209**

**DURATION** : **2 HOURS**

**MARKS** : **100**

**INSTRUCTIONS** : **READ THE QUESTIONS & INSTRUCTIONS CAREFULLY**

: **ANSWER ALL QUESTIONS**

: **EACH QUESTION CARRIES 25 MARKS**

: **WRITE NEATLY AND CLEARLY**

: **NO PAPER SHOULD BE BROUGHT INTO NOR OUT OF THE EXAMINATION ROOM**

: **BEGIN EACH QUESTION ON A SEPARATE SHEET OF PAPER**

**DO NOT OPEN THIS QUESTION PAPER UNTIL PERMISSION IS GRANTED BY THE INVIGILATOR**

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### **QUESTION ONE**

What requirements must be satisfied in respect of food rooms in relation to personal hygiene and clothing of persons engaged in the food business, in terms of the Public Health (Food Hygiene) Regulations, 1973? **[25 marks]**

### **QUESTION TWO**

The Minister of Tourism and Environmental Affairs together with the Swaziland Environmental Authority (SEA) after realizing the prevalence of air and water pollution in the country; enacted regulations for the control of both air and water pollution in 2010. The Regulations on the control of air pollution criminalizes certain conducts, particularly with regards to emission of dark smoke.

- i) State that what the regulations criminalizes. **[2 Marks]**
- ii) What are the consequences if found guilty of emitting dark smoke? **[3 Marks]**
- iii) State the defenses that a person accused with emitting dark smoke may advance during prosecution. **[8 Marks]**
- iv) To whom shall a person served with a cost order shall appeal? **[2 Mark]**
- v) Define pollution of water and state the public health risks associated with contaminated water. **[5 Marks]**
- vi) State and briefly discuss five (5) major point sources of pollution of water. **[5 Marks]**

**[TOTAL: 25 MARKS]**

### **QUESTION THREE**

- i) The Environmental Management Act, 2002 provides for both the Prevention and Protection orders. In terms of the Act in both section(s) 63 and 64,

powers are bestowed to the Director of the Swaziland Environmental Authority to issue such orders.

- a) What does a 'prevention order' require a person to do? [5 marks]
  - b) What are the consequences of not complying with a prevention order? [3 marks]
  - c) What are the measures supposed to be taken by a person served with a protection order? [5 marks]
  - d) State the consequences for non compliance with a 'protection order.' [3 marks]
- ii) State where the following types of waste must be disposed of:
- a) Commercial or industrial waste produced in an urban area; [1 mark]
  - b) Household waste produced in an urban area; [1 mark]
  - c) Household waste produced in a waste control area; [1 mark]
  - d) Clinical waste. [1 mark]
- iii) Specify the documents you will require from a person transporting hazardous and clinical waste for export. [5 marks]

**[TOTAL: 25 MARKS]**

#### **QUESTION FOUR**

- A) The King came with a vision that Swaziland should become a developed state by year 2022 which the Government has adopted. In order to support the King's vision, the current Government came with "development unusual." As a student of Environmental Health Law, Government consults you to give advice on sustainable development.

- i) Please explain to your client the meaning of sustainable development. (3 marks)
- ii) State and explain the pillars of sustainable development. (6 marks)

B) Consequent to your advice on sustainable development, the Government is impressed and comes back to seek your further advice in terms of section 5 of the Environmental Management Act 005 of 2002, that is, on the environmental principles hereof. Define the following environmental law distinctive principle.

- i) Polluter pays principle (3 marks)
  - ii) Precautionary principle (3 marks)
  - iii) Preventive principle (2 marks)
  - iv) Duty of care to avoid harm to the environment (2 marks)
  - v) Life cycle responsibility (3 marks)
- C) What does 'adverse effect' mean in terms of the Environmental Management Act 005/2002? (3marks)

**[TOTAL: 25 MARKS]**