



TRINIDAD AND TOBAGO

No. 25—1961

[L.S.]

I ASSENT,

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Page 156*

SOLOMON HOCHOY  
*Page 156*  
Governor.

24th July, 1961.

AN ORDINANCE to make provision for the treatment and care of persons suffering from Hansen's Disease.

**[On Proclamation]**

Commencement.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof. Enactment.

1. This Ordinance may be cited as the Hansen's Disease Control Ordinance, 1961. Short title.

Interpretation.

**2. In this Ordinance—**

- (a) "Hansen's Disease" means the disease known as leprosy;
- (b) "hospital" means a place used or designated under any law as a place for the treatment of Hansen's Disease and includes a part of a general or other hospital or other place or area that, with the approval of the Minister, is set aside for the care and treatment of patients;
- (c) "medical officer" means a medical officer of health or a District Medical Officer or any medical practitioner who is in the public service and who is designated by the Minister as a medical officer for the purposes of this Ordinance;
- (d) "medical officer of health" has the same meaning as in the Public Health Ordinance, Ch. 12. No. 4;
- (e) "medical practitioner" means a member of the Medical Board of Trinidad and Tobago;
- (f) "Minister" means the member of the Cabinet from time to time charged with the administration of the subject of public health;
- (g) "patient" means a person who is suffering from or is suspected to be suffering from Hansen's Disease and who has been admitted to a hospital under this Ordinance;
- (h) "prescribed" means prescribed under the regulations;
- (i) "prisoner" means an inmate of a prison, reformatory or industrial school or institution who is detained therein under sentence or conviction for any offence, or under any order of detention or under committal or remand pending trial or investigation on a charge for any offence;
- (j) "regulations" means regulations made under this Ordinance;
- (k) "superintendent" means the superintendent of a hospital.

Admission and  
detention of  
patients.

**3. The superintendent may admit, as a patient any person who is or is suspected to be suffering from Hansen's Disease and may detain such patient for such time as in the opinion of the superintendent is necessary for the care and supervision of the patient either for his own protection or for the protection of others.**

4. The Governor in Council, after consultation with the Central Board of Health, may from time to time make regulations necessary for the suppression and control of Hansen's Disease and matters connected therewith in the interest of the public health and, without restricting the generality of the foregoing, may make regulations with respect to—

Power to make regulations.

- (a) the compulsory notification of persons suffering from Hansen's Disease;
- (b) the compulsory examination of persons known or suspected to be suffering from Hansen's Disease;
- (c) the inspection and examination of premises and buildings by authorized officers and the cleaning, purifying, ventilating and disinfecting thereof by owners and occupiers;
- (d) the conditions for compulsory treatment of persons suffering from Hansen's Disease;
- (e) the establishment of clinics and the compulsory attendance at clinics of persons suffering from Hansen's Disease or persons who have been in contact with persons suffering from infectious Hansen's Disease and the compulsory submission of such persons to such tests and examinations as may be required;
- (f) the compulsory removal to a hospital of a person suffering from Hansen's Disease, the detention, treatment and isolation therein of such person, and the conditions under which such person may be maintained, treated and isolated outside a hospital;
- (g) the reporting at such time and at such places as are prescribed by persons suffering from or who have suffered from Hansen's Disease and the submission by such persons to such tests and examinations as may be required;
- (h) the discharge from a hospital of persons who, in the opinion of the superintendent, may safely be discharged and the conduct of and precautionary measures to be taken by such persons;
- (i) the protection of infants and children from exposure to infection from Hansen's Disease and the removal of such children where necessary, and the maintenance, custody and care of infants and children removed from the custody of persons suffering from Hansen's Disease;

- (j) the steps to be taken by school authorities regarding observations of signs of Hansen's Disease, the co-operation of school authorities and the measures to be observed in schools to prevent the spread of Hansen's Disease;
- (k) the payment of subsistence allowance to persons disabled by Hansen's Disease from obtaining employment and the employment of persons who are suffering or have suffered from Hansen's Disease;
- (l) the forms of certificates, warrants, bonds, orders and notifications to be used under this Ordinance;
- (m) the fees to be paid by patients or any class thereof for maintenance in a hospital;
- (n) prescribing that the contravention of a specified regulation constitutes an offence against this Ordinance and providing a penalty on summary conviction therefor not exceeding one hundred dollars.

Functions of  
the Central  
Board of  
Health.

**5.** The Central Board of Health shall assist and advise the Minister on all matters relating to the suppression and control of Hansen's Disease and has and may exercise such powers, duties and responsibilities as are imposed by this Ordinance or the regulations or as may be delegated by the Minister.

Referrals of  
questions to  
Central Board  
of Health.

**6.** The Minister may refer any question relating to the control of Hansen's Disease to the Director of Medical Services for the consideration of the Central Board of Health.

Registration  
of births of  
children born  
in a hospital.

Ch. 29. No. 6.

**7.** Notwithstanding the Registration of Births, Deaths and Marriages Ordinance, where any child is born within the precincts of a hospital, his birth shall, for the purposes of the aforesaid Ordinance, be deemed to have taken place at the locality or district within which the hospital is situate, and shall be registered in the appropriate register as if his birth had taken place in the locality or district and not in the hospital.

Infants.

**8.** An infant who is exposed to or is likely to be exposed to any person suffering from infectious Hansen's Disease may, on the recommendation of a medical officer to the Director of Medical Services, be removed from contact with that person; and the Director of Medical Services may make arrangements for the satisfactory custody, care and maintenance of the infant at public expense until such time as the medical officer decides that the danger of infection has passed.

9. The Minister may order that a survey be carried out of any group of children or adults in Trinidad and Tobago respecting Hansen's Disease and the individuals concerned as well as employers, teachers, or any other persons who may be in control of such children or adults, as the case may be, shall co-operate in every way required. Surveys.

10. (1) A medical officer of health may require any person who is resident in the municipality or district for which the medical officer of health is appointed, and who is suspected by the medical officer of health, nurse or public health inspector in the municipality or district to be suffering from Hansen's Disease or who has been in contact with any person suffering from Hansen's Disease or who has been a patient in a hospital, to submit to such examination as the medical officer of health directs. Medical Officer may require examination.

(2) In requiring any person to submit to an examination under this section, the medical officer of health shall serve or cause such person, or in the case of an infant, the parent or guardian of the infant to be served with a notice in writing signed by the medical officer of health specifying the nature, time and place of the examination.

(3) A person served with a notice who fails to carry out an order or direction contained therein is guilty of an offence and on summary conviction may be committed to a hospital for a period of not more than fourteen days to receive the examination considered necessary by the superintendent of the hospital to determine if the person is suffering from Hansen's Disease in an infectious state.

(4) The medical officer of health shall furnish the Director of Medical Services with a copy of the notice given under subsection (2).

11. (1) A medical officer of health, superintendent or medical practitioner may make a complaint or lay an information in writing before a magistrate that the person named therein :— Information or complaint.

- (a) is suffering from Hansen's Disease;
- (b) is unwilling or unable to conduct himself in such a manner as not to expose members of his family or other persons to danger of infection, and
- (c) refuses to be admitted to or to remain in a hospital or has left the hospital against the advice or without the knowledge of the superintendent.

(2) Upon receiving any such complaint or information, the magistrate shall issue a summons directed to the person named therein requiring him to appear at a time and place specified in the summons.

(3) Where the person to whom the summons is directed does not appear at the time and place specified therein, or where the summons cannot be served, the magistrate may issue a warrant directing that the person named in the summons be brought before him.

(4) Where the person named in the summons does not appear in person or by a representative, and the magistrate is satisfied that the person so named is too ill to appear or to be brought before him, the magistrate may make an order requiring that person to be admitted to a hospital and that magistrate or any other magistrate may hold any further hearings in respect of the matter in the hospital.

Ch. 3. No. 4.

(5) Where a person appears or is brought before a magistrate pursuant to this section, the magistrate shall enquire into the matters charged in the information or complaint, and for such purpose shall proceed in the manner prescribed by the Summary Courts Ordinance, and has all the powers of a magistrate holding a hearing under that Ordinance.

(6) Where a magistrate finds that any such person—

- (a) is suffering from Hansen's Disease,
- (b) is unwilling or unable to conduct himself in such a manner as not to expose members of his family or other persons to danger of infection, and
- (c) refuses to be admitted to or to remain in a hospital, or has left the hospital against the advice or without the knowledge of the superintendent,

the magistrate shall order that such person be admitted to and detained in a hospital for treatment and remain therein until discharged as provided under this Ordinance.

(7) A person who appears or is summoned to appear before a magistrate under this section may retain a medical practitioner to give evidence on his behalf.

(8) A certificate signed or purporting to be signed by the director or other person in charge of a laboratory approved by the Minister or by a superintendent that the person named therein is suffering from Hansen's Disease, shall be received in evidence, in an inquiry under this Ordinance, as *prima facie* proof of the facts stated therein and of the authority of the person giving such certificate without any proof of appointment or signature.

(9) A person detained pending a hearing under this section, or pending his removal to a hospital, shall be detained in a hospital or such other safe and comfortable place as the magistrate may direct.

(10) The Minister may direct the transfer of any person detained under this section to any hospital or other place when he deems such transfer to be necessary for the welfare of the patient or of other patients or persons.

12. (1) Where a prisoner is found to be suffering from Hansen's Disease, the Minister may by order in writing direct that the prisoner be transferred to a hospital and undergo treatment therein and that he be detained in custody within the hospital until the Hansen's Disease is no longer infectious or until he has received a degree of treatment considered adequate by the superintendent, notwithstanding that that person may be otherwise entitled to be discharged.

Infected  
Prisoners.

(2) An order made under this section is sufficient warrant to the person to whom the order is addressed to carry out the terms thereof; but if the prisoner so detained is otherwise entitled to be released the superintendent of the hospital in which he is detained may arrange for his admission to and detention in any other hospital for the purposes of such treatment as the superintendent may consider necessary.

(3) If a prisoner is ordered to be discharged from the hospital, the Minister shall if the term of imprisonment or detention of the prisoner has not yet expired remit the prisoner to the prison, reformatory or industrial institution in which he might have been detained if he had not been so transferred, and a prisoner so remitted shall be dealt with as if he had not been transferred under subsection (1) but had remained in the prison, reformatory or industrial institution from which he was so transferred.

(4) In this section "Minister" means the member of the Cabinet from time to time charged with the administration of the subject of prisons.

Authority of  
superintendent.

**13.** The superintendent or any person designated by him, any medical officer of health or any person designated by him, or any constable, may—

- (a) execute any warrant and enforce any order of a magistrate issued or made under this Ordinance;
- (b) bring any person before a magistrate under section 7;
- (c) apprehend without warrant any person who has left a hospital in contravention of any order made under this Ordinance or who has not been discharged therefrom or permitted to leave as is provided by this Ordinance.

Patients to  
remain in  
hospital.

**14.** (1) No patient shall leave a hospital until he is discharged therefrom by the superintendent.

(2) Notwithstanding subsection (1), the superintendent may permit a patient to leave a hospital for such period and under such terms and conditions as he may determine, but the superintendent shall not permit a patient to leave a hospital until the superintendent is satisfied that suitable arrangements have been made for the care and supervision of the patient and that the patient may leave without danger to himself or to others.

(3) The superintendent may require as a condition of a patient's release that the patient report to a clinic or hospital or other approved facility; and while so absent from the hospital the patient shall be deemed to be detained under the authority of this Ordinance as if he had remained in the hospital.

Transfer of  
patients.

**15.** The superintendent of a hospital may direct the transfer of any patient in that hospital to any other public or private surgical hospital or other appropriate place, for the purpose of having performed upon the patient any surgical operation for any condition other than Hansen's Disease; and in any such case the charges for the treatment in a public hospital of any such patient who is indigent shall be paid for in the same manner as charges for indigent patients are paid.

Limitation  
of action.

**16.** No action against a hospital or any nurse or person employed therein for damages for injury caused by negligence in the admission, care, treatment or discharge of any patient may be brought later than six months after such patient is discharged from or ceases to receive treatment at such hospital.

17. All patients who are in a hospital at the date of coming into force of the Ordinance or who have been released therefrom as provided under section 14 are subject to the provisions of this Ordinance. Transitional provision.

18. The Leprosy Ordinance is hereby repealed. Repeal of Ch. 12. No. 11

19. This Ordinance shall come into operation on such day as the Governor may appoint by Proclamation published in the *Royal Gazette*. Commencement.

Passed in Council this thirtieth day of June in the year of Our Lord one thousand nine hundred and sixty-one.

G. R. LATOUR

*Clerk of the Council*