



TRINIDAD AND TOBAGO

No. 26—1961

[L.S.]

I ASSENT,

SOLOMON HOCHOY

Governor.

24th July, 1961.

AN ORDINANCE to make provision for the treatment and care of persons suffering from Tuberculosis, and matters incidental thereto.

[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 Tuberculosis Control Ordinance, 1961.

Short title.

Interpretation.

2. In this Ordinance—

- (a) "hospital" means a place used or designated under any law as a place for the treatment of tuberculosis and includes a part of a general or other hospital or other place that, with the approval of the Minister, is set aside for the care and treatment of patients;
- (b) "infectious tuberculosis" includes—
 - (i) all cases of pulmonary tuberculosis that produce sputum containing tubercle bacilli or gastric washings containing tubercle bacilli; and
 - (ii) all cases of tuberculosis other than the pulmonary form in which tubercle bacilli are found in the discharges from the diseased tissue;
- (c) "medical officer of health" has the same meaning as in the Public Health Ordinance, 1961;
- (d) "medical practitioner" means a member of the Medical Board of Trinidad and Tobago;
- (e) "Minister" means the member of the Cabinet from time to time charged with the administration of the subject of public health;
- (f) "patient" means a person who is suffering from or is suspected to be suffering from infectious tuberculosis and who has been admitted to a hospital under this Ordinance;
- (g) "prescribed" means prescribed under the regulations;
- (h) "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;
- (i) "superintendent" means the superintendent of a hospital;
- (j) "regulations" means regulations made under this Ordinance.

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Admission and
detention of
patients.

3. The superintendent may admit as a patient any person who is or is suspected to be suffering from infectious tuberculosis and may detain the 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. Any medical practitioner who has reason to suspect that any person under his care is or may be suffering from tuberculosis, whether infectious or not, shall immediately complete the prescribed form of notification and forward it to the medical officer of health of the district.

Notification
of cases of
tuberculosis.

5. (1) The Governor in Council, after consultation with the Central Board of Health, may make such regulations as are necessary for the suppression and control of tuberculosis 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:

Regulations.

- (a) the compulsory notification of persons suffering or suspected to be suffering from tuberculosis;
- (b) the compulsory examination of persons known or suspected to be suffering from tuberculosis;
- (c) the conditions for compulsory treatment of persons suffering from tuberculosis;
- (d) the establishment of clinics and the compulsory attendance at clinics of persons suffering from tuberculosis, and the compulsory submission of those persons to such tests and examinations as may be required;
- (e) the compulsory removal to hospitals of persons suffering from tuberculosis, and the detention and treatment therein of those persons, and the conditions of discharge from hospital thereof;
- (f) the designation of special treatment units;
- (g) prescribing the forms relating to patients and their admission to, maintenance in, transfer, release and discharge from hospitals, and all other forms required for carrying out the provisions of this Ordinance and the regulations;
- (h) prescribing that the contravention of a specified regulation constitutes an offence against this Ordinance.

(2) The Governor in Council may, from time to time, declare all or any of the regulations not to be in force with respect to all hospitals or any specified hospital or hospitals for such time or times as he may deem expedient.

Medical officer
may require
examination.

6. (1) Any 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 to be suffering from tuberculosis or who has been in contact with any person suffering from tuberculosis or who has been a patient in a hospital, to submit to such examination for tuberculosis as the medical officer of health directs.

(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) Any person served with a notice who fails to carry out an order or direction contained therein is guilty of an offence and liable on summary conviction to a fine of one hundred dollars and upon conviction he 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 infectious tuberculosis.

Information
or complaint.

7. (1) Any 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—

- (a) is suffering from infectious tuberculosis,
- (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, he 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.

(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. Ch. 3. No. 4.

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

(a) is suffering from infectious tuberculosis,

(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 as to the presence of tubercle bacilli in the sputum or in the gastric washings or in discharges from diseased tissues of any person named therein, shall be received in evidence in any inquiry under this section as *prima facie* proof of the facts stated herein 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.

Treatment of
prisoners.

8. (1) Where a prisoner is found to be suffering from infectious tuberculosis, 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 tuberculosis 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 released.

(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 purpose 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
and medical
officer of
health.

9. 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.

How patient
may leave a
hospital.

10. (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 the superintendent 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.

11. The superintendent of a hospital may direct the transfer of any patient in that hospital to any 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 tuberculosis; 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. Transfer of patients.

12. 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 the patient is discharged from or ceases to receive treatment at that hospital. Limitation of action.

13. Any person who contravenes a provision of any regulation the contravention of which is specified in the regulations as constituting an offence against this Ordinance is liable on summary conviction to a penalty of five hundred dollars. Penalties.

14. All patients who are in a hospital at the date of the commencement of this Ordinance or who have been conditionally released therefrom as provided under section 10 are subject to the provisions of this Ordinance. Application to patients at the commencement of Ordinance.

15. 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