

Serial Number 1951/290

THE TUBERCULOSIS REGULATIONS 1951

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 12th day of
December 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Tuberculosis Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Tuberculosis Regulations 1951.

(2) These regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

INTERPRETATION

2. (1) In these regulations, unless the context otherwise requires, —

“ The Act ” means the Tuberculosis Act 1948 :

“ Appropriate form ”, in relation to any notice, consent, report, or other matter to which these regulations relate, means a form to be provided in that behalf by the Department of Health :

“ Vaccination against tuberculosis ” means the introduction into the skin of a vaccine containing organisms for the purpose of protection against tuberculosis ; and “ vaccinate against tuberculosis ” has a corresponding meaning :

Expressions defined in the Act have the meanings so defined.

(2) For the purposes of these regulations and of the classification in any notice or report thereunder of the case of any person suffering or having suffered from tuberculosis,—

“ Active ” means a condition in which the case cannot be classified as inactive or recovered :

“ Arrested ” means a condition in which the disease has been inactive for a continuous period of not less than two years :

“ Inactive ” means a condition in which—

(a) There is no evidence of toxæmia :

(b) No tubercle bacilli have been found in three consecutive bacteriological examinations conducted in accordance with adequate technical procedures at intervals of not less than one month within the period of six months immediately preceding the classification of the case :

(c) Other clinical investigations and successive X-ray examinations indicate that the tuberculous lesions are stable :

“ Quiescent ” means a condition in which the disease has been inactive for a continuous period of less than two years :

“ Recovered ” means a condition in which the disease has been inactive for a continuous period of not less than five years, of which the last three years have been passed under working conditions approved by the person’s medical attendant.

NOTIFICATIONS

3. Every notice required to be given by a medical practitioner to the Medical Officer of Health under section 3 of the Act shall be in the appropriate form.

4. In respect of every notice received by the Medical Officer of Health in accordance with section 3 of the Act there shall be paid to the medical practitioner giving the notice a fee of 3s. 6d. :

Provided that no fee shall be payable to any medical practitioner employed by the Government or any Hospital Board in respect of any notice relating to a case of tuberculosis of which he becomes aware in the course of his official duty.

MEDICAL EXAMINATIONS

5. The medical and other examinations that a Medical Officer of Health may require persons to undergo pursuant to section 9 of the Act may be all or any of the following, namely :—

- (a) A complete physical examination, including an examination of the chest :
- (b) X-ray examination or examinations of any part of the body :
- (c) A bacteriological investigation.

VACCINATION

6. (1) No person shall perform vaccination against tuberculosis unless he is for the time being approved by the Director-General of Health as a person qualified to perform vaccination against tuberculosis under these regulations.

(2) Every such approval shall be in writing under the hand of the Director-General, and notice thereof shall be sent to the person to whom it relates. The Director-General may at any time in like manner revoke any such approval.

(3) The Director-General may in his discretion refuse to approve any person applying for approval under this regulation.

(4) Notice of every approval under this regulation, and of every revocation of an approval thereunder, shall be published in the *Gazette*.

7. No person who is suffering from active tuberculosis shall perform vaccination against tuberculosis or have contact in any way with any vaccine used for such vaccination.

8. (1) No person shall vaccinate any other person, not being a child, against tuberculosis unless the person to be vaccinated voluntarily submits himself for vaccination and consents thereto in the appropriate form.

(2) No person shall vaccinate any child against tuberculosis unless a parent or guardian of the child voluntarily submits the child for vaccination and consents thereto in the appropriate form.

9. No person shall vaccinate any other person against tuberculosis unless—

- (a) The person to be vaccinated has been subjected to such tuberculin test or tests, if any, and has undergone such chest X-ray examination or examinations, if any, as may for the time being be prescribed or approved in that behalf by the Director-General in accordance with regulation 13 hereof, in such numbers, at such times, and in such manner as may for the time being be so prescribed or approved :
- (b) Such other conditions and requirements, if any, as may for the time being be so prescribed or approved are complied with.

10. No person shall vaccinate any other person against tuberculosis except in a manner for the time being prescribed or approved by the Director-General in accordance with regulation 13 hereof.

11. (1) Where any person is vaccinated against tuberculosis, the vaccinator shall thereafter subject that person or cause him to be subjected to such tuberculin test or tests, if any, as may for the time being be prescribed or approved in that behalf in accordance with regulation 13 hereof.

(2) All such tests as aforesaid shall be administered in such numbers, at such times, and in such manner as may for the time being be so prescribed or approved.

12. (1) The vaccinator shall keep or cause to be kept a record of every vaccination and of all tuberculin tests administered under regulations 9 (a) and 11 hereof.

(2) The record shall be kept in a form for the time being prescribed or approved in that behalf in accordance with regulation 13 hereof.

13. (1) The Director-General may from time to time in his discretion, by writing under his hand, prescribe—

- (a) Tuberculin tests to be administered and chest X-ray examinations to be undergone for the purposes of regulations 9 and 11 hereof, the numbers of such tests or examinations to be administered or undergone, and the times at which and the manner in which they shall be administered or undergone :
- (b) Conditions and requirements to be complied with in respect of vaccination against tuberculosis :
- (c) The manner in which vaccination against tuberculosis shall be performed :
- (d) The form in which the record required by regulation 12 hereof shall be kept,—

and may from time to time in like manner vary or revoke any such prescription as aforesaid.

(2) Notice of every such prescription, and of every variation or revocation of any such prescription, shall be sent to every vaccinator for the time being approved under regulation 6 hereof.

(3) In any prescription under this regulation different provisions may be made in respect of different cases or in respect of cases of different classes, or in respect of cases or classes of cases in different circumstances.

(4) The Director-General may from time to time in his discretion, on the application of any such approved vaccinator as aforesaid, by writing under his hand, approve any modification or variation in any such prescription as aforesaid in respect of tuberculin tests or X-ray examinations or vaccinations to be performed or conditions or requirements to be complied with, or records to be kept, by that vaccinator ; and may from time to time in like manner revoke or vary any such approval. Any such approval may be given either unconditionally or subject to such modifications and conditions as the Director-General thinks fit. Notice of every such approval, and of any variation or revocation thereof, shall be sent to the vaccinator.

14. Every person who, without lawful excuse, acts in contravention of or fails to comply in any respect with any provision of regulations 6 to 12 of these regulations commits an offence and shall be liable on summary conviction to a fine not exceeding £20 and, if the offence is a continuing one, to a further fine not exceeding £2 for every day or part of a day during which the offence continues.

REPORTS BY TUBERCULOSIS OFFICERS

15. Every tuberculosis officer who holds any tuberculosis clinic shall at the end of each clinic session or within seven days thereafter send or cause to be sent to the Medical Officer of Health—

- (a) A report in the appropriate form with respect to every person suffering or suspected of suffering from tuberculosis who during the clinic session has attended the clinic for the purpose of clinical assessment:
- (b) A report in the appropriate form with respect to every contact who during the clinic session has attended the clinic for the purpose of clinical assessment.

REPORTS BY HOSPITAL BOARDS

16. Where—

- (a) Any person suffering from tuberculosis is admitted to any institution under the control of any Board as an inpatient ;
or
- (b) Any person who is an inpatient in any such institution as aforesaid is found after admission to be suffering from tuberculosis,—

the Board shall, within forty-eight hours after the admission of the patient or, as the case may be, after he is found to be suffering from tuberculosis, send or cause to be sent to the Medical Officer of Health a notice in the appropriate form.

17. Where any person suffering or suspected of suffering from tuberculosis is discharged from any institution under the control of any Board, the Board shall, within forty-eight hours after the discharge of the person, send or cause to be sent to the Medical Officer of Health a notice in the appropriate form.

18. In each of the months of June and December in each year every Board shall send or cause to be sent to the Medical Officer of Health a report in the appropriate form with respect to every person suffering from tuberculosis who, on the last day of the month immediately preceding the month in which the report is sent, was an inpatient in any institution under the control of the Board.

APPEALS UNDER SECTION 17 OF ACT

19. (1) An appeal under section 17 of the Act against any order or decision of a Magistrate made or given under section 16 of the Act shall be brought by notice of motion lodged with the Registrar of the Supreme Court in the district or registry in which is situated the Magistrate's Court where the order or decision appealed against was made or given. The notice shall state the grounds of the appeal.

(2) The notice of motion shall be so lodged within seven days after the making of the order or the giving of the decision or, as the case may require, within such further time as the Magistrate may allow pursuant to the said section 17. If such further time has been allowed as aforesaid, there shall be lodged with the notice a certificate under the hand of the Magistrate specifying the time so allowed.

(3) Either before or immediately after the notice is so lodged, a copy thereof shall be served on the Medical Officer of Health, and a copy shall be left with or sent to the Registrar of the Magistrate's Court referred to in subclause (1) of this regulation.

(4) Where any question of fact is involved in the appeal, any evidence taken by the Magistrate bearing on the question shall, subject to any special order of the Judge, be brought before the Judge as follows :—

- (a) As to any evidence given orally, by the production of a copy of the Magistrate's note or such other materials as the Judge may deem expedient :
- (b) As to any evidence taken by affidavit and as to any exhibits, by the production of the affidavits and such of the exhibits as may have been forwarded by the Registrar of the Magistrate's Court and by the production by the parties to the appeal of such exhibits as are in their custody :

Provided that the Judge may in his discretion rehear the whole or any part of the evidence, and shall have full discretionary power to receive further evidence, either by oral evidence or by affidavit.

COMPENSATION UNDER SECTION 23 OF ACT

20. Section 23 of the Act shall, in addition to its application to nursing duties, apply with respect to the duties of—

- (a) A District Nurse :
- (b) A medical officer :
- (c) A dental officer :
- (d) A dental nurse :
- (e) A radiographer :
- (f) A physiotherapist :
- (g) A student physiotherapist :
- (h) An occupational therapist :
- (i) A laboratory worker :
- (j) Any other employee, if his duties bring him into close association with patients or involve him in the handling of unsterile articles or materials which have been in contact with patients.

FORMS

21. The Department of Health shall from time to time provide such forms of notices, reports, and other documents as may be required for the purposes of these regulations (other than regulation 19 hereof).

REVOCATIONS AND SAVINGS

22. (1) The Tuberculosis Regulations 1949* and the Tuberculosis Regulations 1949, Amendment No. 1†, are hereby revoked.

(2) All notices, requirements, applications, approvals, consents, records, prescriptions, reports, and appeals given or made, and generally all acts of authority, documents, periods of time, matters, acts, and things that originated or had effect, under the regulations hereby revoked and are of continuing effect at the coming into force of these regulations shall enure for the purposes of these regulations as if they had originated under these regulations, and accordingly shall, where necessary, be deemed to have so originated.

T. J. SHERRARD,
Clerk of the Executive Council.

* Statutory Regulations 1949, Serial number 1949/138, page 564.

† Statutory Regulations 1950, Serial number 1950/95, page 230.

EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations re-enact, with modifications, the Tuberculosis Regulations 1949 and their amendments.

The only material change made by these regulations is to confer on the Director-General of Health a wider discretionary power in prescribing the tuberculin tests and chest X-ray examinations (if any) required to be made before or after vaccination against tuberculosis, the manner and time of their making, and the conditions subject to which vaccination may be done (*regulations 9, 11, and 13*).

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13th day of December 1951.

These regulations are administered in the Department of Health.