

**Reprint  
as at 4 January 2017**



**Tuberculosis Regulations 1951**  
(SR 1951/290)

Tuberculosis Regulations 1951: revoked, on 4 January 2017, by section 16 of the Health (Protection) Amendment Act 2016 (2016 No 35).

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.

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry of Health.**

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**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*.

**2 Interpretation**

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

**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 Ministry 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 2 years

**inactive** means a condition in which—

- (a) there is no evidence of toxaemia:
- (b) no tubercle bacilli have been found in 3 consecutive bacteriological examinations conducted in accordance with adequate technical procedures at intervals of not less than 1 month within the period of 6 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 2 years

**recovered** means a condition in which the disease has been inactive for a continuous period of not less than 5 years, of which the last 3 years have been passed under working conditions approved by the person's medical attendant.

Regulation 2(1) **appropriate form**: amended, on 1 July 1993, by regulation 2 of the Tuberculosis Regulations 1951, Amendment No 4 (SR 1993/161).

### *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 5s:

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

Regulation 4: amended, on 23 September 1966, by regulation 2 of the Tuberculosis Regulations 1961, Amendment No 1 (SR 1966/161).

Regulation 4 proviso: amended, on 1 July 1993, by regulation 3 of the Tuberculosis Regulations 1961, Amendment No 4 (SR 1993/161).

## 5 Medical examinations

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, 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.

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

**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, 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 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.

- (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 commits an offence and shall be liable on 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.

Regulation 14: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

**15 Reports by tuberculosis officers**

*[Revoked]*

Regulation 15: revoked, on 1 January 1973, by regulation 2 of the Tuberculosis Regulations 1951, Amendment No 2 (SR 1972/208).

*Reports by hospital boards*

*[Revoked]*

Heading: revoked, on 1 January 1973, pursuant to regulation 2 of the Tuberculosis Regulations 1951, Amendment No 2 (SR 1972/208).

**16**

*[Revoked]*

Regulation 16: revoked, on 1 January 1973, by regulation 2 of the Tuberculosis Regulations 1951, Amendment No 2 (SR 1972/208).

**17**

*[Revoked]*

Regulation 17: revoked, on 1 January 1973, by regulation 2 of the Tuberculosis Regulations 1951, Amendment No 2 (SR 1972/208).

**18**

*[Revoked]*

Regulation 18: revoked, on 1 January 1973, by regulation 2 of the Tuberculosis Regulations 1951, Amendment No 2 (SR 1972/208).

**19 Appeals under section 17 of Act**

- (1) An appeal under section 17 of the Act against any order or decision of a District Court Judge made or given under section 16 of the Act shall be brought by notice of motion lodged with the Registrar of the High Court whose office is nearest by the most convenient route to the District Court where the order or decision appealed against was made or given.
- (2) The notice of motion shall state the grounds of the appeal.
- (3) The notice of motion shall be so lodged within 7 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 District Court Judge may allow pursuant to section 17 of the Act.
- (4) If further time is allowed under section 17 of the Act, there shall be lodged with the notice of motion a certificate under the hand of the District Court Judge specifying the time so allowed.
- (5) Either before or immediately after the notice of motion 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 District Court referred to in subclause (1).
- (6) Where any question of fact is involved in the appeal, any evidence taken by the District Court Judge and bearing on the question shall, subject to any special order of the Judge of the High Court, be brought before the Judge of the High Court as follows:
  - (a) as to any evidence given orally, by the production of a copy of the District Court Judge's note or such other materials as the Judge of the High Court 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 District Court and by the production by the parties to the appeal of such exhibits as are in their custody:

provided that the Judge of the High Court may in his or her 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.

Regulation 19: replaced, on 1 July 1993, by regulation 4 of the Tuberculosis Regulations 1951, Amendment No 4 (SR 1993/161).

**20 Compensation under section 23 of Act**

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.

## 21 Forms

The Ministry 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).

Regulation 21: amended, on 1 July 1993, by regulation 5 of the Tuberculosis Regulations 1951, Amendment No 4 (SR 1993/161).

## 22 Revocations and savings

- (1) The Tuberculosis Regulations 1949 (SR 1949/138) and the Tuberculosis Regulations 1949, Amendment No 1 (SR 1950/95), 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.



## **Reprints notes**

### **1     *General***

This is a reprint of the Tuberculosis Regulations 1951 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2     *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3     *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4     *Amendments incorporated in this reprint***

Health (Protection) Amendment Act 2016 (2016 No 35): section 16

Criminal Procedure Act 2011 (2011 No 81): section 413

Tuberculosis Regulations 1951, Amendment No 4 (SR 1993/161)

Tuberculosis Regulations 1951, Amendment No 2 (SR 1972/208)

Tuberculosis Regulations 1951, Amendment No 1 (SR 1966/161)