

# COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDERS No.57 OF 2003

## REGULATIONS

**Made by the Minister under section 30 of the Environmental  
Health Services Act, 1997 (Act No, 8 of 1997)**

(Gazetted 26<sup>th</sup> February, 2004).

1. These Regulations may be cited as the -

Short title.

**ENVIRONMENTAL HEALTH SERVICES (COM-  
MUNICABLE AND NOTIFIABLE DISEASES) REGU-  
LATIONS, 2003.**

2. In these Regulations,

Interpretation.

"carrier" means a person or animal who without symptoms or apparent signs of a communicable disease harbours the specific infective agent and may serve as a source of infection;

"communicable disease" means any disease specified in the First Schedule;

"disinfection" means the destroying of pathogenic agents by chemical, physical or other means;

"hospital" means any premises or vessel for the reception of patients, whether permanently or temporarily used for that purpose, and includes a private hospital or nursing home registered as such under the Health Services (Private Hospitals and Nursing Homes) Regulations, 2000;

"isolation" means the separation of an infected person from other persons in such a manner as will prevent the direct or indirect conveyance or transmission of infecting agents or organisms or other person;

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"isolation station" includes any hospital, house or place, or any part of any hospital, house or place, in which any patient suffering from a communicable disease or any contact is isolated;

"notifiable disease" means any disease specified in the First and Second Schedule;

"public-building" means a building used or constructed or adapted to be used, either ordinarily or occasionally, as a church or chapel or other place of public worship, or as a hospital, children's home, college, school, theatre, public lecture room or public exhibition room, or as a market, or as a public place of assembly for persons admitted thereto by tickets, or any other place used for any public purpose.

General duty to report  
sickness.

3. (1) Whenever any member of a family, inmate or employee of any premises is suffering from any sickness of which the symptoms create a reasonable suspicion that it is a notifiable disease, it shall be the duty of the occupier or other person for the time being in charge of the premises to consult a registered medical practitioner or to inform the appropriate Medical Officer.

(2) Every registered medical practitioner who has reason to believe that any person professionally attended by him is suffering from a notifiable disease or from any sickness of which the signs and symptoms create a reasonable suspicion that it is a notifiable disease shall forthwith give notice in the prescribed form to the appropriate Medical Officer.

(3) Where any registered medical practitioner employed or engaged in any hospital (whether in an honorary capacity or otherwise) finds or suspects any person therein to be suffering from a notifiable disease he shall immediately inform the person for the time being in charge of the hospital, who shall forthwith give notice in the prescribed form to the appropriate Medical Officer.

(4) Every registered medical practitioner who by post-mortem examination or otherwise becomes aware or suspects that any deceased person was affected with a notifiable disease shall

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forthwith give notice in the prescribed form to the appropriate Medical Officer.

(5) When any person on board a ship in territorial waters is suffering from any sickness of which the signs and symptoms create a reasonable suspicion that it is a notifiable disease, it shall be the duty of the master of the ship to notify the appropriate Medical Officer.

4. (1) The forms prescribed for the purposes of regulation 3 shall be used in all cases to which they apply, and all information and all particulars required by each form shall be given by the persons completing the form.

Minister of reporting sickness.

(2) The Chief Medical Officer shall upon application by a registered medical practitioner supply him with such forms free of charge.

(3) A registered medical practitioner, not being a medical officer, is entitled, in respect of each notification made by him to the Chief Medical Officer, to a fee of one dollar to be paid out of funds provided for the purpose by Parliament.

5. (1) A Medical Officer of Health on receiving notice of a notifiable disease shall forthwith forward the notification to the Chief Medical Officer.

Procedure on notification of disease.

(2) A Medical Officer of Health shall keep or cause to be kept an accurate record in writing of all cases or suspected cases of notifiable disease reported to him.

6. (1) Subject to the directions of the Chief Medical Officer, a Medical Officer shall have power -

Powers of Medical Officer.

- (a) generally to take all steps necessary for giving effect to these Regulations;
- (b) to enter or authorise any person to enter **any premises;**
- (c) to examine and inspect, or cause to be examined and inspected, any premises and

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do or cause to be done such things therein or thereto as may be necessary for preventing the spread of any communicable or notifiable disease;

- (d) (i) to examine, treat, immunise or cause to be examined, treated or immunised any case or suspected case of a communicable disease or an contact or carrier;
- (ii) to enter any school and immunise any child or teacher against any communicable disease;
- (e) to isolate any person suffering from a communicable disease either in the house in which he is residing or elsewhere until such time as the patient is no longer infectious;
- (f) to isolate contacts or persons attending on a case of an communicable disease or of a carrier or to place them under surveillance, subject to such conditions as he may consider necessary, and isolation may be substituted at any time instead of surveillance if the Chief Medical Officer is satisfied that the conditions of surveillance are not being complied with;
- (g) to disinfect or destroy any clothes, or other articles belonging to a patient or contact, which he believes capable of transmitting a communicable disease;
- (h) to declare any premises in which a person suffering from a communicable disease resides to be an infected place and to affix a notice to that effect;

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- (i)* to order the evacuation of any premises or house in which there is a case or suspected case of a communicable **disease**;
- (j)* to order removal of any person suffering from a communicable disease from a ship to an isolation station or hospital;
- (k)* to order the removal to hospital and detention in hospital of any person suffering from a communicable disease until such time as he is satisfied that the person is no longer infectious;
- (l)* to isolate or detain in hospital or elsewhere any person suffering from a communicable disease or any carrier who is incapable of taking proper precautions to prevent the spread of disease or to provide himself with proper accommodation or care;
- (m)* to prohibit the sale of any food, milk, milk product or ice when he believes the consumption of such is likely to cause a communicable disease;
- (n)* to order the anatomical examination of the body of any person who has died or is believed to have died from a communicable disease;
- (o)* to order the burial within a specified time of the body of any person who has died or is believed to have died from a communicable disease;

(2) Where any case or suspected case of a communicable disease, or any carrier or suspected carrier or any contact or any child or any teacher refuses to be so examined,

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treated or immunised, the appropriate Medical Officer, with the approval of the Chief Medical Officer, may isolate or place under surveillance any such case, carrier, contact, child or teacher;

**Power of entry.**

7. Any Environmental Health Officer or other person authorised by the Chief Medical Officer shall have the power to-

- (a) enter any premises at any time for the purpose of giving effect to the law and regulations or to directions of the Chief Medical officer;
- (b) immunise any case of a communicable disease or contact or other person if so directed by the Chief Medical Officer;
- (c) enter any school and immunise any child or teacher against any communicable disease if so directed by the Chief Medical Officer.

**Prohibitions regarding person suffering from communicable disease.**

8. No person shall -

- (a) while suffering from a communicable disease expose himself to any public place, or place of public resort, or enter any public building or public conveyance;
- (b) (i) knowing or suspecting that he is suffering from a communicable disease or is a carrier, engage in any of the trades or callings specified in the Third Schedule;
- (ii) employ a person, knowing that he is a person suffering from a communicable disease, in any of the trades or callings specified in the Third schedule;
- (c) knowing or suspecting that he is suffering from a communicable disease or is a contact, or a carrier, enter or take use

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- any book, magazine or paper from any public library;
- (d) being a case of a communicable disease or a contact isolated in any isolation station, leave such station until authorised to do so;
- (e) enter or leave any isolation station in which a patient suffering from a communicable disease or a contact is isolated until authorised to do so;
- (f) being the parent or guardian of a child suffering from a communicable disease or a contact, permit such child to attend any school without first having procured from a registered medical practitioner a certificate stating that, in his opinion, the child may attend school without undue risk of communicating the disease to others;
- (g) being the Head Teacher of any school-
- (i) • knowing or suspecting that any child in the school is suffering from communicable disease, permit such child to attend school until a certificate is presented to him signed by a registered medical practitioner stating that in his opinion the child may attend school without undue risk of communicating the disease to others;
  - (ii) accept on first entry into any such school any child unless such child is in possession of a certificate signed by a regis-

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tered medical practitioner or a person duly authorised by him for the purpose that he has been immunised against the disease specified in the Fourth Schedule;

but a certificate of immunisation against any of the disease specified in the Fourth Schedule shall not be required in the case of a child -

- (a) who is in possession of a certificate from a registered medical practitioner stating that the child has suffered from any such disease or that immunisation against any such disease is not advisable on medical grounds; or
- (b) whose parents or guardian produces to the Head Teacher an affidavit stating his religious persuasion and that he objects on religious grounds to the immunisation of the child;
- (h) give, lend, sell, transmit or expose without previous disinfection any bedding, clothing, rags or other article which has been exposed to infection from a communicable disease;
- (i) return to any library any book or paper magazine which he knows or suspects to have been exposed to infection from a communicable disease, but shall give notice as to his having such book, paper or magazine in his possession to the appropriate Medical Officer of Health;

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- (j) take or send to any public washhouse or to any public washhouse or to laundry any bedding, clothes or other articles which he knows to have been exposed to infection from a communicable disease unless they have first been disinfected to the satisfaction of the appropriate Medical Officer of Health;
- (k) fail, on giving up the occupancy of a house in which there has been residing within the previous eight weeks a person suffering from a communicable disease, to-

  - (i) have such house and all articles therein disinfected to the satisfaction of the appropriate Medical Officer of Health;
  - (ii) give to the owner of the house notice of the existence of such **a person**;
  - (iii) answer truthfully any question by the owner of the house as to the existence of such a person;
- (l) let for hire any house knowing that there has been a person suffering from a communicable disease residing therein with the previous eight weeks, unless the house and all articles therein have been disinfected to the satisfaction of the appropriate Medical Officer of Health;
- (m) when letting a house for hire, make a false statement as to whether a person suffering from a communicable disease

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,within the previous eight weeks has resided therein;

- (n) fail to bury within twenty-four hours the body which is under his care or keeping of any person who has died while suffering from a communicable disease, unless the appropriate Medical Officer of Health has so sanctioned;
- (o) hold or attend any wake over the body of a person who has died from a communicable disease
- (p) remove the body of a person who has died from a communicable disease in a hospital or isolation station without the permission of the appropriate Medical Officer of Health, and then only -
  - (i) direct to the place of interment; or
  - (ii) to a mortuary,

but a Medical Officer, in order of Health in granting such permission may impose such conditions as appear to him to be necessary.

Special powers of  
Minister.

9. The Minister, in order to treat, prevent or limit the spread of any communicable disease, shall have power todo any of the following -

- (a) order any public elementary school to be closed and the building used in connection therewith, including any staff quarters; to be used as an isolation station or hospital or convalescent home;
- (b) • provide treatment and medical and nursing facilities for persons suffering from a communicable disease, or for contacts or for carriers;

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- (c) provide ambulances and other vehicles considered necessary;
- (d) provide premises and the necessary equipment for the disinfection or destruction of infected articles;
- (e) provide temporary accommodation for persons compelled to leave their dwellings for the purpose of cleansing and disinfecting such dwellings;
- (j) provide for the removal, disinfection or destruction of rubbish, refuse or garbage from a house in which there is a person suffering from a communicable disease;
- (g) cleanse and disinfect any premises and articles therein;
- (h) (a) *disinfect* or destroy any infected article;  
(b) pay compensation for any article destroyed or damaged;
- (i) provide suitable places for the reception and interment of the bodies of persons dying from a communicable disease;
- (j) prohibit or limit the attendance at any public building of children or other persons if in the opinion of the Chief Medical Officer conditions thereat are likely to prejudice the public Health.

**10. (1)** The owner, driver or conductor of a public conveyance used for the purpose of carrying passengers at separate fares shall not convey therein any person whom he knows to be suffering from a communicable disease.

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(2) The owner or driver of any other public conveyance may refuse to convey therein any person suffering from a communicable disease, until he has been paid a sum sufficient to cover any loss and expense which may be incurred by reason of the provisions of paragraph (3).

(3) If a person suffering from a communicable disease is conveyed in a public conveyance, the person in charge thereof shall, as soon as practicable, give notice to the Medical officer of the area **in** which the conveyance is usually kept, and before permitting any other person to enter the conveyance, shall cause it to be disinfected, and any person concerned with the conveyance as owner, driver or conductor thereof may recover in a summary manner before a magistrate from the person to be conveyed, a sufficient sum to cover to any loss and expense incurred by him.

(4) A Medical Officer, when so requested by the reason in charge of a public conveyance in which a person suffering from a communicable disease has been conveyed, shall provide for its disinfection, and shall make no charge in respect thereof except in a case where the owner, driver or conductor conveyed a person knowing that he was suffering from a communicable disease.

(5) No person shall hire or use a public conveyance other than a hearse, for the conveyance of the body of a person who to his knowledge has died from a communicable disease without previously notifying the owner or driver of such public conveyance that the person whose body is or is intended to be so conveyed has died from such disease.

(6) Every owner or driver of a public conveyance shall, immediately upon his becoming aware that it has conveyed the body of a person who has died from a communicable disease, give notice to the Medical Officer of the area in which the conveyance is usually kept and provide for the disinfection of such public conveyance to the satisfaction of the Medical Officer.

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**11.** A person who contravenes these Regulations commits an offence and is liable on summary conviction to a fine of one thousand dollars or imprisonment for a term of three months or both, and, in the case of a continuing offence, to a further fine of one hundred dollars for each day or part thereof during which the offence continues after a conviction is first obtained.

**FIRST SCHEDULE** (Regulation 2)

Actinomycosis  
Anthrax (malignant pustule)  
Cholera  
Dysentery - Amoebic  
Dysentery - Bacillary  
Encephalitis  
Food Poisoning  
Hepatitis  
Leprosy  
Leptospirosis  
Measles  
Meningitis - Aseptic  
Meningitis - Meningococcal  
Plague  
Poliomyelitis  
Psittacosis  
Rabies  
Relapsing Fever  
Rubella (German Measles)  
Salmonellosis  
Scarlet Fever  
Smallpox  
Tetanus  
Tuberculosis (all forms)  
Typhus  
Typhoid and Paratyphoid Fever  
Whooping Cough  
Yaws  
Yellow Fever

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**SECOND SCHEDULE** (Regulation 2)

Broncho-pneumonia - in children up to four years of age  
Brucellosis  
Diabetes Mellitus  
Dengue  
Gastro-enteritis - in children up to four year; of age  
Influenza  
Malaria  
malignant Disease  
Malnutrition in children up to four years  
Ophthalmia Neonatorum  
Post abortion infection  
Puerperal Fever  
Rheumatic Fever  
Trachoma

**THIRD SCHEDULE** (Regulation 8(b))

Trade or callings in which a person who knows or suspects that he is suffering from a communicable disease, or is a carrier, shall not engage or be employed to undertake -

- (a) any trade or calling in which the person handles or comes in contact with articles of food or drink, drugs, medicines or tobacco;
- (b) any situation, calling or employment in which the person comes in contact with cows or other animals kept for the purpose of furnishing milk;
- (c) any trade, or calling in which the person handles or comes in contact with wearing apparel;
- (d) barber, hairdresser or beautician;
- (e) driver of a public passenger vehicle;
- (f) nurse.

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**FOURTH SCHEDULE**

(Regulation 8(g))

Diphtheria  
Measles  
Poliomyelitis  
Smallpox  
Tetanus

Made by the Minister this 31<sup>st</sup> day of December, 2003.

**HERBERTSABAROCHE**  
*Minister for Health and Social Security*

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