

## CHAPTER 100.

## VACCINATION.

[Nos. IV of 1875 and XVII of 1903.]

[1st November, 1881.]

[28th March, 1903.]

Short title.

1.—(1) This Ordinance may be cited as the Vaccination Ordinance.

(2) References in this Ordinance to forms are made to the forms contained in the Schedule hereto.

## PART I.

## VACCINATION GENERALLY.

Vaccination districts.

2. The medical districts appointed under any Ordinance for the time being in force relating to the medical department shall be vaccination districts under this Ordinance.

Regulations.

3. The Governor may from time to time make regulations to secure the efficient performance of vaccination and the provision and supply of vaccine lymph from England, and shall appoint the stations and the times at which each public vaccinator shall respectively attend for the purpose of performing vaccination.

Appointment and remuneration of public vaccinators :

4.—(1) The Governor may appoint one or more duly qualified medical practitioners to be a public vaccinator or public vaccinators for any vaccination district.

(2) Where in a vaccination district there is not a sufficient number of duly qualified medical practitioners, the Governor on the recommendation of the Surgeon General may appoint any proper person or persons to be a public vaccinator or vaccinators for that district.

(3) Every public vaccinator shall receive the fees for the performance of vaccination in his district and of other duties connected therewith directed by the Governor

in Council, and the fees shall be payable from any moneys provided by the Legislative Council for purposes of vaccination :

Provided that no public vaccinator who is a Government medical officer shall receive any fee in respect of the vaccination of anyone who is a patient or inmate in a hospital or an institution under his charge or of which he is a medical officer, or in respect of the vaccination of any immigrant on any estate or plantation of which he is the medical officer.

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5.—(1) The Governor may appoint for each vaccination district fit and proper persons to be vaccination officers in the district.

Appointment, duties, and remuneration of vaccination officers.

(2) Every vaccination officer shall perform the duties in connection with vaccination assigned to him by the Surgeon General with the sanction of the Governor.

(3) Every vaccination officer shall receive the fees for the performance of the duties assigned to him which are directed by the Governor in Council, and those fees shall be payable from any moneys provided by the Legislative Council for purposes of vaccination.

6. Subject to the authority of the Governor, the public vaccinators and vaccination officers shall act under the direction of the Surgeon General.

Control of public vaccinators and vaccination officers.

7. The public vaccinators shall vaccinate all children and others in attendance at the times and places so appointed for the purpose of being vaccinated and who in his opinion may be in a state of health favourable for successful vaccination.

Duties of public vaccinator.

8. Every registrar of births and deaths shall, on or within seven days after the registration with him of the birth of a child not already vaccinated, give a notice according to form 1, or to the like effect, to the person notifying the birth to him, or to the father or mother or the person having the custody of the child, requiring the child to be duly vaccinated according to the provisions of this Ordinance, and specifying the days, hours, and places when and where the public vaccinator of the vaccination district wherein the child resides will attend for the purpose of performing the vaccination.

Notice to parent that child must be vaccinated.  
Form 1.

Persons on whom obligation to procure vaccination of child within six months after birth.

9.—(1) The father or mother of every child born in the colony after the commencement of this Ordinance, or, in the event of the death, illness, absence, or inability of the father and mother, then the person who may have the care, nurture, or custody of the child, shall, within six months after its birth, take it or cause it to be taken to the public vaccinator of the district wherein it resides, for the purpose of being vaccinated, unless the child has been previously vaccinated by some duly qualified medical practitioner and the vaccination duly certified.

(2) The public vaccinator shall thereupon, or as soon as it may conveniently and properly be done, vaccinate the child.

Inspection of vaccination.

(3) Upon the same day in the following week when the operation has been performed by the public vaccinator, the father, or mother, or other person, as the case may be, shall again take the child, or cause it to be taken, to the public vaccinator in order that he may inspect the child and ascertain the result of the operation, and, if the vaccination has been unsuccessful, the father, or mother, or other person, if the public vaccinator so directs, shall cause the child forthwith to be again vaccinated and again brought for inspection as on the previous occasion.

Power to public vaccinator to take lymph from healthy child.

10.—(1) The public vaccinator if he sees fit may take lymph from any healthy child successfully vaccinated by him for the purpose of vaccinating any other child then present.

(2) Everyone who prevents any vaccinator from so taking the lymph from a child shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding one dollar.

Certificate of successful vaccination.

11.—(1) As soon as the successful vaccination of a child has been verified by inspection, the public vaccinator or medical practitioner who has performed the operation shall deliver to the father or mother of the child, or to the person having the care, nurture, or custody of the child, a certificate under his hand, according to form 2, or any other form from time to time authorised by the Governor, that the child has been successfully vaccinated.

Schedule : form 2.

(2) The certificate shall be admissible as evidence of the successful vaccination of the child on any complaint or information for non-compliance with the provisions of this Ordinance where that evidence may be required.

12.—(1) When any public vaccinator or medical practitioner is of opinion that the child is not in a fit and proper state to be vaccinated successfully he shall deliver to the father or mother or other person having the custody of the child a certificate under his hand, according to form 3, or to the like effect, that the child is then in a state unfit for successful vaccination.

Unfitness of child for vaccination.

Form 3.

(2) The certificate shall remain in force for six months, and shall be renewable for successive periods of six months until a public vaccinator or medical practitioner deems the child to be in a fit state for successful vaccination, when the child shall be vaccinated with all reasonable despatch, and the certificate of successful vaccination, if warranted by the result, shall be duly given.

13. If any public vaccinator or medical practitioner finds that a child whom he has unsuccessfully vaccinated is insusceptible to successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the father or mother or other person aforesaid a certificate under his hand, according to form 4, or to the like effect, and the father or mother or other person shall not thenceforth be required to cause the child to be vaccinated.

Insusceptibility of child to successful vaccination.

Form 4.

14.—(1) Every public vaccinator and every medical practitioner shall keep a register, wherein he shall enter the date of vaccination, the name, age, sex, name of parent or guardian, and place of abode, of every child vaccinated by him, and the operation, whether successful, unsuccessful, or doubtful, and any further particulars from time to time directed by the Governor in Council.

Registers of vaccinated children.

(2) Every public vaccinator and medical practitioner, on or before the tenth day of January, the tenth day of April, the tenth day of July, and the tenth day of October in each year, shall transmit a certified copy of the register signed by himself to the Surgeon General.

15.—(1) If any public vaccinator or vaccination officer gives information in writing to a magistrate that he has reason to believe that any child above the age of six months who is within the district for which the informant acts, has not been successfully vaccinated, the magistrate shall summon the father or mother or person having the care, nurture, or custody, of the child to appear with the child before him at a certain time and place.

Power to order vaccination of child above the age of six months.

Form 5.

(2) On the appearance, if the magistrate finds, after any examination he deems necessary, that the child has not been vaccinated nor had the smallpox, he may if he sees fit make an order under his hand, in form 5, or to the like effect, directing the child to be vaccinated within the period of three months.

Penalty for neglect to have child vaccinated.

16. The father or mother of a child, or in the event of the death, illness, absence, or inability from any cause, of the father or mother, then the person having the care, nurture, or custody of a child, who, without reasonable excuse, fails or neglects—

- (a) to cause the child to be vaccinated within six months after its birth; or,
- (b) where the child has been vaccinated by a public vaccinator, to cause it to be taken to the public vaccinator for inspection on the eighth day after its vaccination; or
- (c) to produce it before the magistrate when summoned to do so,

shall be guilty of an offence, and on conviction thereof shall be liable to a penalty not exceeding five dollars.

Penalty for continued refusal to have child vaccinated.

17.—(1) The father, mother, or other person aforesaid who, after having been ordered by a magistrate to cause a child to be vaccinated, or who, after conviction for having failed or neglected without reasonable excuse to have a child vaccinated, without reasonable excuse, fails or neglects to have the child vaccinated, shall, for each period of three months during which that failure or neglect continues, be guilty of a separate and distinct offence, and shall for each offence on conviction thereof, be liable to a penalty not exceeding ten dollars.

(2) The father, mother, or other person may be prosecuted in respect of each and every period of three months during which the failure or neglect continues until the child is vaccinated.

Right of parent to require child to be vaccinated with lymph procured from England.

18. If the father or mother or the person having the custody of a child requiring to be vaccinated intimates to the public vaccinator that he or she desires that the child shall be vaccinated with lymph procured from England, the public vaccinator shall be bound to vaccinate the child with lymph procured from England; and no one shall be liable to any penalty under this Ordinance for failing or

neglecting to have a child vaccinated if he can prove in his defence that the cause of the child not having been vaccinated has been that the father, mother, or person having the custody, of the child has intimated his or her desire that the child shall be vaccinated with lymph procured from England and that the public vaccinator has been unable so to vaccinate the child.

19. Every registrar of births and deaths for any place shall, once at least in every month, transmit by post or otherwise to each public vaccinator whose district is wholly or partly comprised in that place, a return, certified under the hand of the registrar to be a true return, of all births and deaths of infants under twelve months of age which have been registered by him.

Transmission to public vaccinators of monthly returns of births and deaths of infants.

20. All costs actually incurred by any public vaccinator, vaccination officer, or medical practitioner, in respect of any books, forms, or notices in use under this Ordinance, or in respect of any other matter required by it, or by any rules or regulations made under it, shall be allowed and paid for by the Colonial Treasurer, on the warrant of the Governor.

Refund of expenses incurred under Ordinance.

21. Everyone who wilfully forges, counterfeits, or alters, or utters or produces in evidence, knowing the same to be forged, counterfeited, or altered, any certificate required by this Ordinance, shall be guilty of a misdemeanour, and, on conviction thereof shall be liable at the discretion of the court to imprisonment with hard labour for any term not exceeding one year.

Punishment for forging certificate.

22. Everyone who gives, lends, or uses, any such certificate as aforesaid for any fraudulent purpose shall on conviction thereof before a magistrate be imprisoned with hard labour for any term not exceeding three months the convicting magistrate may direct.

Punishment for fraudulent use of certificate.

23. Everyone who produces, or attempts to produce, in any person, by inoculation with variolous matter, or by wilful exposure to variolous matter or to any matter, article or thing impregnated with variolous matter, or wilfully by any other means whatsoever produces the disease of smallpox in any person, shall be guilty of an offence,

Inoculating with small pox.

Penalty. and on conviction thereof before a magistrate shall be liable to imprisonment with or without hard labour for any term not exceeding three months.

Procedure and appeal.

24. All penalties for any offence under this Ordinance may be recovered in a summary manner, on the information of the public vaccinator or of the vaccination officer of any district, before any magistrate, in the manner provided by the Summary Jurisdiction Ordinances.

## PART II.

### VACCINATION OF PASSENGERS.

Vaccination of certain passengers. Chapter 99.

25.—(1) No one coming from any port or place declared to be a place infected with smallpox under the provisions of the Quarantine Ordinance may land in any part of the colony unless on arrival—

- (a) he submits to vaccination; or
- (b) satisfies the medical officer of the port or place at which he is about to land that he has been vaccinated within ten years last past.

Notice forbidding landing.

(2) If anyone neglects or refuses to comply with the provisions aforesaid of this section, the health officer of the port shall give notice that that person is not to be allowed to land in any part of the colony.

(3) The notice may be given verbally or in writing to the master or any of the crew of the vessel on board of which the person is, or by writing nailed or affixed to any mast or other part of the vessel, but where practicable shall be given to the master.

Penalty on vessel from which person lands contrary to notice :

26.—(1) If anyone as to whom notice has been given under the last preceding section lands in any part of the colony contrary to this part of this Ordinance, the vessel whereby he arrived shall be subject to a maritime lien in favour of His Majesty for a sum of five hundred dollars in respect of each of the persons who so lands; and the amount so charged may be sued for and recovered in the Supreme Court by the Attorney General.

(2) Any harbour master, deputy harbour master, officer of customs, or other Government officer, and any officer on full pay in the military or naval service of His Majesty may detain, by force if necessary, any vessel charged with the payment of any sum under this section

until six of the clock in the evening of the day following the landing of the person in respect of whom the sum is charged :

Provided that the detainer shall cease upon—

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(a) payment to the officer detaining the vessel, or the person placed by him in actual charge thereof, of all sums charged thereon under this section; or

(b) the vessel being arrested under process of the Court issued in any proceedings for recovering the sums last aforesaid.

27. A master of a vessel who suffers anyone, as to whom notice has been given under sub-section two of section twenty-five of this Ordinance, to land contrary to the provisions of this part, shall be guilty of an offence punishable on summary conviction and liable to a penalty not exceeding two hundred and fifty dollars, and, in default of payment, to imprisonment with or without hard labour for any term not exceeding three months.

Master  
landing.

Penalty.

28. Anyone as to whom notice has been given under sub-section two of section twenty-five of this Ordinance who lands, or suffers himself to be landed, contrary to this part of this Ordinance, and anyone who lands or procures to be landed contrary to this part of this Ordinance, or who aids or assists in landing or procuring to be landed contrary to this part of this Ordinance, anyone as to whom that notice has been given, shall be guilty of an offence punishable on summary conviction and liable to the penalties provided by the last preceding section.

Person  
landing or  
assisting to  
land.

Penalty.

29. All persons vaccinated under the provisions of this part of this Ordinance, shall present themselves at the time and place fixed by the vaccinator to be inspected by him, in order that the result of the operation may be ascertained, and in the event of the vaccination being unsuccessful, they shall be re-vaccinated; and all the provisions of this part of this Ordinance shall apply to the re-vaccinations in the same manner as to vaccinations under sub-section one of section twenty-five of this Ordinance.

Inspection  
and re-  
vaccination.

30. No fee shall be chargeable for vaccination or re-vaccination performed under this part of this Ordinance.

Fees.



Regulations.

31. The Governor in Council may make regulations for the proper carrying into effect of the provisions of this part of this Ordinance, whereby may be prescribed penalties for the breach of them not exceeding fifty dollars and in default of payment, imprisonment with or without hard labour for any term not exceeding two months, and the penalties may be recovered under the Summary Jurisdiction Ordinances.

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SCHEDULE OF FORMS.

1.

(Section 8.)

*Notice to have child vaccinated.*

I, the undersigned, hereby give you notice to have the child [*here insert name, if any*] whose birth is now registered vaccinated within six months from the date of its birth, pursuant to the provisions of the Vaccination Ordinance, and that, in default of your doing so, you will be liable to the penalties thereby imposed for neglect of those provisions. The public vaccinator will attend at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 1 \_\_\_\_\_, at the hour of \_\_\_\_\_.

You are required to produce to the public vaccinator who vaccinates the child aforesaid the three forms marked respectively 2, 3, and 4 herewith supplied.

If you wish the public vaccinator to vaccinate the child with lymph procured from England, you must so inform him.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1 \_\_\_\_\_.

(Signed)

Registrar of births and deaths.

2.

(Section 11.)

*Certificate of successful vaccination.*

I, the undersigned, hereby certify that \_\_\_\_\_ aged \_\_\_\_\_ the \_\_\_\_\_ of \_\_\_\_\_ was vaccinated by me in the \_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 1 \_\_\_\_\_, and found to have proved successful.

Situation of vaccination.

Number of successful insertions.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1 \_\_\_\_\_.

(Signed)

A.B.,

Public Vaccinator.

[or A.B.,

medical practitioner.

(i.e., M.D., or F.R.C.S.,  
or otherwise as the case may be.)]

## 3.

(Section 12.)

*Certificate of unfitness for vaccination.*

I, the undersigned, hereby certify that I am of opinion that the child of \_\_\_\_\_ in the county of \_\_\_\_\_ aged \_\_\_\_\_ is not now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination for \_\_\_\_\_ months [a period not exceeding six months].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Signed)

A.B.,  
Public Vaccinator.  
[or A.B.,  
medical practitioner.  
(i.e., M.D., or F.R.C.S.,  
or otherwise as the case may be).]

## 4.

(Section 13.)

*Certificate of insusceptibility to successful vaccination.*

I, the undersigned, hereby certify that I have unsuccessfully vaccinated \_\_\_\_\_ aged \_\_\_\_\_ the child of \_\_\_\_\_ in the county of \_\_\_\_\_ [or that the child has already had smallpox, as the case may be], and I am of opinion that the child is insusceptible to successful vaccination.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Signed)

A.B.,  
Public Vaccinator.  
[or A.B.,  
medical practitioner.  
(i.e., M.D., or F.R.C.S.,  
or otherwise as the case may be).]

## 5.

(Section 15.)

*Order directing child to be vaccinated.*

JUDICIAL DISTRICT.

To C.D., residing at, etc.

Whereas on the \_\_\_\_\_ day of, etc., the public vaccinator [or the vaccination officer, as the case may be] for district \_\_\_\_\_ gave information in writing to me the undersigned, one of His Majesty's magistrates in and for the said colony, that he had reason to believe that a certain child named \_\_\_\_\_ apparently above the age of six months, now residing at \_\_\_\_\_ within the district for which the said informant acts, had not been successfully vaccinated, and whereas you, the said C.D., having been duly summoned, have appeared with the said child before me on this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, and I having found, after such examination as I deemed necessary, that the said child has not been vaccinated nor has had the smallpox, I do hereby, in pursuance of the Vaccination Ordinance, order and direct you, the said \_\_\_\_\_ to cause the said child to be vaccinated within three months from the date hereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, at \_\_\_\_\_

(Signed)

Magistrate.