

Vaccination.

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A BILL INTITULED

AN ACT to amend the Laws relating to Vaccination.

WHEREAS it is expedient to amend the Laws relating to Vaccination. Title.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows— Preamble.

1. The Short Title of this Act shall be “The Vaccination Act 1870” It shall come into operation on the first day of one thousand eight hundred and seventy- and the said day shall be deemed the time of the commencement of this Act. Short Title.

2. “The Vaccination Act 1863” is hereby repealed Provided always that nothing herein contained shall in anywise affect any act or thing lawfully done or any proceedings taken or commenced or any offence committed under or against the said repealed Act and provided also that all districts duly laid out or defined and existing at the time of the commencement of this Act and appointments of Repeal clause.

Medical Officers duly made under or by virtue of the said repealed Act and in force at the time of the commencement of this Act shall be deemed to be districts laid out or defined and appointments made under the authority of this Act and every such Medical Officer appointed to any district contained under this Act shall be the Public Vaccinator thereof as if appointed hereunder. 5

Interpretation.
27 Vict. No. 33 s. 15

3. The word "parent" in this Act shall be construed and taken to mean and include the father and mother of a legitimate child and the mother of an illegitimate child and the words "Medical Practitioner" or "Practitioner" shall mean a duly qualified Medical Practitioner within the meaning of "The Medical Practitioners Act 1869" and the word "Registrar" shall include Deputy Registrar. 10

30 and 31 Vi
s. 35.

Districts to be laid
out by the Governor
in parts of Colony
not within a
Province.

27 Vict. No. 33 s. 2.

4. It shall be lawful for the Governor from time to time to divide any portion of the Colony of New Zealand not included within the boundaries of any Province or such part of any such portion as he shall think fit into convenient districts for affording increased facilities for vaccination and from time to time to alter the boundaries of such districts heretofore formed or hereafter to be formed and from time to time to appoint a convenient place or places in each such district for the performance of such vaccination and to take the most effectual means for giving from time to time to all persons resident within such district due notice of the days and hours at which a Public Vaccinator to be by the Governor appointed will attend at such place to vaccinate all persons not already successfully vaccinated who may then appear there and also of the days and hours at which such Public Vaccinator will attend at such place to inspect the progress of such vaccination in the persons so vaccinated. 15 20 25

Districts to be laid
out by Superinten-
dents within
Provinces.

1b.

5. The Superintendent of every Province in New Zealand may divide the Province of which he is Superintendent or such part thereof as he shall think fit into convenient districts for affording increased facilities for vaccination and from time to time divide into such districts any part of such Province not previously divided into such districts and from time to time alter the boundaries of any such districts heretofore formed or hereafter to be formed within such Province and shall from time to time appoint a convenient place or places in each such district for the performance of such vaccination and shall take the most effectual means for giving from time to time to all persons resident within such district due notice of the days and hours at which a Public Vaccinator to be by such Superintendent appointed will attend at such place to vaccinate all persons not already successfully vaccinated who may then appear there and also of the days and hours at which such Public Vaccinator will attend at such place to inspect the progress of such vaccination in the persons so vaccinated. 30 35 40

For districts not
within Provinces
Public Vaccinators
and Officers to enforce
provisions of Act to
be appointed by the
Governor.

6. The Governor may appoint for each district constituted in any part of the Colony not being within any Province one or more medical practitioners for the performance of vaccination of persons resident within such district and every such Medical Practitioner shall be termed a Public Vaccinator of the district and also such other person or persons as he may think fit to enforce in such district the provisions of this Act and every such person so appointed to enforce the provisions of this Act shall be termed a Vaccination Inspector of such district and the Governor may from time to time remove any such Public Vaccinator or Vaccination Inspector and appoint another in his stead and every Public Vaccinator and Vaccination Inspector shall be paid out of moneys to be appropriated by the General Assembly for the purpose such annual salary as the Governor shall from time to time appoint and all moneys so expended shall by the Colonial Treasurer be charged against the County or other division of the Colony in respect of which it is expended. 45 50 55 60

For districts within

7. The Superintendent of any Province may appoint for each

district constituted in the Province of which he is Superintendent one or more Medical Practitioners for the performance of vaccination of persons resident within such district and every such Medical Practitioner shall be termed a Public Vaccinator of the district and
 5 also such other person or persons as he may think fit to enforce in such district the provisions of this Act and every such person so appointed shall be termed a Vaccination Inspector of such district and every such Superintendent may from time to time remove any such Public Vaccinator or Vaccination Inspector appointed within the
 10 Province of which he is Superintendent and appoint another in his stead and every such Public Vaccinator and Vaccination Inspector as in this section referred to shall be paid out of moneys to be appropriated for the purpose by the Provincial Legislature of the Province within which he is appointed to act such annual salary as the
 15 Superintendent shall from time to time appoint or as shall be fixed by such Legislature.

Provinces Superintendents to appoint Public Vaccinators and persons to enforce provisions of the Act.

Salaries of such officers.

8. The Registrar of Births in every district shall on or within seven days after the registration with him of the birth of any child not already vaccinated give a notice in the form in Schedule A. to this Act or to the like effect to the parent or in the event of the death illness absence or inability of the parent to the person having the custody of such child if known to him requiring such child to be duly vaccinated according to the provisions of this Act and specifying the days hours and places where the Public Vaccinator of the district
 25 wherein such child resides will attend for the purpose of performing the operation to which notice forms according to those in the Schedules hereto marked B. C. D. and also the address of the Registrar giving such notice shall be attached in such form as the Registrar-General of Births shall deem most convenient.

Notice of vaccination to be given on registration of birth.

27 Vict. No. 33 s. 9.

9. The parent of every child born in New Zealand shall within six calendar months after the birth of such child or where by reason of the death illness absence or inability of the parent or other cause any other person shall have the custody of such child such person shall within six months after receiving the custody of such child take or
 35 cause to be taken such child to the Public Vaccinator appointed for the district within which the said child is resident for the purpose of being vaccinated or shall within such period as aforesaid cause it to be vaccinated by some Medical Practitioner and the Public Vaccinator so appointed to whom such child shall be so brought is hereby required
 40 with all reasonable despatch subject to the conditions hereinafter mentioned to vaccinate such child without fee or reward other than such salary as aforesaid.

Children to be vaccinated within six months of birth.

Ib. s. 3.

10. Upon the same day in the following week when the operation shall have been performed by the Public Vaccinator and between the
 45 hours of eleven o'clock before noon and three o'clock in the afternoon the parent or other person as the case may be shall again take the child or cause it to be taken to the Public Vaccinator by whom the operation was performed in order that such Public Vaccinator may inspect it and ascertain by inspection the result of such operation and
 50 if he see fit take from such child lymph for the performance of other vaccinations and in the event of the vaccination being unsuccessful such parent or other person shall if the Public Vaccinator so direct cause the child to be forthwith again vaccinated and subsequently inspected as on the previous occasion.

Success of vaccination to be ascertained.

Ib. s. 4.

11. If any Public Vaccinator or Medical Practitioner shall be of opinion that the child is not in a fit and proper state to be successfully vaccinated he shall give to the parent or other person having the custody of such child a certificate under his hand in the form in
 Schedule B. to this Act or to the like effect which certificate shall
 60 remain in force for the period of two months from the date thereof and

Certificate of child not being in a fit state for vaccination.

nd 31 Vict. c. 420
s. 15.

Ib. s. 16.

Ib. s. 17.

27 Vict. No. 33 s. 6.

the production thereof shall for such period be a sufficient defence against any complaint which shall be brought for non-compliance in respect of such child with the provisions of this Act and such certificate shall be renewable for successive periods of two months until a Public Vaccinator or Medical Practitioner shall deem the child to be in a fit state for successful vaccination when the child shall with all reasonable despatch be vaccinated and the certificate of successful vaccination in the form in Schedule D. to this Act if warranted by the result shall be given.

Provision for successive certificates.

12. At or before the end of each successive period the parent or such person as aforesaid shall take or cause the child to be taken to some Public Vaccinator or Medical Practitioner who shall then examine the child and give the certificate in the form contained in Schedule B. to this Act so long as he deems requisite under the circumstances of the case.

Certificate of child being insusceptible of vaccination.

Ib. s. 7.

13. If any Public Vaccinator or Practitioner shall be of opinion that any child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination or that a child brought to him for vaccination has already had the small-pox he shall deliver to the parent of such child or other person as aforesaid a certificate under his hand according to the form in the Schedule C. to this Act and the parent or such person as aforesaid shall thenceforth not be required to cause the child to be vaccinated.

Certificate of successful vaccination by Public Vaccinator.

Ib. s. 5.

14. Every Public Vaccinator who shall have performed the operation of vaccination upon any child and have ascertained that the same is successful shall within twenty-one days after the performance of the operation transmit by post or otherwise a certificate under his hand according to the form in Schedule D. to this Act annexed or the like effect certifying that the said child has been successfully vaccinated to the Registrar of Births in the district in which the birth was registered but if such district is not known to him or if the birth of the child shall not have been registered to the Registrar of the district within which the operation shall have been performed and upon request shall deliver a duplicate thereof to the parent or other person aforesaid.

Certificate of successful vaccination by Medical Practitioner not appointed under this Act.

Ib. s. 5.

15. Where the vaccination shall be successfully performed by a Medical Practitioner not being a Public Vaccinator appointed under this Act the parent or other person causing the child to be vaccinated shall submit a certificate according to the form in the Schedule D. to this Act to such Medical Practitioner to be filled up and signed by him and shall within twenty-one days after the performance of the operation transmit the same so signed by post or otherwise to the Registrar of Births of the district where the birth of such child was registered or if the birth of such child shall not have been registered or the district of the registration shall not be known to such parent or other person to the Registrar of Births of the district in which the operation shall have been performed.

Registrar of Births to register vaccination.

16. The Registrar of Births in every district shall keep a book in which he shall enter minutes of the notices of vaccination given by him as herein required and also register the certificates transmitted to him as herein provided.

Searches and copies of entries in register.

17. Every Registrar of Births shall at all reasonable times allow searches to be made in his register and upon demand give a copy certified under his hand of any entry in the same on payment of a fee of sixpence for each search and threepence for each copy of an entry Provided that no fee shall be charged for any search made by a Public Vaccinator or Vaccination Inspector appointed under this Act in the course of his official duty.

Penalty for non-vaccination.

18. Every parent or person having the custody of any child who shall neglect to take such child or cause it to be taken to be vaccinated or after vaccination to be inspected according to the provisions in this

30 and 31 Vic
s. 18.

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Ib. s. 1

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Ib. s. 2

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Ib. s. 2

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Ib. s. 2

Act respectively contained and shall not render a reasonable excuse for such neglect shall be guilty of an offence and be liable on conviction to pay a penalty not exceeding forty shillings.

19. Every Public Vaccinator parent or other person (as the case may be) who shall neglect to transmit any certificate required by this Act to be by him transmitted completely filled up and legibly written to the Registrar within the time herein specified and every Public Vaccinator who shall refuse to deliver on request to the parent or other person and every Medical Practitioner who shall refuse to fill up and sign when submitted to him as aforesaid any certificate required of him by this Act shall be liable to pay a penalty not exceeding forty shillings.

Penalty for neglecting to transmit certificates.

20. Every person who shall wilfully sign a false certificate or duplicate under this Act shall be guilty of a misdemeanour and shall be liable on conviction thereof to pay a penalty not exceeding twenty pounds or to be imprisoned for any term not exceeding six months.

False certificates.

21. It shall be lawful for any Registrar of Births Deaths and Marriages or for any Public Vaccinator or for any Vaccination Inspector and such officer last aforesaid is hereby required to cause a notice in the form of Schedule E. to this Act to be handed to the parent or other person having the custody of any unvaccinated child over the age of six months and under the age of fourteen years resident within his district and if after such notice such parent or other person as the case may be shall neglect for a period of one month to cause such child to be vaccinated such parent or person so offending shall forfeit a sum not exceeding forty shillings.

Notice may be given by Registrar Public Vaccinator or Vaccination Inspector requiring child to be vaccinated.

22. If any Registrar of Births Public Vaccinator or any Vaccination Inspector shall give information in writing to a Justice of the Peace that he has reason to believe that any child under the age of fourteen years being within the jurisdiction of such Justice has not been successfully vaccinated and that notice has been given to the parent or person having the custody of such child to procure its being vaccinated and that this notice has been disregarded the Justice may summon such parent or person to appear with the child before him at a certain time and place and upon the appearance if the Justice shall find after such examination as he shall deem necessary that the child has not been vaccinated nor has already had the small-pox he may if he see fit make an order under his hand directing such child to be vaccinated within a certain time and if at the expiration of such time the child shall not have been so vaccinated or shall not be shown to be then unfit to be vaccinated or to be insusceptible of vaccination the person upon whom such order shall have been made shall be proceeded against summarily and unless he can show some reasonable ground for his omission to carry the order into effect shall be liable to pay a penalty not exceeding forty shillings.

Justice may make an order for the vaccination of any child under fourteen years.

23. The Registrar-General of Births Deaths and Marriages shall frame and provide such books forms and regulations as he may deem requisite for carrying into full effect the provisions of this Act and shall transmit the same to Registrars of Births who shall retain such as relate to themselves and distribute among Public Vaccinators appointed under this Act such as relate to them without fee or reward.

Registrar-General to provide books, &c. 27 Vict. No. 83 s. 12.

24. Any person who after the passing of this Act shall produce or attempt 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 produce the disease of small-pox in any person shall be guilty of an offence and shall be liable to be proceeded against summarily and upon conviction to pay a penalty not exceeding ten pounds or to be imprisoned for any term not exceeding one month.

Penalty on person inoculating with small-pox.

Ib. s. 13.

and 31 Vict. c. 84
s. 30.

Ib.

Ib. s. 31.

Ib. s. 14.

Ib. s. 32.

Notice not required to be proved.

25. In any prosecution for neglect to procure the vaccination of a child it shall not be necessary in support thereof to prove that the defendant had received from the Registrar or any other officer any notice by this Act directed to be given or any other notice of the requirements of the law in this respect. But if the defendant produce any of the said certificates hereinbefore described or shall produce the register kept by the Registrar of Births in which the certificate of successful vaccination of such child shall be duly entered as hereinbefore provided the same shall respectively be a sufficient defence for him except in regard to the certificate (B) when the time therein specified for the postponement of the vaccination shall have expired before the time when the information shall have been laid. 10

530 and 31 Vict. c. s. 34.

Public Vaccinators not to charge fees for certificates on vaccination.

26. No fee or remuneration shall be charged demanded or received by the Public Vaccinator to or from the parent or other person for any such certificate as aforesaid given by him as Public Vaccinator nor except such salary as aforesaid for any vaccination done by him within the district for which he is appointed or to any child resident within such district whether such vaccination shall be done within or without his district. 15

Recovery of penalties. 27 Vict. No. 33 s. 14.

27. All penalties by this Act imposed shall be recoverable upon the information or complaint of any Registrar of Births Deaths and Marriages or any Public Vaccinator appointed as aforesaid or any Vaccination Inspector appointed as aforesaid and may be recovered in a summary way before any two or more Justices of the Peace in the manner provided by "The Justices of the Peace Act 1866" so far as it relates to summary convictions. 20

Ib. s. 33.

SCHEDULES.

SCHEDULE A.

I the undersigned hereby give you notice to have the child (*insert name*) whose birth is now registered vaccinated within six months from the date of its birth pursuant to the provisions and directions of the Vaccination Act and that in default of your doing so you will be liable to the penalties thereby imposed for neglect of those provisions.

If you intend to apply to the Public Vaccinator of your district I have to inform you that he will attend at _____ on _____ at the hour of _____.

You are required to produce to the Public Vaccinator or Medical Practitioner who may be applied to the forms herewith supplied for him to fill up and sign and if the operation be performed by a Medical Practitioner who is not the Public Vaccinator you must transmit to me by post or otherwise the certificate signed by him within twenty-one days after the performance of the operation or you will be liable to a penalty of forty shillings to be recovered on a summary conviction.

Dated this _____ day of _____ 18 _____.

(Signed) C. D.
Registrar of Births and Deaths for the
District of _____ in the _____.

SCHEDULE B.

I the undersigned hereby certify that I am of opinion that _____ the child of _____ of _____ in the _____ of _____ aged _____ is not now in a fit and proper state to be successfully vaccinated. I do hereby postpone the vaccination until the _____ day of _____ (a)

(Signed) A. B.
Public Vaccinator of the _____ District of _____
or A. B. of _____
Medical Practitioner (*i.e.* M.D. L.A.C. or F.R.C.S.
or otherwise as the case may be).

Mem.—This is to be kept by the parent or other person to whom it is given.

(a) This must not exceed two calendar months from the date of the certificate.

SCHEDULE C.

I the undersigned hereby certify that I have _____ times unsuccessfully vaccinated the child of _____ of _____ in the _____ of _____ in the _____ of _____ aged _____ [or that the child has already had small-pox as the case may be] and I am of opinion that such child is insusceptible of successful vaccination.

Dated this _____ day of _____ 18 _____.

(Signed) A. B.
Public Vaccinator of the _____ District of _____
or A. B. of _____
Medical Practitioner (*i.e.* M.D. L.A.C. or F.R.C.S.
or otherwise as the case may be).

Mem.—This is to be kept by the parent or other person to whom it is given.

SCHEDULE D.

I the undersigned hereby certify that _____ the child of _____ aged _____ of _____ in the _____ of _____ of _____ has been successfully vaccinated by me.

Dated this _____ day of _____ 18 _____.

(Signed) A. B.
Public Vaccinator of the _____ District of _____
or A. B. of _____
Medical Practitioner (*i.e.* M.D. L.A.C. or F.R.C.S.
or otherwise as the case may be).

SCHEDULE E.

I the undersigned hereby give you notice to have the child _____ (*insert name*) vaccinated forthwith and if you neglect for one month from this date so to do you will be liable to a penalty of forty shillings.

Dated this _____ day of _____ 18 _____.

(Signed) C. D.
Registrar of Births &c. or Public Vaccinator of the _____
District or Vaccination Inspector in the District of _____

NOTICE.—This certificate is to be transmitted within twenty-one days from the performance of the operation by the Public Vaccinator to the Registrar of the district in which the birth was registered or if that be not known to him to the Registrar of the district in which the operation was performed. A duplicate is to be given to the parent or other person procuring the vaccination if requested.

When the vaccination is performed by a Medical Practitioner not the Public Vaccinator under the Vaccination Act for the district he is to fill up and sign the certificate and the parent or such other person is within the same time to transmit it to the Registrar with whom the birth was registered or if his district be not known to such parent or other person to the Registrar of the district in which the operation was performed.

The transmission may be by post or otherwise.

In each case the Vaccination Act of 1870 imposes a penalty of forty shillings for default.