



THE HEALTH (IMMUNISATION) REGULATIONS 1995

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 18th day of December 1995

Present:

THE RIGHT HON. J. B. BOLGER PRESIDING IN COUNCIL

PURSUANT to section 117 of the Health Act 1956, Her 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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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Health (Immunisation) Regulations 1995.

(2) These regulations shall come into force on the 1st day of June 1996.

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

“Caregiver”, in relation to a child, means any person who is a parent or guardian of the child, or who for the time being has the care of the child:

“Centre employee”, in relation to an early childhood centre, includes any person concerned in the operation or management of the centre:

“Child” means a boy or girl under the age of 14 years:

“Controlling authority”,—

(a) In relation to an early childhood centre, means the licensee or licensees of that centre:

(b) In relation to a primary school, means—

(i) In the case of a primary school registered or deemed to be registered (including conditionally registered) under section 35A of the Education Act 1989, the managers of that school:

(ii) In the case of any other school, the Board of Trustees of that school constituted under Part IX of the Education Act 1989:

“Duly completed immunisation certificate”, in relation to a child, means an immunisation certificate that has been completed in respect of that child and that is signed by a vaccinator:

“Early childhood centre” or “centre” means an early childhood centre within the meaning of section 308 (1) of the Education Act 1989:

“Immunisation certificate” or “certificate” means a certificate in the form for the time being prescribed by the Director-General under regulation 11 of these regulations:

“Immunisation register” or “register” means a register maintained pursuant to regulation 8 or regulation 9 of these regulations:

“National Immunisation Schedule” means the Schedule known as the National Immunisation Schedule of the Ministry of Health and for the time being approved by the Minister, being a Schedule specifying a programme of vaccinations to promote immunity against the diseases specified in the Schedule:

“Parent” includes step-parent:

“Primary school” or “school” means—

(a) A school established or deemed to have been established under section 146 of the Education Act 1989 as a primary school:

(b) A school registered or deemed to be registered (including conditionally registered) under section 35A of the Education Act 1989 as a primary school:

(c) An integrated school (within the meaning of section 2 (1) of the Private Schools Conditional Integration Act 1975) that is a primary school:

“Primary school employee”, in relation to a primary school, includes any person concerned in the operation or management of the school:

“Relevant child” means a child born on or after the 1st day of January 1995:

“Vaccinator” means any medical practitioner or other person who may lawfully administer to any child the vaccinations required to promote immunity against the diseases for the time being specified in the National Immunisation Schedule.

(2) Where any expression used in these regulations is not defined in these regulations but is defined in the Health Act 1956, that expression shall, unless the context otherwise requires, have, in these regulations, the meaning given to it in that Act.

3. Purposes of these regulations—The purposes of these regulations are—

- (a) To promote the immunisation of children against disease:
- (b) To encourage caregivers to make an informed choice regarding the immunisation of their children:
- (c) To facilitate disease control.

4. Early childhood centres to require information regarding immunisation status—The controlling authority of every early childhood centre must take all reasonable steps to ensure that,—

- (a) Where a relevant child who is aged 15 months or over is enrolled at that early childhood centre, a caregiver of that child is requested to provide to a centre employee, either before or promptly after enrolment, a duly completed immunisation certificate in respect of that child:
- (b) Where a child who is enrolled at that early childhood centre (being a child who was enrolled at that centre before attaining the age of 15 months) attains the age of 15 months, a caregiver of that child is requested to provide to a centre employee, promptly after that child attains the age of 15 months, a duly completed immunisation certificate in respect of that child.

5. Primary schools to require information regarding immunisation status—The controlling authority of every primary school must take all reasonable steps to ensure that, where a relevant child is enrolled at that primary school, a caregiver of that child is requested to provide to a school employee, either before or promptly after enrolment, a duly completed immunisation certificate in respect of that child.

6. Caregivers to provide information regarding immunisation status—Where a caregiver of a child is requested, pursuant to regulation 4 or regulation 5 of these regulations, to provide in respect of that child a duly completed immunisation certificate, that caregiver must—

- (a) Comply with that request; and
- (b) Allow any centre employee or school employee, as the case may be, to inspect the certificate, to take extracts from the certificate, and to copy all or part of the certificate, in accordance with regulation 7 of these regulations.

7. Early childhood centres and primary schools may inspect immunisation certificates—For the purpose of enabling the recording of relevant information in an immunisation register, any centre employee or school employee to whom any immunisation certificate is provided in

accordance with the requirements of regulation 4 or, as the case may be, regulation 5 of these regulations may do one or more of the following:

- (a) Inspect that certificate:
- (b) Take extracts from the certificate:
- (c) Copy all or part of the certificate.

8. Early childhood centres to maintain immunisation registers—

(1) The controlling authority of every early childhood centre must ensure that the centre maintains an immunisation register.

(2) Every immunisation register maintained by an early childhood centre must contain the following information in respect of each relevant child who is for the time being enrolled at the centre and who has attained the age of 15 months:

- (a) The full name of the child:
- (b) The child's date of birth:
- (c) Whether or not a caregiver of the child has provided to a centre employee an immunisation certificate in accordance with regulation 4 of these regulations:
- (d) Where an immunisation certificate has been provided to a centre employee in accordance with regulation 4 of these regulations, the following information extracted from the certificate:
 - (i) Whether the child has been fully immunised against the diseases for the time being specified in the National Immunisation Schedule:
 - (ii) If the child has not been fully immunised, those diseases against which, in the vaccinator's opinion, the child has been immunised or has developed laboratory-proven natural immunity:
- (e) Such other information as the Director-General may from time to time prescribe by notice in the *Gazette*.

9. Primary schools to maintain immunisation registers—(1) The controlling authority of every primary school at which relevant children are enrolled must ensure that the school maintains an immunisation register.

(2) Every immunisation register maintained by a primary school must contain the following information in respect of each relevant child who is for the time being enrolled at the school:

- (a) The full name of the child:
- (b) The child's date of birth:
- (c) Whether or not a caregiver of the child has provided to a school employee an immunisation certificate in accordance with regulation 5 of these regulations:
- (d) Where an immunisation certificate has been provided to a school employee in accordance with regulation 5 of these regulations, the following information extracted from the certificate:
 - (i) Whether the child has been fully immunised against the diseases for the time being specified in the National Immunisation Schedule:
 - (ii) If the child has not been fully immunised, those diseases against which, in the vaccinator's opinion, the child has been immunised or has developed laboratory-proven natural immunity:

(e) Such other information as the Director-General may from time to time prescribe by notice in the *Gazette*.

10. Form of, and access to, immunisation registers—(1) An immunisation register may be maintained in such form as the controlling authority responsible for maintaining it thinks fit, including, either wholly or partly, by means of a device or facility—

- (a) That records or stores information electronically or by other means; and
- (b) That permits the information so recorded to be readily inspected or reproduced in usable form.

(2) The controlling authority of an early childhood centre or a primary school must ensure that the immunisation register maintained by that centre or school is available at all times for inspection by the following persons:

- (a) A Medical Officer of Health;
 - (b) A Health Protection Officer;
 - (c) Any person who is authorised in writing, by a Medical Officer of Health or a Health Protection Officer, to inspect the register.
- (3) Any person who is entitled pursuant to subclause (2) of this regulation to inspect any immunisation register may—
- (a) Take extracts from the register;
 - (b) Make copies of all or part of the register.

11. Form of immunisation certificates—(1) The Director-General may from time to time, by notice in the *Gazette*, prescribe the form of immunisation certificates to be completed by vaccinators.

(2) Without limiting subclause (1) of this regulation, an immunisation certificate may make provision for the entry of the following particulars in relation to the child to whom the certificate relates:

- (a) The full name of the child;
- (b) The child's date of birth;
- (c) Whether or not the child has been fully immunised against the diseases for the time being specified in the National Immunisation Schedule;
- (d) If the child has not been fully immunised, those diseases against which, in the vaccinator's opinion, the child has been immunised or has developed laboratory-proven natural immunity;
- (e) Such other particulars as the Director-General considers appropriate.

12. Rights to enrol at early childhood centres and primary schools not limited—Nothing in these regulations limits or affects any right of a child to be enrolled at or to attend any early childhood centre or primary school.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations, which come into force on 1 June 1996, are made under the Health Act 1956.

The regulations impose a duty on a child's caregiver to provide a certificate relating to the immunisation status of the child when the child is enrolled at an early childhood centre or a primary school. A duty to record the information is imposed on early childhood centres and primary schools. The regulations do not impose on caregivers any obligation to immunise their children. The regulations apply only in respect of children born on or after 1 January 1995.

Regulation 2 defines certain terms used in the regulations.

Regulation 3 sets out the purposes of the regulations. These are—

- (a) To promote the immunisation of children against disease;
- (b) To encourage caregivers to make an informed choice regarding the immunisation of their children;
- (c) To facilitate disease control.

Regulation 4 imposes a duty on the controlling authority of an early childhood centre to ensure that, where a child is enrolled at the centre, a caregiver of the child is requested to provide a certificate indicating whether or not the child is immunised against the diseases for the time being specified in the National Immunisation Schedule of the Ministry of Health. The obligation applies only in respect of children who have attained the age of 15 months, which is the age at which the programme of vaccinations currently specified in the National Immunisation Schedule will normally have been completed.

Regulation 5 imposes a duty on the controlling authority of a primary school to ensure that, where a child is enrolled at the school, a caregiver of the child is requested to provide a certificate indicating whether or not the child is immunised against the diseases for the time being specified in the National Immunisation Schedule of the Ministry of Health.

Regulation 6 imposes a duty on a caregiver of a child to comply with any request made under *regulation 4* or *regulation 5* to provide an immunisation certificate.

Regulation 7 empowers the staff of early childhood centres and primary schools to inspect, take extracts from, and take copies of, immunisation certificates provided in accordance with the regulations.

Regulation 8 requires every early childhood centre to maintain a register recording, in respect of children enrolled at the centre, certain specified information relating to the immunisation status of those children. The information so specified includes whether or not an immunisation certificate has been provided in respect of each child, and, if so, the immunisation status of the child.

Regulation 9 requires every primary school to maintain a register recording, in respect of children enrolled at the school, certain specified information relating to the immunisation status of those children. The information so specified includes whether or not an immunisation certificate has been provided in respect of each child, and, if so, the immunisation status of the child.

Regulation 10 prescribes the form of the immunisation registers that early childhood centres and primary schools are required to maintain, and empowers the inspection of such registers by Medical Officers of Health, Health Protection Officers, and certain other persons.

Regulation 11 empowers the Director-General of Health to prescribe the form of immunisation certificates.

Regulation 12 makes it clear that the regulations do not limit or affect any right of a child to be enrolled at or to attend any early childhood centre or primary school.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 20 December 1995.

These regulations are administered in the Ministry of Health.