

Act No. 3 of 1860**VACCINATION****An Act to promote general vaccination.***[Commencement 12th April, 1860]*

- 3 of 1860*
3 of 1874
10 of 1882
36 of 1926
12 of 1934
66 of 1959
G.N. 7 (7)/1964
E.L.A.O. 1974
- 1.** This Act may be cited as the Vaccination Act. Short title.
- 2.** In this Act, unless the context otherwise requires — Interpretation.
- “medical practitioner” means a medical practitioner, registered under the Medical Act; Ch. 224.
- “Minister” means the Minister responsible for Medical, Nursing and Health Services; *G.N. 7 (7)/1964, s. 2.*
- “parent” includes the father or mother of a legitimate child and the mother of an illegitimate child. *3 of 1871, s. 11.*
- 3.** It shall be lawful for the Minister to appoint persons to act as vaccinators for the various districts, parishes or towns within The Bahamas, or for any subdivision of any such district, parish or town as the Minister may think fit to make, for the purposes of this Act, whose duty it shall be from time to time, under and subject to the provisions of this Act, to vaccinate such of the indigent poor as may require their services for that purpose. Minister may appoint vaccinators.
- 4.** It shall be the duty of each public vaccinator semi-annually to take the most effectual means for giving to all persons resident within his district due notice of the place and of the day and hours at which such vaccinator will attend to vaccinate such poor persons, not having been already successfully vaccinated, as may then appear there for that purpose, and also of the day and hour at which such vaccinator will attend at such place to inspect the results of such vaccination. Vaccinators to give notice within their district.
- 5.** In case of any infant of tender age vaccinated under the provisions of this Act, it shall be the duty of the person who shall have brought such infant to be vaccinated to cause such infant on the eighth day following the day on which the infant shall have been so vaccinated to be again brought before the vaccinator by whom the operation was Vaccinators to inspect the result of vaccination.

performed, or any other vacinator lawfully acting for him; and in case of any person of years of discretion being vaccinated as aforesaid, it shall be his duty on the eighth day as aforesaid to come before the said vaccinator, or other person lawfully acting as aforesaid, in order that he may ascertain by inspection the result of the operation; and any person omitting or neglecting to comply with the requirements in this section contained shall, unless a good and sufficient reason for such neglect be shown, forfeit and pay a fine of forty cents.

5 of 1987, s. 2.

Vaccinators to keep register.

10 of 1882, s. 1.

Schedule.

6. It shall be the duty of each vaccinator and medical practitioner, immediately after the vaccination of any person under the authority of this Act, to enter upon the register sheet, to be furnished him for that purpose as hereinafter provided, the particulars required to be registered, according to the form in the Schedule to this Act, and after inspection on the eighth day as aforesaid when the vaccinator so inspecting, if a duly qualified medical practitioner, by his own signature in the proper column certify the result thereof, whether successful or unsuccessful; but if such vaccinator shall not be a duly qualified medical practitioner, it shall be his duty, when any vaccination shall be unsuccessful, to certify the same in the proper column, by his own signature; but if successful, then to obtain the signature of some justice of the peace, together with his own, certifying thereto.

Register to be transmitted to the Health Department.

10 of 1882, s. 1;
36 of 1926, s. 3.

7. Every practitioner and medical practitioner shall, as soon as practicable after the last day of June and December in every year, deliver or transmit by some safe conveyance to the office of the Health Department and Registry of Records at Nassau every such sheet upon which entries shall have been made as aforesaid under the authority of this Act during the half year ending on the said last day of the said months respectively.

Fees of vaccinators.

12 of 1934, s. 2;
66 of 1959, s. 2;
5 of 1987, s. 2.

8. For each vaccination so performed, registered and certified as aforesaid, the vaccinator performing the same, if a duly qualified medical practitioner, shall be entitled to receive a fee of eighty cents, and if not a duly qualified medical practitioner, he shall be entitled to receive a fee of forty cents, to be paid to such vaccinator out of the Treasury, by warrant of the Minister for Finance on the certificate of the Minister that such vaccinator's half yearly returns have been received, and that the same in all respects conform to the provisions of this Act.

9. It shall not be lawful for anyone, either during the prevalence of an epidemic of smallpox or at any other time, to inoculate any person with variolous matter, under any pretence whatsoever, and any person so offending shall be liable to a penalty of twenty dollars.

Inoculation declared unlawful.
5 of 1987, s. 2.

10. It shall be lawful for the Minister to take the necessary steps for procuring, from time to time, as may be required, a supply of genuine vaccine virus, and from time to time to issue the same to the persons duly authorised as aforesaid to perform vaccinations under this Act, and the necessary expenses connected therewith shall be defrayed out of the Treasury by warrant in the usual manner.

Minister to procure vaccine virus.

11. It shall be the duty of the Minister to prepare and have printed a set of instructions for the information and guidance of magistrates, or other non-professional persons, who may be appointed public vaccinators, a copy of which instructions shall be forwarded by the Minister to each such person, and it shall be the duty of every such non-professional vaccinator carefully to conform to the principles and practice therein contained.

Minister to prepare instructions for vaccinators.

12. Every registrar of births shall, on or within seven days after the registration by him of the birth of any child not already vaccinated, give a notice, in writing, 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 such registrar shall in the first week in January, April, July and October in every year, send a notice to the public vaccinator of his district of the several births which shall have taken place in such district during the preceding three months, and it shall be the duty of every such vaccinator half yearly, to visit and remain a sufficient time in every part of his district in which births may have been reported to him to have taken place, in order to vaccinate and test the vaccination of all such children as may be there brought to him to be vaccinated.

Duty imposed on registrar of births.
3 of 1871, s. 1.

13. The parent of every child born in The Bahamas shall within six months after the birth of such child, or when 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 it or cause it

Children to be vaccinated within six months after birth.

3 of 1871, s. 2.

to be taken to the public vaccinator of the vaccination district in which it shall be then resident, according to the provisions of any Act, to be vaccinated, or shall within such period as aforesaid cause it to be vaccinated by some medical practitioner, and the public vaccinator to whom such child shall be so brought is hereby required, with all reasonable despatch, subject to the conditions hereinafter mentioned, to vaccinate such child:

Provided that, if the public vaccinator shall not be residing at the particular part of the district in which the parent or other person having charge of the child is living, it shall, in such case, be held to be a sufficient compliance with the terms of this Act to take, or cause the child to be taken, to the public vaccinator on his visiting the neighbourhood of the place in which such child shall for the time being be resident.

Public vaccinator to ascertain the result of vaccinations.
3 of 1871, s. 3.

14. Upon the same day in the following week, when the operation shall have been performed by the public vaccinator, such parent or other person, as the case may be, shall again take the child, or cause it to be taken to him, that he may inspect it and ascertain the result of the operation, and, 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 vaccinator so direct, cause the child to be forthwith again vaccinated and inspected as on the previous occasion.

Certificates to be given when children are unfit for successful vaccination.

15. 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 forthwith deliver to the parent, or other person having the custody of such child, a certificate under his hand to the effect that the child is then in a state unfit for successful vaccination, which certificate shall remain in force for two months, and shall be renewable for successive periods for 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 a certificate of successful vaccination duly given if warranted by the result.

- 16.** At or before the end of each successive period for two months, 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 a certificate to the effect aforesaid so long as he deems requisite under the circumstances of the case.
- Certificate to extend two months.
3 of 1871, s. 5.
- 17.** If any such public vaccinator or medical practitioner shall find that a 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 smallpox, he shall deliver to the parent or other person as aforesaid a certificate under his hand to that effect, and the parent or such person as aforesaid shall thenceforth not be required to cause the child to be vaccinated.
- Certificate of exemption.
3 of 1871, s. 6.
- 18.** Every parent or person having the custody of a 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 of this Act, and shall not render a reasonable excuse for his neglect, shall be guilty of an offence, and be liable to be proceeded against summarily, and upon conviction to pay a penalty of four dollars.
- Penalty for neglecting vaccination or inspection.
3 of 1871, s. 7.; 5 of 1987, s. 2.
- 19.** If any registrar of births, or vaccinator, or peace officer shall give information in writing to a justice of the peace that he has reason to believe that any child under fourteen years of age, being within the parish or district for which the informant acts, has not been successfully vaccinated, and that he has given notice 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 smallpox, he may, if he sees fit, make an order under his hand and seal 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
- Penalty for not having a child vaccinated after notice and order of justice.
3 of 1871, s. 8.

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 a penalty of four dollars:

5 of 1987 s. 2.

Provided that, if the justice shall be of opinion that the person is improperly brought before him, and shall refuse to make any order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider to be a fair compensation for his expenses and loss of time in attending before the justice.

What proof unnecessary in support of prosecution. What defence sufficient.
3 of 1871, s. 10.

20. 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 notice from the registrar or any other officer of the requirements of the law in this respect, but if the defendant produce any such certificate as hereinbefore described or the register of vaccinations kept by the registrar as hereinbefore provided, in which the certificate of successful vaccination of such child shall be duly entered, the same shall be a sufficient defence for him except in regard to a certificate of a child not being at the time of its being granted in a fit state for vaccination when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

Penalties recovered.

21. All penalties imposed by this Act shall be recovered summarily, and shall be paid into the Treasury in aid of the general revenue.

Forms to be printed.

22. A sufficient number of forms for the registry of vaccinations according to the form in the Schedule to this Act shall from time to time be procured at the public expense and furnished to such vaccinators from the office of the Minister.

SCHEDULE (Section 6)

BAHAMA ISLANDS.

LIST OF PERSONS VACCINATED IN THE DISTRICT OF ISLAND, DURING THE SIX MONTHS
ENDING JUNE 30, 1860.

NO.	WHEN VACCINATED.	NAME, IF ANY.	AGE.	SEX.	NAME OF PARENT OR GUARDIAN.	WHEN INSPECTED.	RESULTS.		SIGNATURE OF WITNESS.	REMARKS.
							SUCCESSFUL.	UNSUCCESSFUL.		
1	April 2, 1860	John Jones	6 mos.	Male	Wm. Jones	April 9, 1860		AB	C. D., J.P.	
2	April 2,"	Sarah Black	8 "	Fem.	Rich. Black	April 9,"		A. B.		
R*	April 9,"	Sarah Black	8 "	"	Rich. Black	April 16,"		A. B.	Vaccinator	C. D., J.P.
3	April 10,"	Jane Sims	1 year		Wm. Sears	April 13,"		E. F., M. D.		

I hereby certify that the above persons, enumerated in the column headed "Successful", numbering, have been successfully vaccinated by me. A. B.
Public Vaccinator

July 4th, 1860.

* Cases unsuccessful in the first instance, when re-vaccinated, to be designated, with a capital R, in the first column.