



MONTSERRAT

## CHAPTER 14.07

# VACCINATION ACT

### Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### VACCINATION ACT

Act 5 of 1873 .. in force 11 October 1873

Amended by Acts: 13 of 1920

7 of 1933

2 of 1937

23 of 1961

9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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**CHAPTER 14.07**

**VACCINATION ACT**

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## CHAPTER 14.07

### VACCINATION ACT

*(Acts 5 of 1873, 13 of 1920, 7 of 1933, 2 of 1937, 23 of 1961 and 9 of 2011)*

#### **Commencement**

*[11 October 1873]*

#### **Short title**

1. This Act may be cited as the Vaccination Act.

#### **Medical Officer to appoint place for vaccination**

2. The Medical Officer of each district, or the person for the time being discharging the duties of such officer, shall appoint a convenient place or places within his district for the performance of vaccination, and shall take the most effectual means for giving from time to time all persons resident within such district due notice of the days and hours at which he will attend at such place or places to vaccinate all persons not already successfully vaccinated who may then appear there, and also of the days and hours at which he will attend at such place or places to inspect the progress of such vaccination in the person so vaccinated.

#### **Father and mother of child to have such child vaccinated**

3. The father and mother of every child shall, within three calendar months from the birth of such child, or in the event of the death, illness, absence, or inability of the father and mother, then the person who shall have the care, nurture or custody of the said child, shall, within four months from the birth of such child, take or cause such child to be taken to the Medical Officer of the district in which the said child is resident, for the purpose of being vaccinated, unless it shall have been previously vaccinated by some duly qualified medical practitioner and the vaccination duly certified, and the said Medical Officer shall and he is hereby required thereupon or as soon after as it may conveniently and properly be done to vaccinate the said child.

#### **Week after vaccination child to be inspected**

4. On the same day in the week following the day on which any child has been vaccinated, the father or mother or other person having the care, nurture or custody of the said child, shall again take or cause to be taken the said child to the Medical Officer or other duly qualified medical practitioner by whom the operation was performed, in order that he may ascertain by inspection the result of such 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 former occasion.

### **Certificate of successful vaccination**

5. Upon and immediately after the successful vaccination of any child or person the Medical Officer or other duly qualified medical practitioner who shall have performed the operation, shall deliver to the father or mother of the said child or to the person who shall have the care, nurture or custody of the said child, or to the person so vaccinated, a certificate under his hand according to Form A of the Schedule, that the said child or person has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the Registrar of births and deaths of the district in which the birth of the said child has been registered. Such certificate shall without further proof be admissible as evidence of the successful vaccination of such person in any suit or matter in which such person is concerned, and of the successful vaccination of any child in any information or complaint which shall be brought against the father or mother of the said child, or against the person who shall have had the care, nurture or custody of such child as aforesaid for non-compliance with the provisions of this Act.

### **Penalty for preventing public vaccinator from taking lymph**

6. Every person who prevents any public vaccinator from taking from any child lymph as provided by section 4, shall be liable on summary conviction to pay a penalty of \$4.80.

### **Provisions as to the unfitness of child for vaccination**

7. If any Medical Officer, or other duly qualified medical practitioner, shall be of opinion that any child is not in a fit and proper state to be successfully vaccinated, he shall thereupon and immediately deliver without fee or reward to the father or mother of such child, or to the person having the care, nurture or custody of the said child, a certificate under his hand according to Form B of the Schedule, that the child is in an unfit state for successful vaccination. Such certificate shall remain in force for two calendar months from its delivery as aforesaid, and the father or mother of the said child, or the person having the care, nurture or custody of the said child, shall, unless they shall within each succeeding period of two months, have obtained from a Medical Officer or other duly qualified medical practitioner, a renewal of such certificate within two months next after the delivery of the said certificate as aforesaid, and if the said child be not vaccinated at or by the termination of such period of two months, then during each succeeding period of two calendar months, until such child has been successfully vaccinated, take or cause to be taken to the said Medical Officer, or other duly qualified medical practitioner, such child to be vaccinated by him, and if the said Medical Officer or other duly qualified medical practitioner deem the said child to be then in a fit and proper state for successful vaccination, he shall forthwith vaccinate it accordingly, and shall deliver to the father or mother of such child, or person having the care, nurture or custody of such child, a certificate under



his hand according to Form A of the Schedule that such child has been successfully vaccinated. If the said Medical Officer or other duly qualified medical practitioner be of opinion that the child is still in an unfit state for successful vaccination, then he shall again deliver to the father or mother of such child or person having the care, nurture or custody of the said child, a certificate under his hand according to the said Form B of the Schedule that the child is still in an unfit state for successful vaccination, the Medical Officer or other duly qualified medical practitioner so long as such child remain in an unfit state for vaccination and unvaccinated, shall, at the expiration of every succeeding period of two calendar months, deliver, if required, to the said father or mother of such child, or person having the care, nurture or custody of such child, a fresh certificate under his hand according to the said Form B, and the production of such certificate shall be a sufficient defence against any complaint which shall be brought against the father or mother or person having the care, nurture or custody of such child for non-compliance with the provisions of this Act.

### **Provision as to child being insusceptible of vaccination**

8. In the event of any medical practitioner acting under the provisions of this Act being of opinion that any child or person that has been vaccinated by him is insusceptible of the vaccine disease, he shall deliver to the father or mother or person having the care, nurture or custody of such child or to the person so vaccinated, a certificate under his hand according to Form D of the Schedule, the production of such certificate shall be a sufficient defence against any complaint which may be brought against the father, mother, or person having the care, nurture or custody of such child for non-compliance with the provisions of this Act, or, in the case of an adult so certified to be insusceptible of the vaccine disease, a sufficient compliance with the provisions of this Act.

### **Registrar to keep a register of successful vaccinations**

9. The Registrar of births and deaths in every district in which the birth of any child has been registered shall keep a register of the persons of whose successful vaccination a certificate shall have been transmitted to him as above provided by the Medical Officer or other duly qualified medical practitioner, and shall at all reasonable times allow searches to be made of any such register book in his keeping, and shall give a copy certified under his hand for any entry or entries in the same on payment of the fee of 12¢ for each search, and 24¢ for each certificate.

### **Registrar to give notice of requirement of vaccination**

10. (1) The Registrar of births and deaths in every district shall, on or within seven days after the registration of the birth of any child not already vaccinated within the district, give notice in writing in manner hereinafter directed and according to Form C of the Schedule to the father or mother of such child, or in the event of the death, illness, absence, or inability from sickness or otherwise of the father and mother, then to the person having the

care, nurture or custody of such child as aforesaid, to take care that the said child shall be vaccinated in manner directed by this Act.

(2) If after such notice the father or mother of the said child, or the person so having as aforesaid the care, nurture or custody of the said child shall not cause such child to be vaccinated, or shall not on the eighth day after the vaccination has been performed take or cause to be taken such child for inspection according to the provisions in this Act respectively contained, then such father or mother or person having the care, nurture or custody of such child so offending shall forfeit a sum not exceeding \$4.80 for each omission, and shall be subject and liable to a similar fine at the expiration of each and every calendar month from the infliction of the preceding penalty until the provisions of this Act have been fully complied with.

(3) It shall not be incumbent on the Registrar to furnish proof of the service of the said notice, but if the service of the said notice be disputed then it shall be necessary for the person so disputing the service of the said notice to furnish proof that the said notice was never served.

(4) All persons whose duty it is to procure the vaccination of such child shall for every omission so to do as required by this Act forfeit and pay a sum not exceeding \$4.80, and shall be liable to a repetition of such fine for every calendar month after the infliction of such first penalty, until such child has been successfully vaccinated or the provisions of this Act in such respect complied with.

### **Fees payable to Registrars**

11. A fee of 24¢ shall be paid to such Registrar for each child or person vaccinated in respect of which he shall have performed the duties required in this Act, and he shall keep a book to be provided as hereinafter directed containing a minute of his having duly given such notice as hereinbefore directed. The said fee shall be payable in the same manner as the fee now payable to such Registrar for registering the birth of such child as aforesaid is paid:

Provided that, no fee allowed under the provisions of this section shall be payable to any salaried officer whose remuneration is fixed upon the assumption that his whole time is at the disposal of the Government.

### **Registrar-General to provide books, etc., for Registrars at the public expense**

12. The Registrar-General shall, and he is empowered and directed at the public expense, to 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 the Registrar of each district, who shall deliver to the Medical Officer and other duly qualified medical practitioners in the said district, such of the said books, forms, and regulations as they may require for the performance of the duties imposed upon them by this Act.

**No person shall be employed in the police service, unless vaccinated, etc.**

13. No person who has not had the small-pox shall be employed in the police service of Montserrat unless vaccinated, nor shall any child be permitted to become or to be received as a pupil in any school within Montserrat unless vaccinated. (*Amended by Act 9 of 2011*)

**No licence to sell rum, etc., shall be granted to any person unvaccinated, etc.**

14. No licence as a hawker or pedlar, or to retail rum or spirituous liquors, or to act as boatman or porter within Montserrat, shall be granted to any person unless such person shall have previously had the small-pox or been vaccinated.

**Recovery of penalties**

15. All penalties imposed by this Act shall be recoverable before a Magistrate by any of the District Registrars, whose peculiar duty it is hereby declared to be to enforce the same, or by any other person who may sue and prosecute for the same, and the provisions of the Magistrate's Court Act shall be applicable to the recovery of such penalties:

Provided always, that in all cases in which there shall not be sufficient goods whereon any penalty or forfeiture can be levied, the offender may be committed and imprisoned.

**Appropriation of penalties**

16. All penalties which shall be recovered under the provisions of this Act shall be paid, one moiety thereof to the informer or person enforcing the same, and the other to the Accountant General for the use of Montserrat.

**District Medical Officers to be public vaccinators**

17. The Medical Officer of each medical district shall be the public vaccinator for the district in which he shall reside.

**SCHEDULE**

**FORMS**

FORM A

*(Sections 5 and 7)*

I ..... hereby certify that .....  
the child of ..... (or the name of the person  
vaccinated, as the case may be), aged ..... of the parish of .....  
has been successfully vaccinated by me.

Dated this ..... day of ....., 20.....

A.B.  
(Description).

\_\_\_\_\_

FORM B

*(Section 7)*

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

Dated this ..... day of ....., 20.....

A.B.  
(Description).

\_\_\_\_\_

FORM C

(Section 10(1))

I ..... hereby give you notice and require you to have C.D. vaccinated in pursuance of the provision and direction of the second section of the Vaccination Act.

Witness my hand this ..... day of....., 20.....

J. B., Registrar.

\_\_\_\_\_

FORM D

(Section 8)

I ..... hereby certify that I am of opinion that the child of ..... (or the name of the person, as the case may be) of the parish of ..... is insusceptible to the vaccine disease.

Dated this ..... day of ....., 20.....

A.B.

(Description).

\_\_\_\_\_



