

VACCINATION

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AN ORDINANCE TO AMEND THE LAW RELATING TO COMPULSORY VACCINATION

Ordinance Nos,

20 of 1886

Act Nos,

12 of 1952

22 of 1955

[1st July
, 1887]

Short title. 1. This Ordinance may be cited as the Vaccination Ordinance.

Division of 2. Whenever the Director of Health Services shall signify to the districts and Government Agent of any administrative district that he is ready appointment to undertake vaccination in any district, it shall be the duty of the of places for Government Agent, in conjunction with the Director of Health the purposes Services and the superintendent of vaccination of that district, of forthwith to divide such district into convenient divisions, for the vaccination. purpose of affording Increased facilities for vaccination, and to appoint a convenient place or places in each such division 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 divisions, due notice of the days and hours at which an officer 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 an officer will attend at such place or places to inspect the progress of such vaccination in the persons so vaccinated, and to collect vaccine lymph from them.

Every adult 3. Every adult who has no marks of successful vaccination or of to present smallpox, or who, if he has such marks, resides in a house or himself to be building in which there is a patient suffering from smallpox, shall vaccinated present himself at the place so appointed nearest his residence or for the purpose of being vaccinated or revaccinated ; and the revaccinated. officer shall, and he is hereby required thereupon, or as soon after as it may conveniently and properly be done, to vaccinate or revaccinate the said adult.

Every parent 4. Every child who has no marks of successful vaccination or of or guardian smallpox, or who, if he has such marks, resides in a house or to present building in which there is a patient suffering from smallpox, shall child under be taken, or caused to be taken, by his parent or guardian to the his care to place so appointed nearest the residence of such child, for the be purpose of being vaccinated or revaccinated ; and the officer vaccinated shall, and he is hereby required thereupon, or as soon after as it or may conveniently and properly be done, to vaccinate or revaccinated. revaccinate the said child.

Vaccination on 5. It shall be lawful for any government medical officer acting estates. under the written authority of the Director of Health Services, to superintendent give at least six days' previous notice in writing to the to publish superintendent of any estate appointing a place in such estate notice given by and a day and hour at which an officer will attend for the government performance of vaccination. Upon the receipt of such notice it medical shall be the duty of the superintendent to cause the same to be officer. duly published in the Sinhala and Tamil languages in every labourers' line within the said estate, and at the morning and evening muster of the labourers employed thereon.

Obligation of every parent or guardian of a child and of adult on estate. **6.** Every parent or guardian on the said estate shall take or cause to be taken the child under his care, and every adult residing in any labourers' line thereon, whether employed as a labourer or not, and whether previously vaccinated or not, and whether having already had the smallpox or not, shall present himself for inspection at the time and place so appointed as aforesaid, and the officer in attendance shall thereupon or as soon after as it may conveniently and properly be done, vaccinate every child or adult who has no previous marks of successful vaccination or of smallpox, or revaccinate every child or adult who, notwithstanding he has such marks, resides in a house or building in which there is a patient suffering from smallpox.

Inspection to ascertain result of vaccination. **7.** Upon the same day of the week following the day on which any adult or child has been vaccinated or revaccinated, as provided in section 3, 4 and 6, such adult shall present himself at, and the parent or guardian shall again take or cause to be taken such child to, the same place and at the same hour as before, in order that the officer in attendance may ascertain by inspection the result of such operation, and, if he sees fit, take from such adult or child lymph for the performance of other vaccinations; and in the event of the vaccination being unsuccessful, such adult shall cause himself, and such parent or guardian shall cause such child, if the officer so directs, to be forthwith again vaccinated and inspected as on the previous occasion.

Penalty for washing out lymph or interfering with vaccine vesicles. **8.** Whoever shall wilfully wash out or in any way remove the lymph from any puncture or punctures after vaccination, or cause or permit the same to be washed out or removed, and whoever shall, by the application of any substance or otherwise, interfere with or prevent or cause to be interfered with or prevented the due perfection of any vaccine vesicle or vesicles, shall be guilty of an offence, and be liable to a fine not exceeding ten rupees. (* Primary Court has exclusive jurisdiction under section 33 of the Judicature Act read with Gazette Extraordinary No. 43/4 of 1979-07-02.)

Certificate of successful vaccination. **9.** On and immediately after the successful vaccination of any adult or child, the officer who shall have performed or inspected the operation shall deliver to the adult vaccinated, or the parent or guardian of the child vaccinated, a certificate under his hand according to the form A in the Schedule ; and shall also transmit at the end of every month a list of such certificates to the superintendent of vaccination of the district in which the operation was performed.

Course to be **10.** If such officer shall be of opinion that the adult or child is not pursued in a fit and proper state to be vaccinated, he shall immediately when adult deliver to such adult, or to the parent or guardian of such child, a or child is certificate under his hand according to the form B in the not in a fit Schedule, which certificate shall remain in force for a period (not state to be exceeding six months) to be specified therein by the officer vaccinated. granting the same.

Certificate to **11.** The certificate required by section 10 shall remain in force for last for the the period specified therein; but the adult or the parent or period guardian of the child shall be entitled to apply for a renewal specified thereof for any be succeeding period which the officer appointed therein, and as aforesaid is hereby directed to grant, so long as he shall be of to renewed opinion that the adult or child is unfit for vaccination and is if need be. unvaccinated. If at any time when the adult or child presents himself, or is brought before him, the officer shall deem such adult or child to be in a fit and proper state for successful vaccination, he shall forthwith vaccinate the adult or child accordingly, and shall deliver to the adult, or the parent or guardian of the child, a certificate according to the form A in the said Schedule ;

Provided, however, that if the said officer shall find that any adult or child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that any adult or child coming to or brought to him has already had the smallpox, he shall deliver to such adult, or to the parent or guardian of such child, a certificate under his hand according to the form C in the Schedule, or to the like effect; and such adult or child shall thenceforth be exempted from vaccination for a period of seven years.

Director of Health **12.** The superintendent of vaccination of every district in which the operation has been performed shall forward lists of the Services to certificates sent to him under section 9 to the Director of Health keep register of officer shall prescribe. And it shall be the duty of the Director of persons Health Services to keep a register of the persons of whose vaccinated. successful vaccination lists shall have been transmitted to him as above provided, and at all reasonable times to allow search to be made of any such register in his keeping, and to give a copy or copies certified under his hand of any entry or entries in the same on the payment of a fee of twenty-five cents for every search or certificate.

Penalty for breach of regulations made thereunder. **13.** Every adult who shall not cause himself to be vaccinated, and every parent or guardian who shall not cause the provisions of child under his care to be vaccinated (such adult or child not being certified to be in an unfit state for, or insusceptible of, Ordinance or vaccination), or who shall not on the day fixed by section 7 after the vaccination has been performed (in the case of the adult) present himself, or (in the case of the parent or guardian) take or cause to be taken the child for inspection according to the provisions in this Ordinance respectively contained, and every person who acts in contravention of, or fails to comply with, the provisions of sections 5 and 6, or any regulations duly made under section 14, or who hinders or obstructs anyone in the discharge of any duty imposed upon him by this Ordinance or by any regulation duly made under section 14, and every officer who wilfully signs any false certificate under this Ordinance, shall be guilty of an offence, and be liable to a fine not exceeding ten rupees.

Director of Health Services to provide books and forms, and make regulations. **14.** The Director of Health Services shall, and he is hereby empowered and directed to, provide such books and forms, and with the sanction of the Minister, from time to time, make such regulations as he may deem requisite for carrying into full effect the provisions of this Ordinance :

Provided that such regulations shall be published in the Gazette, and may at any time be amended or revoked by the Minister.

Grama seva niladharis to give lists of persons not vaccinated. **15.** It shall be the duty of the grama seva niladharis of every district so to be divided as aforesaid for the purposes of vaccination, to provide the officers attending to vaccinate within such districts, whenever called upon so to do, with lists of adults or children to be vaccinated therein :and every grama seva niladhari neglecting or refusing so to do shall be liable to a fine not exceeding twenty rupees.

Police officers, grama seva niladharis, and peace officers generally, and of all superintendents or employers of labour, to aid and assist in the carrying out of this Ordinance and in the prevention of offences &c. to assist against the same, and every officer, grama seva niladhari, or superintendent, or employer of labour who shall fail to do so, or who, being cognizant of any such offence, shall fail to give information thereof, shall be guilty of an offence, and be liable on conviction to a fine not exceeding ten rupees. (* Primary Court has exclusive jurisdiction under section 33 of the Judicature Act read with Gazette Extraordinary No. 43/4 of 1979-07-02.)

Evidence in 17. In any prosecution under this Ordinance, for neglect on the part of any adult to procure the vaccination of himself, or on the part of any parent or guardian to procure the vaccination of a child, it shall not be necessary in support thereof to prove that the defendant had received notice of the requirements of the law in this respect; but if the defendant shall produce any such certificate as hereinbefore described, or a duly certified extract from the register mentioned in section 12, and shall prove that the certificate or extract relates to the adult or child referred to in such prosecution, the same shall be a sufficient defence for him except in regard to the certificate marked B in the Schedule when the time specified therein for the postponement of the vaccination shall have expired before the date when the prosecution shall have been commenced.

Interpretation.18. For the purposes of this Ordinance, unless the context otherwise requires—

” adult ” shall mean a person apparently of the age of twelve years and upwards;

” child ” shall mean a person apparently more than three months and less than twelve years old ;

” estate” shall include every estate in which labourers are employed having ten acres of land actually cultivated with coffee, tea, cacao, cardamoms, coconuts, or cinchona, or any of those products ;

“guardian ” shall mean the person who, by reason of the death, illness, absence, or inability of the parent, or other cause, shall have the care or custody of any child;

“parent” shall include the father and mother of a legitimate child, and the mother of an illegitimate child ;

“superintendent” shall include any person for the time being in the immediate charge of any estate.

Schedules