# CHAP. 98.

An Act to amend the Vaccination Act, 1867.

A.D. 1871.

[21st August 1871.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

Short title.

**1.** This Act may be cited as "The Vaccination Act, 1871."

Commencement of Act.

**2.** This Act, except as herein-after expressly provided, and except so far as relates to the formation of any districts, or the making of any rules, orders, or regulations, shall come into operation on the first day of January one thousand eight hundred and seventy-two, which day is in this Act referred to as the commencement of this Act.

Construction of Act.

**3.** This Act shall be construed as one with the Vaccination Act of 1867, in this Act referred to as the principal Act, and those Acts and this Act may be cited together as "The Vaccination Acts, 1867 and 1871."

Definition of "parent."

**4.** In this Act the term "parent" includes any person having the custody of a child.

*Vaccination Officer.*

Appointment of vaccination officer.

**5.** Whereas under the principal Act the guardians of any union or parish may pay any officer appointed by them to prosecute persons charged with offences against that Act or otherwise to enforce its provisions, and it is expedient to render obligatory the appointment of such an officer: Be it enacted that the guardians of every union and parish shall appoint and pay one or more of such officers (in this Act referred to as "vaccination officers").

The provisions of the principal Act with respect to the division of unions and parishes into vaccination districts shall extend to authorise the division of such unions or parishes into districts for the

A.D. 1871.

purpose of the duties of vaccination officers, so however that a district of one vaccination officer shall (unless the Poor Law Board otherwise direct) coincide either with a vaccination district or districts under the principal Act or with a district or districts of a registrar of births and deaths.

Subject to the provisions of this Act, the Poor Law Board shall have the same powers with respect to guardians and vaccination officers in matters relating to vaccination as they have with respect to guardians and officers of guardians in matters relating to the relief of the poor, and may make rules, orders, and regulations accordingly, and all enactments relating to such powers, and to such orders, rules, and regulations, shall apply mutatis mutandis; and the Poor Law Board shall also from time to time frame, provide, and distribute appropriate books and forms for the use of vaccination officers, public vaccinators, and medical practitioners under the principal Act and this Act.

Duties of vaccination officer.

**6.** The vaccination officer shall perform all the duties imposed by the principal Act on the registrar of births and deaths, except the duty of giving the notices mentioned in section fifteen of the principal Act, and the principal Act shall be construed as if the words "vaccination officer" were substituted for the words "registrar of births and deaths" throughout that Act, except section fifteen and any other part of that Act relating to that section, and except that all fees received by the vaccination officer as such shall be accounted for to the guardians and paid to the fund out of which the expenses of the guardians under the principal Act are paid.

Transmission of certificates to vaccination officer.

**7.** Every certificate of a child being unfit for or insusceptible of successful vaccination if given by a public vaccinator shall, instead of being delivered by him to the parent, be transmitted by such public vaccinator, and if given by any other medical practitioner shall be transmitted by the parent of such child, to the vaccination officer, in like manner as if it was a certificate of successful vaccination, and within seven days after the examination of the child upon which such certificate is founded, and the public vaccinator shall, upon request, and without fee or charge, deliver to the parent a duplicate of any such certificate transmitted by him.

Every certificate of successful vaccination shall be transmitted within seven days after it is ascertained that the operation has been successfully performed; and where a medical practitioner who is not a public vaccinator inspects a child to ascertain the result of the operation of vaccination, such medical practitioner, as soon as he has ascertained that the operation has been successfully performed,

shall deliver to the parent causing the child to be vaccinated a certificate of successful vaccination, in the proper form, and duly filled up and signed by him.

Every person who acts in contravention of or fails to comply with any provision of this section shall be liable on summary conviction to a penalty not exceeding twenty shillings; and every person who wilfully signs a false certificate or duplicate under this section shall be guilty of a misdemeanor, and be liable to fine or to imprisonment with or without hard labour for a period not exceeding two years.

No fee shall be payable for the registration of any certificate of vaccination under the principal Act or this Act.

Transmission to vaccination officer of list of births and deaths.

**8.** Every registrar of births and deaths for any place shall, once at least in every month, transmit, by post or otherwise, to each vaccination officer whose district is wholly or partly comprised in such place, a return, certified under the hand of the registrar to be a true return, of all births and of all deaths of infants under twelve months of age which have, since the date of the last return (or in the case of the first return, since the passing of this Act), been registered by such registrar as having occurred in the district of the vaccination officer to whom the return is sent.

The registrar shall, whether he is or is not also the vaccination officer, be entitled to a fee of twopence for every birth or death entered in such return; and such fee shall be paid to him out of the same funds and by the same persons, and in the like manner as the fees for giving the notices under section fifteen of the principal Act.

The returns under this section shall be made in such form and contain such particulars as may be from time to time prescribed by the Registrar General of Births and Deaths in England, with the approval of the Poor Law Board; and forms necessary for such purpose and for the purpose of the principal Act shall be supplied by the said Registrar General to every registrar of births and deaths.

Payment of fee by re-vaccinated person where not inspected.

**9.** Where the operation of re-vaccinating any person is performed on the application of such person by the public vaccinator without charge to such person, the public vaccinator shall deliver to such person a notice requiring him to attend at the same place on the same day in the following week, in order that he may be inspected and the result of the operation ascertained, and stating that in default he will be liable as in this section mentioned, and the public vaccinator, if required, shall deliver to the person re-vaccinated a certificate of the result of the operation of re-vaccination; and if such person fail to comply with such notice or to permit the public vaccinator or his deputy to ascertain the result of the

A.D. 1871.

operation, he shall pay a fee for such re-vaccination of two shillings and sixpence, which fee shall be a debt due from him to the guardians of the union or parish in which such public vaccinator acts, and all such fees shall be paid to and all expenses of the guardians incurred under this section shall be paid out of the fund out of which the expenses of the guardians under the principal Act are paid.

*Penalties.*

Penalty for preventing vaccinator from taking lymph.

**10.** Every person who prevents any public vaccinator from taking from any child lymph as provided by section seventeen of the principal Act shall be liable, on summary conviction, to pay a penalty not exceeding twenty shillings.

Amendment of legal proceedings for penalties.

**11.** Proceedings under section thirty-one of the principal Act may be taken and proceeded with with respect to any child who is not within the union or parish for which a vaccination officer acts, if either the child or its parent was within such union or parish at the time of the information being given by such vaccination officer.

Where any parent of a child fails to produce such child when required so to do by any summons under the principal Act, such parent shall be liable on summary conviction to a penalty not exceeding twenty shillings.

Any complaint may be made and any information laid for an offence under the Vaccination Acts, 1867 and 1871, at any time not exceeding twelve months from the time when the matter of such complaint or information arose and not subsequently.

Where a person is charged with the offence of neglecting to take or cause to be taken any child to be vaccinated, and on the defence made by such person it appears to the justices having cognizance of the case that such person is not guilty of such offence but has been guilty of the offence of not transmitting any certificate required by the principal Act or this Act with respect to the vaccination of such child, the justices may convict such person of the last-mentioned offence in like manner as if he had been charged therewith.

The defendant in any proceedings under the principal Act or this Act, may appear by any member of his family or any other person authorised by him in this behalf.

*Miscellaneous.*

Certificate of successful vaccination.

**12.** Where it appears to the public vaccinator of any district, upon personal examination of any child resident in such district who

has not been successfully vaccinated by him, that such child has been successfully vaccinated, the public vaccinator may, on the request of the parent of such child, grant a certificate to that effect, and such certificate shall be transmitted and have the same effect as if it were a certificate of successful vaccination by the public vaccinator who gave the certificate.

Vaccination by Poor Law medical officer of persons in the house with a person ill of small-pox.

**13.** Where the medical officer of any board of guardians is in attendance as such medical officer upon a person sick of small-pox, and vaccinates any person who is resident in the same house with the sick person and has never been vaccinated or had the small-pox, or re-vaccinates any person who is resident in the same house with the sick person and has never been re-vaccinated, and is of the age at which successful re-vaccination by a public vaccinator is paid for under the regulations of the Lords of Her Majesty's Council for the time being in force, such medical officer shall, upon transmitting the same certificates as he would be required to transmit if he were the public vaccinator for the district, be entitled to be paid in respect of every such case of vaccination and re-vaccination the same sum out of the same fund as he would be entitled to receive if he were the public vaccinator for the district.

Extension of sect. 9. of 30 & 31 Vict. c. 84. as to contracts for vaccination.

**14.** The powers of the Poor Law Board, under section nine of the principal Act, with respect to contracts for vaccination entered into under the provisions of that Act, shall extend to contracts for vaccination entered into under the provisions of any other Act.

Alteration of forms.

**15.** The Poor Law Board may, by order, from time to time repeal, alter, and add to the forms contained in the schedule to the principal Act, and the reference in the principal Act or this Act to the forms in such schedule or to any forms shall be construed to refer to the forms prescribed by any such order.

Substitution of Local Government Board for Poor Law Board and Privy Council.

**16.** After the establishment of the Local Government Board under any Act passed in the present session, this Act shall be construed as if the words Local Government Board were throughout it substituted for the words Poor Law Board or Lords of Her Majesty's Privy Council respectively.

As to repeal of part of principal Act.

**17.** After the commencement of this Act, the principal Act shall be repealed to the extent specified in the third column of the schedule to this Act: Provided that this repeal shall not affect anything done or suffered before the passing of this Act, or any right, interest, or liability accrued before the passing of this Act, or any remedy or proceeding in respect of any such thing, right, interest, or liability.

A.D. 1871.

## SCHEDULE.

| Session and Chapter. | Title. | Extent of Repeal. |
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| 30 & 31 Vict. c. 84. | The Vaccination Act of 1867. | Section fourteen; so much of section twenty-three "as requires a parent to "submit any certificate, or prescribes "the time within which any certificate "is to be transmitted"; and the following words in section twenty-four, namely, "and another fee of threepence "in respect of every such child whose "certificate he shall have registered as "herein provided, and he shall receive "a fee of one penny in respect of each "child whose certificate he shall have "registered without having registered "the birth"; and section twenty-seven. |

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1871.