

## No. 23.—1872.

8th November.

AN ORDINANCE to improve and consolidate the Law with regard to the Practice of Vaccination.

(L. S.) W. H. RENNIE, *Administrator*.

4th December, 1872.

**W**HEREAS it is expedient that the law with regard to the practice of vaccination should be amended and consolidated :

Be it therefore enacted by His Excellency the Governor with the advice and consent of the Legislative Council as follows :

Repeals Ordinances Nos. 7 of 1869, and 2 of 1872.

1. Ordinances No. 7 of 1869, entitled "An Ordinance to amend and consolidate the Law with regard to the Practice of Vaccination," and No. 2 of 1872, entitled "An Ordinance to amend an Ordinance entitled an Ordinance to amend and consolidate the Law with regard to Vaccination," are hereby repealed.

Island to be divided into districts.

2. The Island shall, for the purposes of vaccination, be divided into districts, and such districts shall, from time to time, be determined by the Governor in Executive Council.

Appointment of district vaccinators.

3. It shall be lawful for the Governor, from time to time, to appoint vaccinators for the several districts, and such vaccinators from time to time to remove as he shall see fit.

Power to Governor to make rules for carrying

4. The Governor shall make rules and regulations to secure the efficient performance of vaccination, and if necessary of re-vaccination, the provision and supply of

vaccine lymph, the observance of the provisions of this Ordinance with regard to the issue and transmission of the certificates, and the fulfilment of all other provisions of this Ordinance on the part of the district vaccinators, and shall appoint the stations and the times at which the public vaccinators shall respectively attend for the purpose of vaccinating persons; And the Governor may alter from time to time such rules.

5. The district vaccinators shall vaccinate all persons, adults as well as children, who shall attend at the times and places so appointed for the purpose of being vaccinated: Provided that such persons shall not have been previously successfully vaccinated or otherwise protected from small-pox, nor shall, in the opinion of the district vaccinator, be in a state of health unfavourable for successive vaccination.

6. Every registrar of births shall, on or within seven days after the registration with him of the birth of any child not already vaccinated, give a notice according to the form in the schedule hereto annexed marked A, or to the like effect, to the person giving the notice of birth to him, or to the father or mother, or to the person having the custody of such child, requiring such child to be duly vaccinated according to the provisions of this Ordinance, and specifying the days, hours, and places, where the district vaccinator of the vaccination district, wherein such child resides, will attend for the purpose of performing the vaccination.

7. The father or mother of any 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 and nurture or custody of the said child, shall, within three calendar months after the birth of such child, where such child shall be born in this Island, or within three calendar months after such child, if not born in this Island, shall have arrived in this Island, take or cause to be taken the said child to the district vaccinator of the borough or ward within which such child is resident for the purpose of being vaccinated, unless he shall

out pro-  
visions of  
Ordinance.

District  
vaccinators  
to vaccinate  
all persons  
attending for  
purpose.  
Proviso.

District  
registrar to  
notify parent,  
&c., of every  
child, at the  
time of the  
registration  
of its birth,  
of the require-  
ments of  
Ordinance.

Parents  
required to  
take children  
to be  
vaccinated.

have been previously vaccinated, and the vaccination duly certified; and the said district vaccinator shall, and he is hereby required, thereupon or as soon as it may conveniently and properly be done, to vaccinate the said child: Provided that when any district vaccinator shall by writing direct that any unvaccinated child residing in his district shall be taken to be vaccinated before the expiration of the said term of three calendar months, such child shall thereupon be taken or caused to be taken to such district vaccinator for the purpose of being vaccinated.

Children to be taken for inspection after being vaccinated.

8. Upon the same day in the following week when the operation shall have been performed by the district vaccinator, such father or mother 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 in the event of the vaccination being unsuccessful, such father or mother or other person shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and inspected as on the previous occasion.

Power to Stipendiary Justice to order vaccination of a child.

9. If any district vaccinator shall give information in writing to a Stipendiary Justice of the Peace that he has reason to believe that any child under the age of sixteen years, being within the district or ward for which the informant acts, has not been successfully vaccinated and that he has given notice to the father or mother, or person having the care, nurture or custody of such child, to procure its being vaccinated, and that the said notice has been disregarded, the Justice shall summon the father or mother, or such person having the care, nurture or custody of such child to appear with the child before him forthwith, and upon such appearance, if the Justice shall find, after such examination as he shall deem necessary, that the child has not been vaccinated, he may, if he see fit, make an order under his hand, directing such child to be vaccinated; 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 unsusceptible of vaccination, the person upon whom such 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 on summary conviction to a penalty not exceeding twenty shillings for every time he shall refuse or neglect to obey such order, and in default of payment such Justice shall commit such person to the Royal Gaol for the term of seven days.

10. When any father or mother of any child or other person having the care, nurture or custody of such child, fails to produce such child when required so to do by any summons under this Ordinance, such father or mother or other person having the care, nurture or custody of such child shall be liable on summary conviction to a penalty not exceeding twenty shillings and in default of payment to be imprisoned for the term of seven days.

Penalty for refusing to obey summons for production of child.

11. As soon as the successful vaccination of any adult person or child has been verified by inspection, the district vaccinator, or medical practitioner who shall have performed the operation, shall deliver to such adult or to the father or mother of such child, or to the person having the care, nurture or custody of such child, a certificate under his hand according to the form of the schedule marked *B*, or such other form as may from time to time be authorised by the Governor, that such adult or child has been successfully vaccinated: And such certificate after being registered and endorsed by the registrar of the district in which the vaccination was performed, shall be admissible as evidence of the successful vaccination of such adult or child in any information or complaint for non-compliance with the provisions of this Ordinance where such evidence may be required.

Certificate of successful vaccination; when deliverable.

To be admitted as evidence.

12. If any district 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 father or mother or other person having the custody of such child, a certificate under his hand according to the form in the schedule hereto annexed marked *C*, or to the like 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 of two months, until a

Provision when child is unfit for vaccination.

district 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 the certificate of successful vaccination duly given if warranted by the result.

Certificate grantable under clause 12 may be renewed.

13. At or before the end of each successive period, the father or mother or such person as aforesaid, shall take or cause the child to be taken to some district vaccinator or medical practitioner, who shall then examine the child and give the certificate according to the said form *C*, so long as he deems requisite under the circumstances of the case.

Certificate to be delivered in case of unsusceptibility of successful vaccination.

14. If any such district vaccinator or medical practitioner, shall find that a child whom he has at least three times unsuccessfully vaccinated is unsusceptible of successful vaccination, or that a child brought to him has already had the small-pox, he shall deliver to the father or mother or other person as aforesaid a certificate under his hand according to the form in the schedule hereunto annexed marked *D*, or to the like effect, and the father or mother or such person as aforesaid, shall thenceforth not be required to cause the child to be vaccinated.

Certificate of successful vaccination to be delivered to district registrar.

15. Every certificate of successful vaccination shall, within fourteen days after it has been given, be delivered by the person vaccinated, or if a child by the father or mother or person having the care, nurture or custody of such child, to the registrar of the district, within which such vaccination has been performed; whereupon such registrar shall register such certificate in a book to be provided for the purpose, and shall endorse such certificate in evidence of such registration, and for each such registration the registrar shall be entitled to receive from the funds of the borough or ward, of which he may be registrar, a fee of one shilling.

Lymph may be taken from any person successfully vaccinated.

16. The district vaccinator shall, if he see fit, take from any person successfully vaccinated by him, lymph for the purpose of other vaccinations, provided that such person has not been previously vaccinated or had small-pox; and every person who prevents any such district vaccinator from taking from any such person

such lymph, shall be liable on summary conviction to a penalty not exceeding twenty shillings, and in default of payment to be imprisoned for the term of seven days.

17. There shall be paid to each district vaccinator in respect of every primary vaccination successfully performed by him within his district the sum of one dollar, and such travelling allowances in addition, as may in special cases, be awarded by the Governor; and if at any time the Governor shall issue regulations in respect of the re-vaccination of persons who may already have been successfully vaccinated, the vaccinators appointed under this Ordinance shall be entitled to receive the like sum of one dollar for every such re-vaccination within their districts successfully performed, and the sums so payable shall be paid quarterly by the town clerk of the borough, or the warden or the ward, within which such vaccination shall have been performed, from the funds of such borough or ward, upon the certificate of the district vaccinator, setting forth the names and addresses of persons vaccinated and dates of vaccination, which certificates shall be countersigned by the Surgeon General or other officer appointed by the Governor for the purpose.

Remuneration  
of district  
vaccinators.

18. Every district vaccinator shall keep a register, in which he shall enter the date of vaccination, the name, age, sex, and name of parent or guardian, and place of abode of every person vaccinated by him, and the operation, whether successful, unsuccessful or doubtful, and such further particulars as may from time to time be directed by the Governor, and every district vaccinator shall on or before the tenth day of January, tenth day of April, tenth day of July, and tenth day of October in each year, transmit a copy of such register to the Surgeon General or other officer to be appointed by the Governor, who shall file the same in his office, and such copy so signed shall be admissible as evidence in any Court of Justice.

Vaccinators  
to keep regis-  
ter of vaccina-  
tions.

19. The father or mother of every child, or in the event of the death, illness, absence or inability from sickness or otherwise of the father or mother, then the person having the care, nurture or custody of such child, who shall not cause such child to be vaccinated accord-

Penalty for  
neglect to  
cause children  
to be vaccina-  
ted, and after-  
wards inspec-  
ted.

ing to this Ordinance, or shall not on the eighth day after such vaccination has been performed, take, or cause to be taken, such child for inspection, shall forfeit a sum not exceeding twenty shillings, and if such father or mother or other person having the care, nurture or custody of any child, having been so convicted shall not afterwards cause such child to be vaccinated within three calendar months next after such conviction, or shall not on the eighth day after such vaccination has been performed take or cause to be taken such child to the district vaccinator by whom the operation was performed in order that such district vaccinator may ascertain by inspection the result of such vaccination, such father or mother or other person shall forfeit the further sum of forty shillings for each and every term of three months during which such father or mother or other person shall so fail or neglect to cause such child to be vaccinated, and the like sum of forty shillings for every failure or neglect to cause such child to be so inspected.

Penalty for forging certificates required by Ordinance.

20. Any person who shall wilfully forge, counterfeit, or alter any certificate required by this Ordinance, or utter or produce in evidence any such certificate, knowing the same to be forged, counterfeited, or altered, shall be guilty of felony, and shall on conviction thereof be liable, at the discretion of the Court, to be imprisoned with hard labour for any term not exceeding four years.

Penalty for using certificate for fraudulent purpose.

21. Any person who shall give or lend or use any certificate for any fraudulent purpose, shall, on conviction thereof before any Stipendiary Justice of the Peace, be imprisoned with hard labour for such term not exceeding three months, as the convicting Justice shall direct.

As to recovery and appropriation of penalties.

22. All pecuniary penalties for any offence under this Ordinance shall and may be recovered in a summary manner on the information of the district vaccinator, the district registrar, the town clerk of the borough, or the warden of the ward, and before any Stipendiary or other Justice of the Peace having jurisdiction within the borough or the ward within which the person guilty of such offence may be resident at the time of the committing of such offence; and all such penalties shall be

paid one moiety thereof to the informer for his own use, and the other moiety thereof to the town clerk of the borough, or the warden of the ward, for the use of such borough or ward.

23. Any person who shall from and after the passing of this Ordinance, produce, or attempt to produce in any person by inoculation with variolous matter, or by wilful exposure to variolous matter or to any matter, article or thing impregnated with variolous matter or wilfully by any other means whatsoever produce the disease of smallpox in any person in this Island, shall be liable to be proceeded against summarily on the information of any district vaccinator, district registrar, the clerk of the borough, or the warden of the ward, within which the offence shall have been committed, before any Stipendiary Justice of the Peace, and if convicted shall for every such offence be imprisoned in the Royal Gaol for any term not exceeding three months.

Penalty for inoculating with variolous matter.

24. All proceedings for enforcing any penalty under this Ordinance may be taken against any person at any time after such person shall have become liable to any such penalty.

Proceedings may be taken at any time after commission of offence.

25. Every superintendent registrar, or registrar of births and deaths for any place, shall, once at least in every month, transmit by post or otherwise, to each district vaccinator 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 been registered by him and of which the certificate of vaccination has not been registered by him.

Return to be furnished monthly by registrar to district vaccinator.

26. All costs incurred by the district medical officers, the district registrars, the town clerk of any borough, or the warden of any ward, in respect of any books, forms and notices in use under this Ordinance, or in respect of any other matter required by the same, or by any rules or regulations made under the same, shall be paid from the same funds from which the sums payable for persons successfully vaccinated are made payable by this Ordinance.

Cost of books, &c., to be allowed.

Passed in Council this eighth day of November in the year of our Lord one thousand eight hundred and seventy-two.

A. C. ROSS,  
*Clerk of the Council.*

SCHEDULES REFERRED TO IN THIS ORDINANCE.

SCHEDULE "A."

I, the undersigned, hereby give you notice to have the child whose birth is now registered, vaccinated within three months from the date of its birth, pursuant to the provisions of the the vaccination Ordinance, and that in default of your doing so—you will be liable to the penalties thereby imposed for neglect of those provisions.

The district vaccinator will attend at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_

You are required to produce to the district vaccinator or medical practitioner, who shall vaccinate the child aforesaid, the two forms marked respectively B. and C. herewith supplied.

The certificate B., when filled up and signed as required by the Ordinance, must be transmitted to me within fourteen days thereafter for registration and endorsement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
(Signed) \_\_\_\_\_  
Registered  
District of \_\_\_\_\_

SCHEDULE "B."

I, the undersigned, hereby certify that \_\_\_\_\_ aged \_\_\_\_\_ the \_\_\_\_\_ was vaccinated by me in \_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ and the result of such vaccination was inspected by me on the \_\_\_\_\_ day of \_\_\_\_\_ and found to have proved successful.

Situation of vaccination \_\_\_\_\_  
Number of successful insertions \_\_\_\_\_  
Date \_\_\_\_\_

(Signed) \_\_\_\_\_

SCHEDULE "C."

I, the undersigned, hereby certify that I am of opinion that \_\_\_\_\_ the child of \_\_\_\_\_ in the county of \_\_\_\_\_ aged \_\_\_\_\_ is not now in a fit and proper state to be suc-

1st.—The word “house” shall signify and include all stores, shops, counting-houses, warehouses, wharves, yards, lands, whether enclosed or not, and buildings and all parts and parcels of the same.

2nd.—The word “person” and words applied in this Ordinance to any person or individual shall include corporations, joint-stock companies, joint-tenants, and tenants in common, but shall not include incorporated or joint-stock banks, and shall include females as well as males.

3. From and after the first day of April, one thousand eight hundred and seventy-three, there shall be levied and paid, unto and for the use of Her Majesty, her heirs and successors, for and in respect of every license to be taken out yearly by any person or persons who on the said first day of April or at any time thereafter shall carry on within this Colony any trade or business, the several duties or sums of money mentioned and set forth in the Schedule A : that is to say,

Date from which duties are to be levied and amount payable.

#### SCHEDULE “A”

For every license granted to any incorporated bank or joint-stock company to carry the business of bankers, for every five hundred pounds of the subscribed capital of such company, one shilling.

4. When any corporation or joint-stock company shall carry on any trade or business by means of an agent, the agent of such company on the behalf of such company shall annually take out a license for and in respect of such trade or business and shall pay for such license a sum equal to four pounds per centum on the annual rental value of the premises in which such trade or business shall be carried on.

Companies carrying on business by means of an agent.

5. Provided always that no license shall be required to be taken out by any person or persons carrying on business as steam navigation companies, savings' banks, or benefit societies, or by any person or persons in respect of premises duly licensed for the sale by retail of spirituous liquors, or premises used only for the manufacture of sugar, the preparation of cocoa, or the distillation of

Business in respect of which no license is required.

spirits, or in respect of premises rated in Port-of-Spain or San Fernando at an annual rental of less than twenty-five pounds, and elsewhere than in Port-of-Spain or San Fernando at an annual rental of less than ten pounds.

\* \* \* \* \*

*Section 6 repealed by Ordinance 6 of 1882.*

Return to be  
delivered by  
banks.

7. Every incorporated or joint-stock bank which on the fifteenth day of March, one thousand eight hundred and seventy-three or of any year, thereafter, shall carry on business within this Island, shall on or before the fifteenth day of March, of each year, and every incorporated or joint-stock bank which at any time after the fifteenth day of March one thousand eight hundred and seventy-three, or any year thereafter, shall commence business within this island, shall, before they shall commence such business, deliver or cause to be delivered to the Receiver-General or Sub-Receiver at San Fernando a return to be signed by the agent or head officer of such bank in this island, which return may be according to the Form 1, annexed to this Ordinance, and shall specify the name of such bank, the part of the Island in which such bank is to carry on business, and the amount of the subscribed capital of such bank.

\* \* \* \* \*

*Section 8 repealed by Ordinance 6 of 1882.*

Licences to be  
granted by  
Receiver-  
General or  
Sub-Receiver

9. All trade or business licenses shall be granted annually by the Receiver-General or Sub-Receiver at San Fernando on payment of the several sums of money herein prescribed, and shall continue in force until the thirty-first day of March next following the date of such license, and it shall not be lawful for any person or persons to carry on any trade or business without having first obtained a license for that purpose, and any incorporated or joint-stock bank, or person or persons who shall after the thirty-first day of March, one thousand eight hundred and seventy-three, carry on or commence any trade or business other than those excepted in the fifth clause without having previously obtained a license for the same, shall forfeit and pay, in addition to the amount payable in respect of the license,

a further sum equal in amount to the cost of the license which ought to have been so obtained, and shall be liable to pay a further fine not exceeding one pound a day in respect of each day on which he or they shall so carry on such trade or business without a license. Provided always that it shall not be incumbent on the Receiver-General or sub-receiver at San Fernando to grant any license to carry on any trade or business until after the expiration of fifteen days after the return required by this Ordinance shall have been first made and delivered to him.

\* \* \* \* \*

*Sections 10, 11, 13, 14 repealed by Ordinance 6 of 1882.*

15. Every incorporated or joint-stock bank, and every person who shall make any return under this Ordinance which shall be wilfully false in any particular shall forfeit and pay to Her Majesty her heirs and successors the sum of one hundred pounds, to be recovered with full costs of suit on the information of Her Majesty's Attorney-General. Penalty for making false returns.

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*Section 16 repealed by Ordinance 6 of 1882.*

Passed in Council this thirteenth day of December, in the year of our Lord one thousand eight hundred and seventy-two.

A. C. ROSS,  
*Clerk of Council.*

FORM 1.

Name of Incorporated or Joint Stock Bank.	Locality in which business of the Bank is to be carried on.	Amount of subscribed Capital of Bank.

*Signature of Agent or Head Officer of Bank making the return.*