

Island of  Guernsey

Ordinance of the States **XLII**

Made ... .. 27th September, 1967  
Came into Operation ... .. 27th September, 1967

**The Smallpox Vaccination (Guernsey)  
Ordinance, 1967**

THE STATES, in exercise of the powers conferred upon them by section two and subsection (2) of section four of the Smallpox Vaccination (Guernsey) Law, 1965 (a), and of all other powers thereunto them enabling, hereby order:—

1. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpreta-  
tion.

“appointed day” means the twenty-seventh day of September, nineteen hundred and sixty-seven;

“authorised medical practitioner” has the meaning assigned to it in section one of the Law;

“the Board” means the States Board of Health;

“Guernsey” includes the Islands of Herm and Jethou;

“the Law” means the Smallpox Vaccination (Guernsey) Law, 1965;

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(a) Ordre en Conseil No. X of 1965.

“parent”, in relation to any child, means the person having for the time being the custody of the child;

“vaccinated” means vaccinated against smallpox and “vaccination” shall be construed accordingly.

Vaccine to be used.

2. The vaccine to be administered on the vaccination of a child in pursuance of the provisions of this Ordinance shall be modified variola virus vaccine.

Vaccination of children between one and two years of age.

3. (1) The parent of

(a) a child who on the appointed day is ordinarily resident in Guernsey and who on that day has attained the age of one year but has not attained the age of two years;

(b) a child who attains the age of one year after the appointed day and who on attaining that age is ordinarily resident in Guernsey;

shall present the child for vaccination to an authorised medical practitioner, in the case where the child is a child of the description set out in paragraph (a) of this subsection, within the three months next following the appointed day or, in the case where the child is a child of the description set out in paragraph (b) of this subsection, within the three months next following the day on which the child attains the age of one year.

(2) Where a child becomes ordinarily resident in Guernsey after the appointed day and after he has attained the age of one year but before attaining the age of two years, the parent of the child shall present the child for vaccination to an authorised medical practitioner within the three months next following the day on which the child becomes so resident.

(3) On any occasion on which a child is presented to him for vaccination in accordance with the provisions of this section, an authorised medical practitioner shall vaccinate the child if, in his opinion, the child is in a state of health which does not prevent the child from being vaccinated successfully.

(4) The parent of a child who has been vaccinated in accordance with the provisions of this section shall, not later than the fourteenth day next following the day on which the child was so vaccinated, present the child for examination to the authorised medical practitioner who vaccinated him and if such medical practitioner is of the opinion that the child has been vaccinated successfully he shall thereupon issue to the parent of the child a certificate to that effect.

(5) If on any occasion on which a child is presented to him for examination in accordance with the provisions of the last foregoing subsection an authorised medical practitioner is of the opinion that the child has not been vaccinated successfully, he shall issue to the parent of the child a certificate to that effect and shall, except in the case where the child is again vaccinated on that occasion, specify in such certificate such period as he thinks fit during which the parent shall again present the child to him for vaccination.

(6) The parent of a child in respect of whom a certificate has been issued by an authorised medical practitioner in accordance with the provisions of the last foregoing subsection shall, where the certificate specifies a period during which the child shall again be presented for vaccination, present the child for vaccination to that authorised medical practitioner during that period.

(7) If on the third occasion on which a child is presented to him for examination in accordance with the provisions of subsection (4) of this section an authorised medical practitioner is of the opinion that the last previous vaccination has been unsuccessful, he shall issue to the parent of the child a certificate to that effect.

Children temporarily unfit to undergo vaccination.

4. (1) If on any occasion on which a child is presented to him for vaccination in accordance with the provisions of the last foregoing section an authorised medical practitioner is of the opinion that the child is temporarily unfit to undergo vaccination by reason of his state of health, such authorised medical practitioner shall—

- (a) if the child has attained the age of three years or, in the opinion of such authorised medical practitioner, is likely to be still temporarily unfit as aforesaid upon attaining that age, issue to the parent of the child a certificate stating that the child is temporarily unfit as aforesaid and, in the case where the child has not attained the age of three years, is likely to be still temporarily unfit as aforesaid upon attaining that age;
- (b) in any other case, issue to the parent of the child a certificate stating that the child is temporarily unfit as aforesaid and specifying such period as such authorised medical practitioner thinks fit during which the parent of the child shall again present the child to him for vaccination.

(2) The parent of a child in respect of whom a certificate has been issued by an authorised medical practitioner in accordance with the provisions of

paragraph (b) of subsection (1) of this section shall, during the period specified in the certificate, present the child for vaccination to that authorised medical practitioner.

(3) The provisions of the last foregoing section, other than subsection (1) and subsection (2) thereof, and of subsection (1) of this section shall apply in relation to a child presented for vaccination in accordance with the last foregoing subsection in all respects as if he had been presented for vaccination in accordance with the provisions of the last foregoing section.

5. Notwithstanding anything contained in this Ordinance, the provisions of this Ordinance shall not apply in relation to any child—

Exemption  
from  
vaccination.

(a) if, before the appointed day, there was transmitted to the Registrar of Births and Deaths of this Island in accordance with the provisions of the Law entitled "Loi relative à la Vaccination des Enfants" registered on the ninth day of March, nineteen hundred and thirty-five (b), a certificate to the effect—

- (i) that the child had been successfully vaccinated;
- (ii) that the child was not susceptible to successful vaccination;

(b) if evidence is produced to the States Medical Officer of Health which appears to him to be satisfactory that—

- (i) the child is suffering, or has suffered, from smallpox;
- (ii) the child is permanently unfit to undergo vaccination;

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(b) Ordres en Conseil Vol. X, p. 48.

(iii) the child was successfully vaccinated before the date on which the provisions of subsection (1) or subsection (2), as the case may be, of section three of this Ordinance would have become applicable in respect of the child but for the provisions of this section;

(c) if a certificate has been issued in respect of the child in accordance with the provisions of subsection (7) of section three of this Ordinance;

(d) if a certificate has been issued in respect of the child in accordance with the provisions of paragraph (a) of subsection (1) of the last foregoing section.

Fees.

6. The fees payable to an authorised medical practitioner in respect of the examination or vaccination of a child in compliance with the provisions of this Ordinance shall be paid by the States and shall be in such amounts as shall be fixed from time to time by the Board.

Form of certificate.

7. Every certificate required to be issued under this Ordinance shall be in the appropriate form prescribed by the Board and shall contain such particulars as may be so prescribed.

Copies of certificates to be sent to M.O.H.

8. A copy of a certificate issued by an authorised medical practitioner under this Ordinance shall be sent by that medical practitioner to the States Medical Officer of Health within the seven days next following the day on which the certificate was issued.

Duty of parent to furnish information to the Board.

9. The parent of a child under the age of four years shall, if requested so to do by the Board or by any person authorised by the Board in that behalf, furnish to the Board such information with

respect to the child as the Board may require for the purpose of ascertaining whether or not the provisions of this Ordinance have been complied with as respects the child.

10. (1) Any requirement imposed on the parent of a child under this Ordinance to present the child for vaccination or examination to a particular authorised medical practitioner shall be deemed to have been complied with if the child is presented for vaccination or examination, as the case may be, to any other authorised medical practitioner acting on behalf of such first-mentioned medical practitioner.

Provision as to authorised medical practitioners acting on behalf of other authorised medical practitioners.

(2) Any requirement imposed on a particular authorised medical practitioner under this Ordinance to vaccinate a child or to issue any certificate shall be deemed to have been complied with if the child is vaccinated or such certificate is issued, as the case may be, by any other authorised medical practitioner acting on behalf of such first-mentioned medical practitioner.

11. (1) The parent of a child who—

- (a) fails to comply with the provisions of subsection (1), subsection (2), subsection (4) or subsection (6) of section three or subsection (2) of section four of this Ordinance;
- (b) fails to furnish to the Board any information which he has been requested so to furnish in accordance with the provisions of section nine of this Ordinance;

Offences and penalties, etc.

shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds.

(2) An authorised medical practitioner who fails to comply with the provisions of subsection (3), sub-

section (4), subsection (5) or subsection (7) of section three, subsection (1) of section four or section eight of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds.

(3) Subject to the provisions of subsection (5) of this section, where the parent of a child is convicted of an offence under this Ordinance by reason of his failure to present the child for vaccination or examination to an authorised medical practitioner in accordance with any provision of this Ordinance, the Magistrate's Court may, in addition to or instead of inflicting a fine, and after hearing any representations made by the States Medical Officer of Health, order the parent of the child, within the time specified in the order, to present the child for vaccination or examination, as the case may be, to an authorised medical practitioner and may, on application, enlarge the time so specified, and where the child is presented for vaccination or examination, as the case may be, in compliance with the order he shall be deemed, for the purposes of this Ordinance, to have been so presented in accordance with the provisions of section three of this Ordinance.

(4) Subject to the provisions of the next following subsection, where an order has been made by the Magistrate's Court under the last foregoing subsection and, after the expiration of the time as originally specified in the order or as enlarged by a subsequent order under that subsection, the order is not complied with, the parent of the child to which the order relates shall be liable, on conviction, to a fine not exceeding five pounds for each day on which the non-compliance continues.

(5) No order shall be made under subsection

(3) of this section upon the conviction of the parent of a child of an offence under this Ordinance if the child has attained the age of three years at the time of the conviction, and any order made under that subsection shall cease to have effect upon the child to whom the order relates attaining the age of three years.

12. (1) This Ordinance may be cited as the Small-pox Vaccination (Guernsey) Ordinance, 1967. Citation  
and Extent.

(2) This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

R. H. VIDELO,

Her Majesty's Greffier.