

VACCINATION.

Ordinance No. 1 of 1868.

As amended by No. 3 of 1895.

[28th April, 1868.]

Be it enacted by the Governor of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, as follows :—

Governor to
appoint public
vaccinator.

1. It shall be lawful for the Governor from time to time to divide the Falkland Islands into as many districts as he may deem advisable or necessary, and to appoint the Colonial Surgeon or other public medical officers of these Islands, or any duly qualified medical practitioner to be the Public Vaccinator or Vaccinators of such districts, whose duty it shall be to attend at such time or times as may be appointed by the Governor at some convenient place within each such vaccination districts as the Governor may direct, and the said Public Vaccinator or Vaccinators shall and are hereby required to vaccinate all persons resident in any such district or districts, who may come or be brought to them for that purpose, being fit subjects for vaccination, subject to such regulations as may be issued by the Governor in that behalf :

Proviso that
Ordinance shall
not be in force
till public
vaccinator be
appointed.

Provided always, that the provisions of this Ordinance shall not apply or be in force in any district until a Public Vaccinator has been appointed for such district.

Children born
after the
passing of this
Ordinance to be
vaccinated.

2. The father or mother of every child born in the Falkland Islands after the passing of this Ordinance shall within three months after the birth of such child, or when by reason of the death, illness, absence or inability of the father or mother, or other cause, any other person shall have the custody of such child, such person shall within three months after receiving the custody of such child take it or cause it to be taken to the Public Vaccinator of the district to

be vaccinated, unless such shall have been previously vaccinated by some duly qualified medical practitioner and the vaccination, or unfitness, or insusceptibility of successful vaccination duly certified, and the Public Vaccinator is hereby required with all reasonable dispatch, subject to such conditions hereinafter mentioned, to vaccinate such child.

3. The father or mother of every child on these Islands, who at the time of the passing of this Act shall be under the age of twelve years, shall within three months after the passing of this Ordinance (or in the event of the death, illness, absence or inability of the father or mother, then the person who shall have the custody of such child) take it or cause it to be taken to the Public Vaccinator of the district to be vaccinated, unless it shall previously have been successfully vaccinated by a duly qualified medical practitioner and the vaccination duly certified; and the Public Vaccinator shall and is hereby required as soon as it may be conveniently and properly done to vaccinate such child.

Children under the age of twelve years to be vaccinated.

4. Upon the same day in the following week when the operation of vaccination shall have been performed by the Public Vaccinator such parent 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 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 previous occasion.

Provision for inspection of vaccination.

5. Upon and immediately after the successful vaccination of any child the Public Vaccinator or other qualified medical practitioner shall deliver to the father or mother of the said child, or to the person having the custody of such child, a certificate under his hand according to the form in the Schedule hereunto annexed marked A, or to the like effect that the child has been successfully vaccinated, and such certificate shall, without further proof, be admissible

Certificate of successful vaccination.

as evidence of the successful vaccination of such child in any information or complaint which shall be brought against the father or mother of the said child, or such person as aforesaid, for non-compliance with the provisions of this Ordinance.

Provision for
the unfitness of
child to be
vaccinated.

6. If the Public 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 parent or other person having the custody of such child a certificate under his hand according to the form in the Schedule hereto annexed marked B, 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 the Public Vaccinator or medical practitioner shall deem the child to be in a fit state for successful vaccination, when the child shall with all reasonable dispatch be vaccinated, and the certificate of successful vaccination duly given if warranted by the result, and at or before the end of each successive period the parent or such person as aforesaid shall take or cause the child to be taken to the Public Vaccinator or medical practitioner who shall then examine the child and give the certificate according to the said Form B, so long as he deems requisite under the circumstances of the case, and the production of such certificate shall be sufficient defence against any complaint which may be brought against the father or mother or such person as aforesaid for non-compliance with the provisions of this Ordinance.

Provision for
the insuscepti-
bility of
successful
vaccination.

7. If the Public Vaccinator or medical practitioner shall find that a child whom he had three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or other person as aforesaid a certificate under his hand according to the form in the Schedule hereunto annexed marked C, or to the like effect. And the parent or such person as aforesaid shall thenceforth not be required to cause the child to be vaccinated, and the production of such

certificate shall be sufficient defence against any complaint that may be brought against the parent or other person for non-compliance with the provisions of this Ordinance.

8. That the father or mother or other person as aforesaid shall pay to the Public Vaccinator the sum of two shillings and sixpence for each child successfully vaccinated.

Remuneration to Public Vaccinator for successful vaccination.

9. That the Registrar for the time being acting under and by virtue of the Registration Ordinance, 1853, shall, upon the registration of the birth of any child, give notice according to the form in the Schedule hereunto annexed marked D, or to the like effect to the father or mother or person having the custody of such child, requiring such child to be duly vaccinated according to the provisions of this Ordinance.

Registrar to give notice of vaccination to parent or other person registering birth.

10. Every father or mother or other person having the custody of such child who shall neglect to take such child or cause it to be taken to be vaccinated, or after vaccination to be inspected according to the provisions of this Ordinance, and shall not render a reasonable excuse for the neglect, shall be guilty of an offence and be liable upon conviction to pay a penalty not exceeding twenty shillings.

Penalty on parent or other person neglecting to procure vaccination of the child.

11. Every public vaccinator or medical practitioner who shall neglect or refuse to fill up and sign any certificate required of him by the provisions of this Ordinance, or who shall refuse to deliver the same to the parent or other person on request; shall be liable to pay, upon a summary conviction, a penalty not exceeding twenty shillings: And every person who shall wilfully sign a false certificate under this Ordinance shall be guilty of a misdemeanour and be punished accordingly.

Penalty on vaccinator neglecting to give certificate, and persons signing false certificates.

12. Every public vaccinator or medical practitioner to whom a child has been brought for vaccination shall send to the Registrar in the town of Stanley, within seven days thereafter in the case of a child presented for vaccination in Stanley or

Public vaccinators to return certificate of successful vaccination or otherwise to Registrar.

its suburbs, or within eight weeks in the case of a child presented for vaccination in any other place in the Colony than the town of Stanley and its suburbs, a certificate of successful vaccination, as the case may be, in the Forms A, B or C in the Schedule annexed to this Ordinance as may be applicable to the particular case: And any public vaccinator or medical practitioner who shall refuse or fail to do so shall be liable to a penalty not exceeding ten pounds unless reasonable grounds be shown for such failure.

Certificates to be registered.

13. All such certificates shall, upon receipt at the Registrar's office, be entered by the Registrar in a book to be provided for that purpose, and it shall be the duty of the Registrar once in every quarter to compare this book with the registry of births, and to send a list to the Chief Constable of all children whose births have been registered and with respect to whom no certificates under Section 12 of this Ordinance have been received by the said Registrar within four months from their birth.

Chief Constable to prosecute cases in Stanley and forward reports when parents reside elsewhere.

14. The Chief Constable immediately upon the receipt of this list shall, when the parents of the children or other parties required by law to take the children named therein to be vaccinated are resident in Stanley or its suburbs, apply to the Police Magistrate or a Justice of the Peace of the Colony for the issue of summonses for the offending parties, and in cases where the offending parties are resident elsewhere in the Colony than in Stanley or its suburbs the said Chief Constable shall forward a list of such last-mentioned cases to any officer appointed by the Governor to enforce the provisions of this Ordinance, whose duty it shall be immediately to charge the said parties before a Justice of the Peace.

Action in cases of unvaccinated children under 14 years of age.

15. If any Registrar or any officer appointed by the Governor to enforce the provisions of this Ordinance shall give information in writing to the Police Magistrate or a Justice of the Peace that he has reason to believe that any child under the age of fourteen years being within the district for which the informant acts has not been successfully vaccinated, and that he has given notice to the parent

or person having the custody of such child to procure the vaccination of the child and that this notice has been disregarded, the Police Magistrate or Justice may order further inquiry to be made or shall summon such parent or person to appear with the child before him at a certain time and place, and upon the appearance, if the Police Magistrate or Justice shall find after such examination as he shall deem necessary that the child has not been successfully vaccinated nor has already had the small-pox, he shall make an order under his hand and seal directing such child to be vaccinated within a certain time, and if at the expiration of such time the child shall not have been so vaccinated or shall not be shown to be unfit to be vaccinated or to be insusceptible of vaccination the person upon whom such order shall have been made shall be proceeded against summarily when such person is resident in Stanley or its suburbs by the Chief Constable, and when such person is resident elsewhere in the Colony than in Stanley and its suburbs by any officer appointed by the Governor to enforce the provisions of the Ordinance, and unless the person charged can show some reasonable ground for his omission to carry the order into effect, he shall be liable to a penalty not exceeding twenty shillings :

Provided that if the Police Magistrate or Justice of the Peace shall be of opinion that the person is improperly brought before him and shall refuse to make any order for the vaccination of the child he may order the informant to pay to such person such sum of money as he shall consider to be a fair compensation for his expenses and loss of time in attending before the Police Magistrate or Justice of the Peace.

16. Any person who shall, 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 wilfully by any other means whatsoever produce the disease of small-pox in any person shall be guilty of an offence and shall be liable to be proceeded against summarily, and upon conviction to be imprisoned for any term not exceeding two months.

Penalty on
persons
inoculating
with small-pox.

Mode of
recovery of
penalties.

17. All penalties imposed under this Ordinance shall be recovered in a summary way before the Police Magistrate or a Justice of the Peace of the Colony, but in default of payment a sentence of imprisonment without hard labour only shall be imposed.

Notice not to
be proved by
prosecution.

18. In any prosecution for neglect to procure the vaccination of a child it shall not be necessary in support thereof to prove that the defendant had received notice from the Registrar or any other officer of the requirements of the law in this respect.

Short title.

19. This Ordinance may be cited as "The Vaccination Ordinance, 1868."

SCHEDULE.

FORM A.

I, the undersigned, being a [*here insert nature of professional qualification*], hereby certify
 , aged , of , the child of
 in the district of , has been successfully
 vaccinated by me.

Dated this day of

(Signed)

Public Vaccinator [or] Medical Practitioner
[as the case may be].

FORM B.

I, the undersigned, being a [*here insert nature of professional qualification*], hereby certify my opinion that
 the child of , of , in the
 district of , aged , is not now in a
 fit state to be successfully vaccinated, and I do hereby postpone the vaccination
 until the day of

Dated this day of

(Signed)

Public Vaccinator of the District [or] Medical Practitioner
[as the case may be].

FORM C.

I, the undersigned, being a [*here insert nature of professional qualification*], hereby certify my opinion that the child of _____, in the district of _____ is insusceptible of the vaccine disease.

Dated this _____ day of _____

(Signed)

*Public Vaccinator of the District [or] Medical Practitioner
[as the case may be].*

FORM D.

I, the undersigned, hereby give you notice and require you to have _____ vaccinated within three months after the birth, pursuant to the provisions of the Vaccination Ordinance No. 1 of 1868.

As witness my hand this _____ day of _____

(Signed)

Registrar.

DOG .

Ordinance No. 3 of 1868.

[7th October, 1868.]

Be it enacted by the Governor of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, as follows:—

1. The owner of every dog in this Colony shall be liable in damages for injury done by worrying to any cattle, sheep or other like stock by his dog, and it shall not be necessary for the party seeking such damages to show a previous mischievous propensity in such dog, or the owner's knowledge of such previous propensity, or that the injury was attributable to neglect on the part of such owner, and such damages shall be recovered by the ordinary process of law in force in this Colony.

Owner of dog to be liable in damages for any injury committed by his dog.