

CAP. 76

VACCINATION ACT, 1919

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CAP. 76

VACCINATION ACT, 1919(1)

AN ACT to provide for vaccination and for related matters.

1. Public vaccinators

(1) A medical officer in the Health Service is a public vaccinator for the purpose of this Act.

(2) The Minister may appoint a registered medical practitioner not in the Health Service as a public vaccinator, and as an assistant public vaccinator any other person certified by the deputy director of the Service as a person with the necessary probity, skill, and knowledge.

(3) An assistant public vaccinator shall perform the functions of a public vaccinator which under the Regulations that are assigned to an assistant public vaccinator.

(4) An assignment may be made generally with respect to assistant public vaccinators or specifically with respect to one or more assistant public vaccinators.

2. Free vaccination

(1) A public vaccinator shall vaccinate, free of charge, the persons who present themselves or are presented for the purpose, or persons who under this Act are, or become, liable to be vaccinated.

(2) Subsection (1) does not apply where, in the opinion of the public vaccinator, vaccination would be injurious to health, or where there is satisfactory evidence that a person is already successfully vaccinated or has suffered from smallpox.

3. Compulsory vaccination

(1) The Minister may, by executive instrument, order generally or with reference to a particular area, district or place, or with respect to a particular class or classes of persons, that the persons to whom the instrument applies who do not produce satisfactory evidence of successful vaccination or of having suffered from smallpox shall be vaccinated by a public vaccinator, unless in the opinion of the public vaccinator vaccination would be injurious to health.

(2) The instrument may prescribe at what age a person is liable to a penalty for non-compliance with the terms of the instrument, and who is liable in cases where the persons failing to be vaccinated have not attained that age.

(3) An instrument may be made subject to the qualifications and exceptions that the Minister considers proper, and sections 5, 6, and 7 shall be read subject to those qualifications and exceptions.

4. Regulations by Deputy Director of Health Service

The Director-General of the Service may, subject to the approval in writing of the Minister by legislative instrument, make Regulations with respect to

- (a) the times and places of attendance of persons on public vaccinators for the purposes of vaccination;
- (b) the evidence to be accepted of successful vaccination, including inspection of the results of vaccination;
- (c) the supply of lymph to public vaccinators;
- (d) the method of vaccination by public vaccinators;
- (e) the treatment of persons after vaccination; and
- (f) the functions of assistant public vaccinators, and the limitations and conditions under which those functions shall be performed.

5. Vaccination of adults

An adult to whom an instrument made under section 3 applies

- (a) shall attend for examination, and, if necessary for vaccination, within the period and at the time and place appointed by the Regulations made under section 4, and
- (b) shall subsequently attend at the times and at the places which the public vaccinator may direct for the purpose of examination as to whether or not the vaccination has been successful, and, if necessary, for re-vaccination.

6. Vaccination of children

The parent of a child to whom an instrument made under section 3 applies

- (a) shall, within three months after the birth of the child, or if the child is over the age of three months at the date of the instrument, within the period appointed under section 4, bring the child to a public vaccinator at a time and place appointed under section 4 for examination, and, if necessary, for vaccination, and
- (b) shall subsequently produce the child at the times and places that the public vaccinator shall direct, for the purpose of examination as to whether or not the vaccination has been successful, and, if necessary, for re-vaccination.

7. Public vaccinators to enter houses and vaccinate

Where an instrument is made under section 3, a public vaccinator may on any day, except Sunday, unless there is an epidemic of smallpox, between the hours of six in the morning and six in the evening, enter a house and a yard or compound and the buildings in an area prescribed by the instrument, and inspect a person found in that place and may vaccinate that person unless the public vaccinator is satisfied that that person is already successfully vaccinated or has suffered from smallpox, or unless the vaccination would be injurious to health.

8. Examination and vaccination of strangers

A public vaccinator may examine and vaccinate a person arriving in the Republic by land or sea, who cannot produce satisfactory evidence of successful vaccination or of having suffered from smallpox.

9. Employers of foreign labour to notify arrival

(1) An employer of labourers immigrant into the Republic from other countries shall before the disembarkation or, in case of immigration overland, before the entry of the labourers, give to the Medical Officer of Health for the place of the disembarkation or entry notice of the arrival of the labourers, for the purpose of their inspection, and, if necessary, vaccination.

(2) The employer shall afford reasonable facilities to the public vaccinator for the purpose of carrying out this Act.

(3) For the purposes of this section, “**employer**” includes a body corporate and an individual who is not in the Republic and the local representative of that individual.

10. Certificate of vaccination

A public vaccinator who has vaccinated an adult or a child, and has ascertained that the vaccination has been successful, or is satisfied that the adult or child is insusceptible of successful vaccination, shall, on an application made by the adult or the parent of the child, issue a certificate in the Form A or B set out in the Schedule.

11. Fees

The Minister may, by legislative instrument, make Regulations dealing with the payment of fees to public vaccinators.

12. Prohibition of the practice of inoculation

(1) The practice of inoculation is hereby declared unlawful.

(2) A person who exercises or is concerned in or connives at the practice of inoculation, or is concerned in or connives at the performance of an operation of inoculation, commits an offence, and on summary conviction is liable to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months.

13. Regulations

The Minister may, by legislative instrument, make Regulations generally for giving effect to this Act.

14. Commencement date of orders

Omitted.2(2)

15. Penalties

(1) A person who fails to comply with a provision of this Act, or of an executive instrument or the Regulations, or wilfully endeavours to deceive by false statement or otherwise, or obstructs a public vaccinator in the performance of functions under this Act, commits an offence and is liable on summary conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding one month, and, when the failure continues after conviction, to a fine not exceeding one penalty unit for each day during which the failure continues but the penalty for an offence under section 6 shall not exceed one penalty unit.

16. Savings in respect of certificates of medical practitioners

Despite a provision of this Act, a public vaccinator shall not inspect or vaccinate a person in respect of whom is produced to the public vaccinator

- (a) a certificate signed by a medical practitioner who is entitled to registration under the Medical and Dental Act, 1972(3) certifying the person named in the certificate as having within the next preceding seven years been successfully vaccinated, or
- (b) a certificate signed within the next preceding four months by that medical practitioner certifying the person named in the certificate as being medically unfit to undergo vaccination.

17. Saving of orders made in respect of Ashanti and Northern Territories

Spent.4(4)

18. Interpretation

In this Act, unless the context otherwise requires,

“**adult**” means a person who is or, in the case of a person whose age is uncertain, appears to be, fourteen years of age or over;

“**child**” means a person who is or, in the case of a person whose age is uncertain, appears to be, under fourteen years of age;

“**functions**” includes powers and duties;

“**Minister**” means the Minister responsible for Health;

“**parent**” includes the father or mother of a child, and a person having the care or custody of a child;

“**prescribed area**” means a district, an area, or a place in respect of which an order has been made under section 5 and is in force;

“**public vaccinator**” includes an assistant public vaccinator;

“**Regulations**” means the Regulations made under this Act;

“**Service**” means the Health Service established by article 190 of the Constitution;

“**successful vaccination**” means vaccination which is efficient to protect against smallpox.

Schedule
FORMS

FORM A
CERTIFICATE OF SUCCESSFUL VACCINATION

[Section 10]

CERTIFICATE OF SUCCESSFUL VACCINATION

I, the undersigned, hereby certify that a man, woman, boy, girl, of the apparent age of years, a resident of in the was successfully vaccinated by me at, in the district, on the day of, 20.....

.....
Public Vaccinator
(Signature)

FORM B
CERTIFICATE OF UNSUCCESSFUL VACCINATION

CERTIFICATE OF UNSUCCESSFUL VACCINATION

I, the undersigned, hereby certify that a man, woman, boy, girl, of the apparent age of years, a resident of in the, has been

..... times unsuccessfully vaccinated by me, and that I am of opinion that such
..... man, woman, boy, girl, is insusceptible to successful vaccination.

Dated this day of, 20.....

.....

Public Vaccinator
(Signature)

Endnotes

1 (Popup - Footnote)

1. The Act was Chapter 76 in the Mc Elwaine Edition of the Revised Edition of the Laws, 1951, first enacted in 1919 (No. 20). It came into force on 1st January, 1920.

2 (Popup - Footnote)

2. As offending [clause \(7\)](#) of [article 11](#) of [the Constitution](#). The section reads:

“All orders or regulations made under this Ordinance shall come into force on publication in the *Gazette*, or on such date as may be specified in such order or regulation.”

3 (Popup - Footnote)

3. [N.R.C.D. 91](#).

4 (Popup - Footnote)

4. The section reads:

“All orders made under [section 5](#) as applied to Ashanti by section 22 of the Administration (Ashanti) Ordinance and to the Northern Territories by section 22 of the Administration (Northern Territories) Ordinance and in force on the 1st day of July, 1935, shall be deemed to have been made and to be in force under this Ordinance (Added by 30 of 1935, [section 2](#)).”