

THE WEST PAKISTAN VACCINATION ORDINANCE, 1958.

(West Pakistan Ordinance No. XXVII of 1958)

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THE WEST PAKISTAN VACCINATION ORDINANCE, 1958.

West Pakistan Ordinance XXVII of 1958

[29th November, 1958.]

An Ordinance to consolidate and amend the law relating to vaccination in the Province of West Pakistan.

WHEREAS it is expedient to consolidate and amend the law relating to vaccination in the Province of West Pakistan; Preamble.

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the 7th day of October, 1958, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the West Pakistan Vaccination Ordinance, 1958. Short title and extent.

¹(2) It extends to the whole of the ²[Province of the Khyber Pakhtunkhwa] except the Tribal Areas].

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

³[(a) "child" means a person who has not completed the age of 16 years;]

⁴(aa) "Government" means the Government of the ⁵[Khyber Pakhtunkhwa];]

(b) "guardian" includes any person who has accepted or assumed the care or custody of any child;

(c) "parent" means the father or mother of a child;

⁶[(d) "prescribed" means prescribed by rules made under this Ordinance;

¹ Subs, by W. P. Ord No. XVI of 1969. s. 2., Sch. 8.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

³ In section 2 clause (a) ins. by Ord No. XVI of 1969.

⁴ Clause (a) relattered as clause (aa) by ... ibid.

⁵ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁶ Added for W. P by W.P. Ord. XXXVIII of 1959 s. 2 (i).

¹[(dd) "Smallpox Eradication Officer" means an officer appointed by Government to perform the function and duties of the Smallpox Eradication Officer under this Ordinance];

²(e) "Superintendent of Vaccination" means a person appointed to perform the duties of Superintendent of Vaccination under this Ordinance];

³[(f) "unprotected child" and "unprotected person" mean respectively a child or person who had not been protected from smallpox by having had that disease, or by having not been successfully vaccinated, and who has not been certified under this ordinance to be in susceptible to vaccination]

⁴[(g) "vaccination" means the introduction of Vaccinia Virus (lymph) into the skin in order to confer protection against small pox; and

(h) "vaccinator" means any person appointed to perform the operation of vaccination].

3. ⁵[(1) It shall be the duty of every local authority or Small-pox Eradication Officer to enforce the provisions of this Ordinance within their respective jurisdiction so that all unprotected children and persons are vaccinated. Duty of every local authority to carry out the provisions of this Ordinance.

(2) If the ⁶[District Officer Public Health] receives information from the District Health Officer or any Smallpox Eradication Officer that a local authority has failed to execute or enforce any of the provisions of this Ordinance relating to the vaccination of unprotected children or persons, he may, after making such enquiry from the local authority as he thinks fit, by order, empower any public servant to execute or enforce the said provisions or to procure the execution or enforcement thereof, and the order may fix a reasonable remuneration to be paid to such public servant, and such remuneration together with any expenses incurred by the said public servant in performing the duties of the local authority under this Ordinance shall be paid by the local authority].

(3) If the expenses and the remuneration are not so paid, the ⁷[District Officer Public Health] may make an order directing any person who for the time being has custody of any moneys on behalf of the local

¹ Clause (dd) ins. by W. P. Ord. No. XVI of 1969.

² Added for W. P by W.P. Ord. XXXVIII of 1959 s. 2 (i).

³ Clause (d) Re-numbered as clause (f) by W. P. Ord. XXVIII of 1959 and then subs by W.P. Ord No. XVI of 1969 s. 2(i).

⁴ Subs, for W. P. by the W. P. Ord. XXXVIII of 1959 s. 2 (iii).

⁵ Sub-section (1 and (2) subs by W. P. Order XVI of 1969.

⁶ Subs. vide Khyber Pakhtunkhwa Ord. No XVIII of 2001.

⁷ Subs. vide Khyber Pakhtunkhwa Ord. No XVIII of 2001.

authority, as its officer, treasurer, banker, or otherwise to pay such expenses and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(4) When the ¹[District Officer Public Health] makes any order under this section, he shall forthwith forward to the Commissioner and to the local authority affected thereby a copy of the order with a statement of reasons for making it, and it shall be in the discretion of the Commissioner to rescind the order or to direct that it may continue in force with or without modifications.

(5) The Commissioner shall forthwith submit to Government a report of every case occurring under this section, and Government may confirm, revise or modify the order, or make in respect thereof any other order which the Commissioner could have made:

Provided that no order of the Deputy Commissioner or the Commissioner passed under this section shall be confirmed, revised or modified by Government without giving the local authority a reasonable opportunity of showing cause against such order.

²[4. (1) After an unprotected child has attained the age of six months and before the child is one year of age, the parent or guardian of such child shall take it or cause it to be taken to a vaccinator or any other person authorised by Government in this behalf, to be vaccinated, or send for a vaccinator, or other authorised person to vaccinate it.

Duty of the parent or guardian to get an unprotected child vaccinated.

(2) Such vaccinator or other authorised person shall vaccinate the child and deliver to its parent or guardian a memorandum stating the date on which the vaccination has been performed and the date on which the child is to be inspected in order to ascertain the result of the operation, or shall if he finds such child in a state unfit for vaccination, deliver to its parent or guardian a certificate under his hand to the effect that the child is in a state unfit for vaccination for the whole or part of the current vaccination season, and requiring its production for re-vaccination on the expiry of the said period].

³[5. The parent or guardian of every child which has been vaccinated under section 4 shall on the date of inspection stated in the memorandum take the child or cause it to be taken to a vaccinator or any other person authorized in this behalf by Government for inspection or got it inspected at his own house by a vaccinator or such authorized person and such vaccinator or authorized person shall then append to the memorandum a certificate showing the result of such inspection and stating that the child has been inspected.]

Duty of the parent or guardian to get the child inspected after vaccination.

¹ Subs. vide Khyber Pakhtunkhwa Ord. No XVIII of 2001.

² Section 4, subs. by W. P. Ord. XVI of 1969, s. 5.

³ Section 5 subs by W.P. ord No. XVI of 1969.

6. When it is ascertained at the time of inspecting a child under section 5 that the vaccination has been successful a certificate shall be delivered by the vaccinator to the parent or guardian of such child to that effect, and such child thereafter be deemed to be protected. Certificate of protection.
7. When it is ascertained as aforesaid that the vaccination has been unsuccessful, the parent or guardian shall, if the vaccinator so directs cause the child to be forthwith again vaccinated and subsequently inspected in the manner hereinbefore provided. Re-vaccination in case of unsuccessful vaccination.
8. A certificate granted under section 4 showing the unfitness of a child for vaccination shall remain in force for the period stated therein and on the termination of that period, ¹[. . * . . * .] the parent or guardian of such child shall take the child or cause it to be taken to a vaccinator to be vaccinated or procure its vaccination at his own house by a vaccinator: Certificate of unfitness.
- Provided that if the child is still found unfit for vaccination the certificate granted under section 4 shall be renewed.
9. If the Superintendent of Vaccination ²[or any other officer authorised in this behalf by Government] is of the opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of successful vaccination, he shall deliver to the parent or guardian of such child a certificate under his hand to that effect and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated. Certificate of insusceptibility.
- ³[9A Every un-protected person shall, within six months of coming into force of the West Pakistan Vaccination (Amendment) Ordinance, 1969, get himself vaccinated by a vaccinator or other person authorized in this behalf by Government. Vaccination of unprotected person.
- 9-B. (1) Every child or other person who has been vaccinated and to whom a certificate of insusceptibility has not been granted under section 9, shall after three years of its or his last vaccination, and within sixty days of the expiry of the said period, get itself or himself re-vaccinated by a vaccinator or other person authorised in this behalf by Government. Periodic revaccination.
- (2) In case of an out-break of smallpox in the Province or any part thereof, or if in the opinion of Government mass vaccination campaign is necessary in any area, Government may issue a notification in the official Gazette, specifying, the area or areas where smallpox has broken out or the mass vaccination campaign is being started and on the issue of such a notification, every child or other person residing in the area or areas specified in the said notification, who has been previously vaccinated and has not been declared insusceptible to vaccination, shall get itself or him

¹ These words omitted by W.P. Ord No. XXXVIII of 1959 s. 4.

² Ins by W.P Ord No XVI of 1969.

³ Ins by W.P Ord No .XXXVIII of 1959 s.4.

self re-vaccinated by a vaccinator or other person authorised under sub-section (1) within such period as may be specified in the said notification.

(3) A certificate of re-vaccination shall be delivered by the vaccinator or other person authorised under sub-section (1) to every child or other person who is vaccinated under the provisions of this section.]

¹[10. The vaccination under this Ordinance shall be performed with such lymph or freeze dried smallpox vaccine as may be prescribed]. Lymph to be used.

11. No fee shall be charged by any vaccinator for vaccination. Fees.

²[.]

³[12. If the Superintendent of Vaccination or any other person authorised in this behalf by Government, after an on the spot enquiry, has reason to believe that an unprotected person or the parent or guardian of an unprotected child has contravened the provisions of this Ordinance, he shall deliver a notice in the prescribed manner to such person, parent or guardian requiring him to comply with such provisions of the Ordinance as he may have contravened.] Enquiry by Superintendent of Vaccination.

⁴[13. (1) If the notice delivered under the last preceding section is not complied with, the Superintendent of Vaccination or other person authorised under section 12 shall report the matter to a Magistrate of the first class who shall thereupon summon the person, parent or guardian to whom the notice was issued to comply with the notice within a time to be fixed by the Magistrate. Report to the sub-Divisional Magistrate and punishment.

(2) If such person, parent or guardian fails to comply with the orders of the Magistrate passed under sub-section (1), then the Magistrate may punish such person, parent or guardian with simple imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees, or with both.]

14. Whoever commits a breach of the provisions of this Ordinance and the rules made thereunder shall be punished with simple imprisonment which may extend to three months, or with fine which may extend to one hundred rupees, or with both. Punishment.

15. (1) Government may frame rules for the purpose of carrying into effect the provisions of this Ordinance. Power of Government to make rules.

¹ Section 10, subs, by W.P. Ord No. XVI of 1969.

² In section 11' the proviso omitted . . . ibids,s.10.

³ Section 12. subs . . . ibid s.,11.

⁴ Section 13 subs . . . ibid. s. 12.

(2) In particular and without prejudice to the generality of the foregoing powers Government may frame rules for all or any of the following purposes, namely:—

(a) prescribing qualifications, conditions of service and uniform for vaccinators:

¹[(aa) prescribing the authorities by whom appointments under this Ordinance are to be made].

(b) regulating the manner in which the Superintendent of Vaccination shall exercise his duties under this Ordinance;

(c) prescribing the lymph that may be used for vaccination;

²[d].

(e) prescribing registers to be maintained under this Ordinance; and

(f) prescribing the forms for notice and certificates.

16. The following enactments are hereby repealed:—

Repeal.

(a) the Vaccination Act, 1880;

³[b.c.d.e.].

(f) the ⁴[Khyber Pakhtunkhwa] Vaccination Law (Amendment) Act, 1947.

¹ Ins. by W. P. Ord. XXXVIII of 1959 s. 5.

² In section 15 clause (d) omitted by W. P. Ord. XVI of 1969 s. 13.

³ Omitted by Khyber Pakhtunkhwa Adapt. of Laws Order 1975.

⁴ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.