



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 9.20

# **PUBLIC HEALTH (IMMUNISATION AGAINST COMMUNICABLE DISEASES) ACT** and Subsidiary Legislation

#### Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

#### **PUBLIC HEALTH (IMMUNISATION) AGAINST COMMUNICABLE DISEASES) ACT**

Act 26 of 1976 ... in force 30th May 1991

Amended by: Act 9 of 1986

#### **PUBLIC HEALTH (IMMUNISATION AGAINST COMMUNICABLE DISEASES) ORDER – Section 5**

S.R.O. 20/1991

Page

3

10



**CHAPTER 9.20**

**PUBLIC HEALTH (IMMUNISATION) AGAINST  
COMMUNICABLE DISEASES) ACT**

ARRANGEMENT OF SECTIONS

1. Short title
  2. Interpretation
  3. Medical practitioners and certified assistants
  4. Immunisation to be free
  5. Power of Minister to order compulsory immunisation
  6. Power of Chief Medical Officer to make rules
  7. Immunisation of children
  8. Certificate of successful immunisation
  9. Fees
  10. Regulations
  11. Penalties
  12. Certificate of immunisation required for admission to nursery schools and primary schools
  13. Communicable diseases to which Act applies
  14. Minister's power in time of epidemic
- FIRST SCHEDULE: List of Communicable Diseases  
SECOND SCHEDULE: Certificate of Immunisation  
THIRD SCHEDULE: Public Health (Immunisation Against Communicable Diseases) Order



## **CHAPTER 9.20**

### **PUBLIC HEALTH (IMMUNISATION AGAINST COMMUNICABLE DISEASES) ACT**

AN ACT TO PROVIDE FOR THE IMMUNISATION OF PERSONS AGAINST COMMUNICABLE DISEASES; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

#### **Short title.**

1. This Act may be cited as the Public Health (Immunisation against Communicable Diseases) Act.

#### **Interpretation.**

2. In this Act, unless the Context otherwise requires—

“certified assistant” means a person certified by the Chief Medical Officer under section 3 to have the necessary skill and knowledge to immunise persons against communicable diseases;

“child” means a person who is under twelve years;

“communicable disease” means any disease from time to time specified in the First Schedule to this Act;

“Medical practitioner” means a person registered under the Medical Act, Cap. 9.15;

“Minister” means the Minister responsible for health;

“nursery school” means a school including a part of a school used mainly for the purpose of providing education for children under five years;

“parent” means the father and mother of a child, and any person having the care and custody of a child;

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

“primary school” means a school including a part of a school used mainly for the purpose of providing education for children under twelve years;

“successful immunisation” means an immunisation which is efficient to protect against a communicable disease.

#### **Medical practitioners and certified assistants.**

3. The following persons shall be qualified to immunise persons against communicable diseases for the purposes of this Act—

- (a) medical practitioners in the Government service;
- (b) duly qualified medical practitioners not in the Government service who shall be appointed by the Minister on the advice of the Chief Medical Officer for the purposes of this Act; and
- (c) such other persons appointed by the Minister for the purposes of this Act from among persons certified by the Chief Medical Officer to have the necessary skill and knowledge to immunise persons against communicable diseases.

**Immunisation to be free.**

4. It shall be the duty—
- (a) of medical practitioners in the Government service;
  - (b) of such medical practitioners not in the Government service as may be appointed by the Minister under section 3; and
  - (c) of such certified assistants as may be appointed by the Minister under section 3,

to immunise, free of charge, such persons as shall present themselves, or be presented for the purpose, or such persons as, under the provisions of this Act, are, or become liable, to be immunised against any communicable disease, except in cases where, in the opinion of any such medical practitioner or certified assistant, immunisation would be injurious to health, or where in the case of any communicable disease satisfactory evidence that any person liable to be immunised is already successfully immunised against that disease or has suffered from such communicable disease whereby immunity to it was derived.

**Power of Minister to order compulsory immunization.**

5. (1) The Minister may, by Order published in the *Gazette*, either generally or with reference to particular districts, areas or places throughout the State, or with respect to any particular class or classes of persons and with respect to any communicable disease or diseases, prescribe that all children to whom such Order applies, who do not produce satisfactory evidence of successful immunisation against any or all of such communicable diseases specified in the Order, or of having suffered from all or any of the diseases, shall be immunised by a medical practitioner or by a certified assistant unless, in the opinion of a medical practitioner, immunisation would be injurious to health.

(2) An Order made under this section may be made subject to any qualifications and exceptions, as to the Minister may seem proper, and the provisions of section 7 shall be read subject to any such qualifications and exemptions.

**Power of Chief Medical Officer to make rules.**

6. Subject to the approval of the Minister, the Chief Medical Officer shall give directions with respect to—
- (a) the supply of vaccine to medical practitioners and to certified assistants;
  - (b) the method of immunisation by medical practitioners and certified assistants;
  - (c) the treatment of persons after immunisation;
  - (d) the evidence to be accepted of successful immunisation;
  - (e) the times and places of attendance of persons including adults upon medical practitioners and certified assistants.

**Immunisation of children.**

7. The parent of any child to which an Order made under section 5 applies, shall, within two years after the birth of such child, or if the child is over two years at the date of such order, within such period as may be appointed under section 6, bring

such child to a medical practitioner or certified assistant, at the time and place appointed under section 6, for examination, and, if necessary, for immunisation, and shall subsequently produce such child at such times and places as the medical practitioner or certified assistant shall direct for the purpose of examination as to whether or not the immunisation has been successful, and, if necessary, for re-immunisation.

#### **Certificate of successful immunization.**

8. Every medical practitioner and every certified assistant who has immunised any adult or child, against a communicable disease, and has ascertained that the immunisation has been successful, or is satisfied that such adult or child is insusceptible of successful immunisation, shall issue a certificate in the form A or B respectively of the Second Schedule, if at the time application is made to him or her by such adult or the parent of such child.

#### **Fees.**

9. It shall be lawful for the Minister, after consultation with the Minister of Finance and subject to the approval of the Cabinet, to make regulations dealing with the payment of fees, if any, to medical practitioners and to certified assistants for services performed by them in pursuance of this Act and to fix the amount of such fees.

#### **Regulations.**

10. The Minister may make regulations generally for giving effect to the purposes of this Act.

#### **Penalties.**

11. (1) Subject to subsection (2) any person who fails to comply with any provisions of this Act relating to the immunisation of children or of any Order or regulation made thereunder relating to the immunisation of children or who wilfully endeavours to deceive, by false statement or otherwise, or obstructs, any medical practitioner or certified assistant in the discharge of his or her duties under this Act, shall be liable, on summary conviction, to a fine not exceeding three hundred dollars, or to imprisonment for six months and when the failure continues after conviction, to a fine not exceeding ten dollars for each day on which such default continues.

(2) All persons having attained sixteen years shall be liable, on failure to comply with any provision of this Act, to the penalties prescribed by subsection (1) and in the case of a child not having attained that age the parent, guardian or person having the custody of such child, or with whom such child may be residing, shall be so liable.

*(Amended by Act 9 of 1986)*

#### **Certificate of immunisation required for admission to nursery schools and primary schools.**

12. No person may be admitted into any nursery school or primary school unless he or she produces to the Principal thereof a certificate of immunisation with respect to every communicable disease, save that where a person produces a certificate of a medical practitioner certifying that immunisation against any particular communicable disease or communicable diseases is not advisable on medical

grounds, no certificate of immunisation shall be required to be produced with respect to that communicable disease or those communicable diseases, as the case may be.

**Communicable diseases to which Act applies.**

**13.** (1) The communicable diseases to which this Act refers are those specified in the First Schedule to this Act and such other diseases as the Minister may prescribe by notice published in the *Gazette*.

(2) A notice made under this section shall be laid before the National Assembly.

**Minister's power in time of epidemic.**

**14.** Where any communicable disease has become epidemic or when an epidemic of any such disease is threatened, the Minister may, by Order, suspend from attendance at any nursery school or primary school persons to whom a certificate of a medical practitioner certifying that immunisation against any such disease is not advisable on medical grounds, was issued pursuant to section 12 or refuse entry to any such person to any such school, and the suspension or refusal of entry, as the case may be, shall be effective until the Minister by further Order declares that the epidemic is ended or the threat of such epidemic is past.

---

**FIRST SCHEDULE**

*(Sections 2 and 13)*

**Communicable Diseases**

1. Poliomyelitis
2. Small Pox
3. Typhoid
4. Diphtheria
5. Whooping cough
6. Tetanus
7. Measles.

---

**SECOND SCHEDULE**

*(Section 8)*

FORM A

I, the undersigned, hereby certify that ..... a male, female, of the age of about ..... years, a resident of ....., was successfully immunized by me against ..... at ..... in the ..... District, on the ..... day of ..... 20 .....

*Signature*

*Medical Practitioner or*

*Certified Assistant*

FORM B

I, the undersigned, hereby certify that ..... a male, female, of the age of about ..... years, a resident of ....., has been ..... time unsuccessfully immunised by me, and that I am of the opinion that he/she is insusceptible of successful immunisation.

Date 20

*Signature*

*Medical Practitioner or*

*Certified Assistant*

---

**THIRD SCHEDULE***(Section 5)***PUBLIC HEALTH (IMMUNISATION AGAINST COMMUNICABLE  
DISEASES) ORDER****Citation.**

1. This Order may be cited as the Public Health (Immunization Against Communicable Diseases) Order.

**Immunisation against Measles.**

2. All children in the Federation of Saint Christopher and Nevis shall be immunised against measles.

---