

9-39

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
2nd August, 1872.*

(Hon. Mr. Gisborne.)

Public Health.

ANALYSIS.

- | | |
|---|--|
| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Commencement of Act. 3. Provisions as to appointments. Rules when to commence. 4. Division of Act. <p style="text-align: center;">PART I.
PRELIMINARY.</p> <ol style="list-style-type: none"> 5. Repeal. <p style="text-align: center;">PART II.
CENTRAL AND LOCAL BOARDS OF HEALTH.</p> <ol style="list-style-type: none"> 6. Interpretation. 7. Central Board of Health for each Province. 8. Powers of Central Boards. Meetings of Boards. 9. Officers of Central Board. 10. Appointments how to be made. 11. Expenses of Central Board. 12. Local Boards of Health. 13. Officers of Local Boards. Expenses of Local Boards to be paid out of rates.
In case of nominated Local Boards, expenses to be paid out of moneys supplied by Governor out of appropriation; the same to be charged against Province. 14. Medical Officer. 15. Reports by Local to Central Board. And by Central Board to Governor. 16. Local Boards to report appearance of certain diseases to Central Board. 17. Medical practitioners to give notice of infectious cases. 18. Householders to give notice of dangerous diseases. Penalty. 19. Governor empowered to direct enforcement of provisions to prevent such diseases. 20. Central Board to make regulations as to such diseases.
They may extend to authorize the removal of parties from their dwelling under certain circumstances, and placing them in a place of proper shelter. 21. Physicians, &c., in hospitals subject to Board of Health. 22. Board of Health to provide hospital, &c., and remove sick, &c. 23. Persons acting in the execution of this Part may inspect. 24. Powers of Local Boards not enforcing this Part, may be transferred to Central Board. Expenses how recovered. 25. Powers of Local Board to make regulations as to noxious trades. 26. Hospitals not to be built without approbation of Central Board. 27. Management of sewers and drains. 28. Local Boards to ascertain if drains, &c., are nuisances. 29. Local Boards to cleanse or cover such as are nuisances. 30. Houses hereafter built to have privies. 31. Buildings in which many persons collected to have privies. 32. Filthy houses to be whitewashed and cleansed. 33. Persons to cleanse shambles, &c. 34. Inspection of slaughter-houses. 35. Inspection of premises. 36. Unwholesome food to be seized. 37. Pigs, &c., when nuisances to be abated. 38. Penalties for obstructing the execution of this Part. | <ol style="list-style-type: none"> 39. Penalties for disobedience of this Part of this Act. 40. Complaints to be heard before Justices. 41. Penalties imposed, how to be enforced. 42. Appropriation of penalties. 43. This Part not to affect other powers. 44. Appeal from general orders of Local Board to Central. <p style="text-align: center;">PART III.
QUARANTINE.</p> <ol style="list-style-type: none"> 45. Governor may delegate powers. 46. Interpretation of term "Gazette." 47. Vessels goods and passengers arriving from places notified by the Governor as infected, and persons having communication with them, to be liable to perform quarantine. 48. Quarantine to be performed as directed by Governor. 49. No person or thing to be put on shore until after due performance of quarantine. 50. Vessels coming from infected places, to be subject to regulations of Governor. 51. Punishments for breach of regulations. 52. Powers of Governor in case of emergency. 53. On infectious disease breaking out in New Zealand, Governor may make orders for cutting off communication with infected persons, &c. 54. Lazarets, &c., may be appointed. 55. Persons performing quarantine, subject to orders of Superintendent of the quarantine station. 56. Penalty on breach of provisions relating to performance of quarantine. 57. Masters of vessels liable to quarantine to keep signals hoisted while within two leagues of coast. 58. Signals to be hoisted if infectious diseases on board. 59. Masters, on arrival, to give pilots account of places at which they traded or touched. Pilots to give masters notice if such places have been proclaimed. 60. Pilots and masters to bring to. 61. Health Officer for each port. Masters arriving to make report to and answer questions of Health Officer. Second Schedule. Penalty for untrue statement. 62. Inspection of ship, crew, and passengers. Penalty for obstruction. 63. When vessel not liable to quarantine. Clean bill of health to be given. Third Schedule. 64. When quarantine to be performed. 65. Signals to be hoisted denoting that vessel is liable to quarantine. 66. Penalty on pilot conducting vessel liable to quarantine to any place but that provided for quarantine. 67. In certain cases Justices may order vessel into quarantine. 68. Vessel having been placed in quarantine, to be reported to Governor. 69. Master to deliver to Superintendent of quarantine their bill of health, manifest, &c. 70. Penalty on masters quitting or suffering to quit vessels liable to quarantine. Or not conveying such vessels to appointed places. 71. Penalty on persons quitting vessels. 72. Persons liable to quarantine may be seized. 73. Intercourse with lazarets and stations allotted for quarantine may be prohibited by order of Governor. |
|---|--|

74. Penalty on persons neglecting duty. Or deserting or permitting vessels, persons, &c., to depart without authority, or giving false certificates.
75. After proof of performance of quarantine, and proper certificate to that effect, vessels or persons shall be liable to no further detention.
76. Goods, &c., liable to quarantine shall be opened and aired in certain places to be appointed by Governor.
77. Persons forging or uttering false certificate guilty of felony.
78. Penalty on persons landing or receiving goods, &c., from vessels liable to quarantine.
79. Proceedings to be taken before Justices.
80. Informer to receive two-thirds of penalty.
81. Limitation of actions.
82. Statements of master to be evidence.
- PART IV.
VACCINATION.
83. Interpretation.
84. Colonial Secretary to keep supply of lymph.
85. Constitution of vaccination districts. Appointed places for vaccination. Notice of days for vaccination.
86. Public Vaccinator. Vaccination Inspector. Salary or fees.
87. Revaccination.
88. Person vaccinated without charge to return for inspection.
89. Inmates of reformatories, &c., to be vaccinated.
90. Qualifications for Public Vaccinator.
91. Notice of vaccination to be given on registration of birth.
92. Forms to be attached.
93. Children to be vaccinated within six months of birth.
94. Success of vaccination.
95. Certificate of child not being in a fit state for vaccination.
96. Provision for successive certificates.
97. Certificate of child being insusceptible of vaccination.
98. Duplicate of certificate to be forwarded to Public Vaccinator.
99. Certificate of successful vaccination.
100. Certificate of successful vaccination by Medical Practitioner not being Public Vaccinator.
101. Registrar of Births to register vaccination. Inspector to register certificates.
102. Searches and copies.
103. Penalty for non-vaccination.
104. Penalty for neglecting to transmit certificates.
105. False certificates.
106. Notice may be given by Registrar, Public Vaccinator, or Vaccination Inspector, to parent, &c. Penalty on neglect to have vaccination performed after such notice.
107. For disobedience parties may be summoned, and order for vaccination may be made. Penalty on disobedience.
108. Registrar-General to provide books. Registrars to transmit returns of births and deaths to Inspector.
109. Penalty on person inoculating with small-pox.
110. Notice not required to be proved.
111. Public Vaccinators not to charge fees.
112. Penalties how to be recovered.
113. Penalty on parent not producing child when summoned to do so.
114. Unvaccinated persons not to be appointed in public service.
115. Children in public schools to be vaccinated. Schedules.

A BILL INTITULED

AN ACT to amend the Law relating to Public Health. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

5 **1.** The Short Title of this Act shall be “The Public Health Act Short Title. 1872.”

2. This Act, except as hereinafter expressly provided, shall come into operation on the first day of October, one thousand eight hundred and seventy-two, which date is herein referred to as the commencement of this Act. Commencement of Act.

10 **3.** The provisions of this Act relating to the making appointments and regulations, the constitution of Boards and districts, shall come into operation on the passing of this Act. Provisions as to appointments. Rules when to commence.

4. This Act is divided into Parts, as follows:— Division of Act.

PART I.—Preliminary.

15 **PART II.**—Central and Local Boards of Health, ss.

PART III.—Quarantine, ss.

PART IV.—Vaccination, ss.

PART V.—Miscellaneous, ss.

PART I.

PRELIMINARY.

20 **5.** The several Acts mentioned in the First Schedule hereto, to the extent to which the same are in the said Schedule expressed to be repealed, shall be and the same are hereby repealed. Repeal.

25 But this repeal shall not affect the past operation of the said Acts, or affect any things done, proceedings taken, penalties and liabilities incurred, appointments orders returns and regulations made, and Boards constituted, or any right title or obligation accrued, under the said repealed Acts or parts of Acts, or any of them: And notwithstanding the said repeal, all proclamations appointments and regula-
30 tions made under the said Acts or parts of Acts shall continue and be as if this Act had not been passed, but so that the same may be revoked altered or otherwise dealt with under this Act, as if the same had been made under this Act.

PART II.

CENTRAL AND LOCAL BOARDS OF HEALTH.

35 **6.** In the interpretation of this Part of this Act, the following Interpretation.

words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction :—

The expression "Local Board" shall mean the Local Boards of Health constituted by this Act, and shall include the City or Borough Council, Town Board, Board of Wardens, or Commissioners, or other like body, howsoever denominated, of every city town and borough, and the Council, Road Board, Board of Wardens, Commissioners, or Trustees of every Road District or Highway District or other like body howsoever denominated, now or hereafter created elected constituted or appointed under any Act of the General Assembly, or any Act or Ordinance of any Provincial Council, for the local government of such city town or borough, or road or highway district, and also such persons as may be appointed to be local Boards, as hereinafter provided.

The word "Superintendent" shall mean the Superintendent of any Province within the Province for which he is such Superintendent, and shall include the Chairman of the County Council of the County of Westland.

The word *Gazette* shall mean the General Government *Gazette*, and the term "Provincial *Gazette*" shall mean the Government *Gazette* of the Province to which the Proclamations, Regulations, Orders, or other matters to be published relates; and if there be no such Provincial *Gazette*, then any newspaper published in such Province.

7. There shall be for each Province a Board for superintending the execution of this Part of this Act within such Province.

The Superintendent and, if there be such, the Members of the Executive Council for such Province, shall be *ex officio* Members of such Board.

The Governor may appoint for each Province such other persons, not exceeding three, as he may think fit to be Members of such Board for such Province.

Such Board shall be called the Central Board of Health for the Province of (naming the Province for which such persons are appointed); and each Central Board shall within such Province have and execute all the powers and duties vested in or imposed on such Board by this Part of this Act.

The Governor may from time to time, at his pleasure, remove all or any of the persons so appointed, and appoint others in their place.

8. The powers and duties vested in Central Boards may be exercised and executed by a majority of the Members thereof present at a meeting not being less in number than three.

At all meetings of a Central Board the Superintendent, if present, shall preside as Chairman; and if he be not present, the Members present shall elect a Chairman.

The Chairman shall have a vote, and, in case of equality, a casting vote.

During any vacancy or vacancies in any Central Board the continuing Members may act as if no vacancy had occurred.

The place and time of meetings of the Central Board of each Province shall be fixed by the Board, except of the first meeting, which shall be fixed by the Superintendent of such Province by Proclamation in the Provincial *Gazette*.

9. Each Central Board may from time to time appoint such officers as they may deem necessary for the purposes of this Part of this Act, and every person so appointed shall be removable at the pleasure of the Board.

Central Board of Health for each Province.

Powers of Central Boards.

Meetings of Boards.

Officers of Central Board.

5

10

15

20

25

30

35

40

45

50

55

60

941

10. Each Central Board shall make appointments and orders in the execution of this Part of this Act by writings signed by them or any two of them. Appointments how to be made.

11. It shall be lawful for the Governor at any time, if in his opinion the necessities of the case require it, out of any moneys appropriated for the purpose by the General Assembly, to place at the disposal of any Central Board such reasonable sum as he shall think fit out of the Consolidated Fund; and all moneys so issued to any Central Board shall, when recovered from any Local Board as herein-
5
10

12. Every Local Board as hereinbefore defined shall, within their respective limits and jurisdictions, be the Local Board of Health therein, with all the powers rights and duties by this Act given or imposed; and where, in any city town district or place without any such limits or
15 jurisdictions, there shall be no Local Board, then the Central Board of the Province within which such city town district or place is, may appoint such and so many persons (not less than three) as it may think fit, to form a Local Board for any such town district or place, and from time to time to define the limits within which such
20 Local Boards shall have jurisdiction, and from time to time remove any such persons from such Board and appoint any other person or persons in his or their place; and all the powers and duties vested in any Local Board so appointed by such Central Board as last aforesaid, may be exercised and executed by a majority of the members thereof.

13. Each Local Board of Health may from time to time
25 appoint such officers and servants as may be necessary for the due carrying out of the provisions of this Part of this Act and any regulations made hereunder, and may make such regulations, specifying the duties and conduct of the officers and servants so appointed
30 or employed, as they may deem necessary, and may remove such officers or servants as such Local Board may see fit, and may direct to be paid to such officers and servants such wages salaries or allowances as such Local Board may deem reasonable, and may direct the same and all other expenses incurred by such Board in the due execution of
35 this Part of this Act to be paid out of the general city town borough or district rates, or out of any rates or other moneys applicable by the Board to the purposes of improving the city town borough or district, or otherwise at the disposal of the Local Board.

In the case of Local Boards, the Members whereof are appointed
40 by the Central Board under the powers hereinbefore contained, the Governor may from time to time, as he thinks fit, out of moneys appropriated by the General Assembly for the purpose, place at the disposal of any such Local Board for the purposes of this Part of this Act any moneys he may think required, and in that case such wages
45 salaries allowances and expenses as aforesaid may be paid out of such moneys so placed at the disposal of such Local Board by the Governor, and the same shall be charged against the District in which such Board is appointed to act, in such manner as the General Assembly shall from time to time direct.

14. Each Local Board of Health may, if it think fit, appoint
50 a fit and proper person, being a legally qualified medical practitioner, to be called "the Medical Officer," who shall be removable by the said Local Board, and shall perform such duties and in such manner as the Central Board of Health for the Province within which the
55 Local Board has jurisdiction may from time to time by instructions issued by it direct; and the Local Board may direct such remuneration to be paid to such officer as they may see fit out of such moneys and in the same manner as herein is directed in reference to other officers or servants.

15. Every Local Board shall make a report to the Central
60

Board of Health for the Province within which such Local Board has jurisdiction, in such form and at such times as such Central Board shall from time to time direct, in regard to the health cleanliness and general sanitary state of the city town borough district or place for which such Local Board is established, and a copy of every such report shall be sent by the Central Board to the Governor. 5

And by Central Board to Governor.

Every Central Board of Health shall make a report to the Governor in such form and at such times as the Governor shall from time to time direct, in regard to the general sanitary state of the Province for which such Board is established, or of any part or place in such Province. 10

Local Boards to report appearance of certain diseases to Central Board.

16. Upon the appearance of any epidemic endemic or contagious disease, or any indications thereof, or of any peculiar circumstances or occurrences involving or affecting or likely to involve or affect the sanatory condition of any city town borough district or place, the Local Board thereof shall immediately report the same to the Central Board of Health of the Province within which such Local Board is established, and such report shall be accompanied by such remarks evidence or information as such Local Board may possess in regard to the disease locality or other facts that may have come to their knowledge, and may tend or appear to tend towards the better or more full comprehension of the disease indications occurrences or circumstances so reported, and upon the receipt of any such report from any Local Board, such Central Board shall immediately transmit a certified copy thereof to the Colonial Secretary, accompanied by such information remarks and suggestions as such Central Board deem fit under the circumstances to make. 15 20 25

Medical Practitioners to give notice of infectious cases.

17. It shall be the duty of every medical practitioner who shall attend upon or give medical or surgical advice to or about any person suffering from small-pox, cholera, or other highly infectious or contagious disease dangerous to the people, to give notice forthwith after he shall have commenced so to attend or give such advice, to the Local Board of the district within which such person so suffering then is, and every medical practitioner neglecting to give such notice shall be liable to a penalty not exceeding ten pounds. 30 35

Householders to give notice of dangerous diseases. Penalty.

18. When a householder knows that a person within the house occupied by him is taken sick of small-pox cholera or any other highly infectious or contagious disease dangerous to the people, he shall immediately give notice thereof to the Local Board of the district in which he dwells. If he refuses or neglects to give such notice, he shall forfeit a sum not exceeding ten pounds. 40

Governor empowered to direct enforcement of provisions to prevent such diseases.

19. The Governor may make orders from time to time directing that the provisions hereinafter in this Part of this Act contained, or any of them, for the prevention of epidemic endemic and contagious diseases, be put in force in New Zealand or in such parts thereof or in such places therein as in such orders respectively may be expressed; and may in like manner rescind any such order. 45

Central Board to make regulations as to such diseases.

20. From time to time after the issuing of any such order as last aforesaid, and whilst the same shall continue in force, the Central Board of Health for the Province within which the part or place or parts or places to which such order applies is or are situate, may issue such directions and regulations as such Central Board shall think fit, for the prevention as far as possible or mitigation of such epidemic endemic or contagious disease, and from time to time in like manner may revoke renew and alter any such directions and regulations, or substitute such new directions and regulations as to such Central Board may seem expedient: 50 55

And such Central Board may, by such directions and regulations, provide for the effectual cleansing of streets and public ways and places by those intrusted by law with the care and 60

94-3

management thereof, or by the owners and occupiers of houses and tenements adjoining thereto, and for the cleansing purifying ventilating and disinfecting of houses dwellings and buildings by the owners or occupiers and persons having the care and ordering thereof, for 5 diminishing lessening and regulating the number of the inmates and occupants of lodging-houses or other buildings, for causing public and private privies water-closets and earth-closets to be established and properly constructed and maintained in any city town borough district place and house, for the removal of nuisances, for the speedy interment 10 of the dead, and generally for preventing or mitigating such epidemic endemic or contagious diseases in such manner as to such Central Board may seem expedient.

Such Central Board may, by any such directions and regulations, authorize and require the Local Boards of Health, or if such Central 15 Board thinks fit, officers specially appointed for that purpose to superintend and see to the execution of any such directions and regulations, and to provide for the establishing hospitals and for dispensing of medicines, and for affording to persons afflicted by or threatened with such epidemic endemic or contagious diseases such 20 medical aid as may be required, and to provide for the reception and speedy interment of the bodies of persons dying from any such disease, and to do and provide all such acts matters and things as may be necessary for executing or superintending and aiding in the execution of such directions and regulations, 25 and such directions and regulations shall extend to the parts or places included in such order so issued by the Governor as aforesaid, unless such regulations shall be expressly confined to some of such parts or places, and shall continue in force until such order be rescinded, in the parts or places to which such directions and regu- 30 lations shall extend.

The said Central Board of Health may also, by any such regulations, authorize and require the Local Boards of Health, in all cases in which diseases of a malignant and fatal character are discovered to exist in any dwelling-house situated in an unhealthy or crowded 35 locality, or being in a neglected or filthy state, and at the proper costs and charges of such Local Boards of Health, to compel the inhabitants of any such dwelling-house to remove therefrom, and to place them in a place of proper shelter, in some more secluded and healthy situation, until measures can be taken, by and under the directions of the Local 40 Boards of Health, for the immediate cleansing ventilation purification and disinfection of the said dwelling-house.

They may extend to authorize the removal of parties from their dwelling under certain circumstances, and placing them in a place of proper shelter.

21. When under this Part of this Act or the Regulations made thereunder, a hospital is established for infectious or contagious 45 diseases, the physician, nurses, attendants, the persons sick therein, and all persons approaching or coming within the limits of the same, and all furniture and other articles used or brought there, shall be subject to such regulations as may be made by the Central Board of Health of the Province within which the same is.

Physicians, &c., in hospitals subject to Board of Health.

22. When a disease dangerous to the public health breaks out in 50 any district, the Local Board of Health shall immediately, and without any order regulation or direction from the Central Board, provide such place of reception for the sick and infected as is judged best for their accommodation and the safety of the inhabitants, which shall be subject to the regulations of the Local Board; and the Board may 55 cause any sick and infected person to be removed thereto, with his or her consent, or in the case of a child the consent of the parent or person in legal custody of such child, unless the condition of such person will not admit of his removal without danger to his health, in which case the house or place where he remains shall be considered as 60 a hospital, and all person residing in or in any way concerned within

Board of Health to provide hospital, &c., and remove sick, &c.

the same shall be subject to the regulations of the Local Board, as before provided.

Persons acting in the execution of this Part may inspect.

23. Persons acting in the execution of this Part of this Act under the special authority of any central or any local Board may at reasonable times in the daytime enter and inspect any dwelling or place, if there be ground for believing that any person has recently died of any such epidemic endemic or contagious disease in such dwelling or place, or that there is any filth or other matter dangerous to health therein or thereupon, or that necessity for such entry and inspection may otherwise exist in relation to the execution of the provisions of this Part of this Act.

Powers of Local Boards not enforcing this Part, may be transferred to Central Board.

24. If at any time it shall be made to appear to the Central Board of Health within any Province that any Local Board established within such Province has not caused this Part of this Act, or any regulations or directions made or given thereunder, to be efficiently enforced within the jurisdiction of such Local Board, and that from such neglect or omission the health or comfort of the inhabitants resident within such jurisdiction is liable to be affected, such Central Board may issue an order declaring all the powers and authorities vested in such Local Board by this Part of this Act to be thenceforth and for such period as may be named in such order, or for any such extended period as may be named in any other order to be absolutely transferred in reference to the limits of the jurisdiction of such Local Board to such Central Board of Health; and upon the publication of any such proclamation in the *Provincial Gazette*, all the powers and authorities shall absolutely cease to be vested in such Local Board and be vested in the Central Board accordingly; and upon the expiration of the time and extended time mentioned in every such order, the powers and authorities vested by this Part of this Act in such Board shall cease to be exercised by the Central Board and revert to and be exercised by such Local Board only, as if no such order had been made.

Expenses how recovered.

Any expense which the said Central Board may incur in carrying out the provisions of this Part of this Act within the jurisdiction of the Local Board from which the powers therein vested by this Part shall have been suspended as aforesaid, shall be paid by such Local Board, and shall be a debt from such Local Board due to such Central Board as money paid for the use of such Local Board; and upon the refusal or neglect of any such Local Board to pay or liquidate such sum or debt, the Central Board, by any member of such Board or by any officer or other person to be by such Board for that purpose appointed, may sue the local Board in any Court of law for any amount so expended as aforesaid; and in any such action or proceeding it shall not be necessary for the Central Board to show or prove the necessity of any expenditure included in such debt or advance, or the establishment or authority of the Central or any Local Board, but proof that such sum was actually expended or paid for the purpose or with the view of carrying into effect the provisions of this Part of this Act within the jurisdiction of such local Board, subsequent to the issuing of any order suspending the powers of such local Board and vesting them in such Central Board, shall be sufficient evidence of the debt having been incurred and of the liability of such local Board.

Powers of Local Board to make regulations as to noxious trades.

25. The business of a blood-boiler bone-boiler fellmonger slaughterer of cattle horses or animals of any description, soap-boiler tallow-melter tripe-boiler or other noxious or offensive business trade or manufacture, shall not be newly established in any building or place within any district, after this provision is applied to the district in which such building or place is situate, without the consent of the Local Board, unless the Central Board of the Province within which such district is shall otherwise direct; and whosoever offends against

945

this enactment shall be liable for each offence to a penalty of fifty pounds, and a further penalty of forty shillings for each day during which the offence is continued, and the said Local Board may from time to time make such regulations with respect to any such businesses so newly established as they may think necessary and proper in order to prevent or diminish the noxious or injurious effects thereof.

Nothing in this section shall be construed to render lawful any act matter or thing whatsoever which but for this section would be deemed to be a nuisance, nor to exempt any person from any liability prosecution or punishment to which he would have been otherwise subject in respect thereof.

26. Whenever it is intended to build or open any hospital for the reception of patients afflicted with contagious or infectious diseases or disorders, the persons by whose authority such hospital is intended to be so built or opened shall give notice of such intention to the Central and (if any) the Local Board of Health within whose jurisdiction the place is where it is proposed to build or open such hospital; and no such hospital shall be built or opened as aforesaid until the said Central Board of Health shall have approved thereof in writing; but this provision shall not apply to the building or opening of any addition to a building which shall have been used as an hospital previous to such addition.

Hospitals not to be built without approbation of Central Board.

27. The Local Boards of Health within their respective jurisdictions shall cause all sewers and drains to be covered and kept so as not to be a nuisance or injurious to health, and to be properly cleared cleansed and emptied; and for the purpose of clearing cleansing and emptying the same, may construct and erect such works as may be necessary, and may cause all or any of such sewers to communicate with and be emptied into such places as they may deem fit or necessary; and no person shall, without the consent of the Local Board cause any private drain or sewer to be emptied or flow into any public drain or sewer under the control of such Local Board, nor do any act matter or thing which shall, in the opinion of such Local Board, tend to the injury or stoppage of any such drain or sewer.

Management of sewers and drains.

28. Each Local Board shall provide that all drains whatsoever, and the waterclosets private cesspools and ashpits within their jurisdiction, be constructed and kept so as not to be a nuisance or injurious to health; and may, upon the written application of any person, showing that any drain watercloset privy cesspool ashpit or other matter is a nuisance or injurious to health, and after twenty-four hours' notice in writing, or, in case of emergency, without notice, to the occupier of the premises of which complaint shall be made, enter into and examine such premises and cause the ground to be opened or do any other necessary act to examine any drain watercloset privy cesspool ashpit or other place; and if such drain watercloset privy cesspool ashpit or other place shall be found to be in proper order and condition, the Local Board shall cause the ground to be closed, and any damage done to be made good as far as can be, at the expense of such Local Board; but if the drains cesspools watercloset privy ashpit or other place shall be found to be in a bad condition, or to require alteration, or amendment, the ground shall be closed up and notice given by such Local Board to the proprietor or occupier, requiring him to make such alteration or amendment within a time to be named in such notice; and if such owner or occupier shall fail to comply with such notice, it shall be competent for the Local Board to cause such alteration or amendment to be executed at the expense of the proprietor of such premises.

Local Boards to ascertain if drains, &c., are nuisances.

29. The Local Board of Health shall cause to be drained cleansed covered or filled up, all ponds pools open ditches sewers drains and

Local Boards to cleanse or cover such as are nuisances.

places containing or used for the collection of any drainage filth water matter or thing of an offensive nature, or likely to be prejudicial to health.

And they shall cause written notice to be given to the person causing any such nuisance, or to the owner or occupier of any premises whereon the same exists, requiring him, within a time to be specified in such notice to drain cleanse cover or fill up any such pond pool ditch sewer drain or place, or to construct a proper sewer or drain for the discharge thereof, as the case may require.

If the person to whom such notice is given fail to comply therewith, the said Local Board shall execute the works mentioned or referred to therein at the expense of the party to whom such notice was given.

The said Local Board may, however, if they see fit, order that the whole or a portion of the expenses incurred in respect of any such last-mentioned work be defrayed out of the funds from which it is hereinbefore provided the expenses of this Part of this Act are to be defrayed.

Houses hereafter built to have privies.

30. All houses hereafter to be erected or rebuilt, shall have attached to them sufficient water-closets or privies, with proper drains and cesspools, or other adequate provision for avoidance of nuisance and for sanatory purposes; and if at any time it shall be made to appear to any Local Board that any house within its jurisdiction, whether built at any time before or after the coming into operation of this Act, has not a sufficient water or earth closets or privy drains and cesspools or other adequate provision as aforesaid, and the proprietor or occupier, on due notice to that effect from such Local Board, shall not erect such water or earth closet or privy drains and cesspools in the time to be named in such notice, the Local Board may cause a privy to be erected at the expense of the proprietor of such house, with drains and cesspools.

Buildings in which many persons collected to have privies.

31. If it shall appear to the Local Board that any house is used or intended to be used as a school or a factory or building in which persons above twenty in number are gathered or employed, or intended to be gathered or employed, at one time, such Local Board may, by notice in writing to the owner or occupier of such house, require him, within a time to be specified in such notice, to construct a sufficient number of waterclosets or privies for the use of such persons, and (if they are of different sexes) separate for those of each sex; and if the proprietor or occupier shall neglect to erect such waterclosets or privies within the time mentioned in such notice, the Local Board may cause privies to be constructed at the expense of the proprietor or occupier of such house or premises.

Filthy houses to be whitewashed and cleansed.

32. If upon the certificate of the Medical Officer of Health (if any) or of any two medical practitioners it appear to the Local Board of Health that any house or part thereof is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing cleansing or purifying of any house or part thereof would tend to prevent or check infectious or contagious disease, the said Local Board shall give notice in writing to the owner or occupier of such house or part thereof, to whitewash cleanse or purify the same as the case may require. And if the person to whom notice is so given fail to comply therewith within such time as shall be specified in the said notice, the said Local Board may (if they shall think fit) cause such house building or part thereof to be whitewashed cleansed or purified, and the expenses incurred by them in so doing shall be repaid by the owner or occupier, and recovered as hereinafter mentioned.

Persons to cleanse shambles, &c.

33. If upon the certificate of the Medical Officer of Health (if any), or of any one or more duly qualified medical practitioners, verified on oath, it shall appear to any Local Board or to any two Justices that any abattoir or slaughterhouse, or any shop building stall or place kept

947

or used for the sale of butchers' meat, or any place used for carrying on the business of a soap boiler tallow melter candle maker starch manufacturer blood boiler bone boiler tripe boiler boiler of refuse or tainted animal matter tanner currier or fellmonger or gas manufacturer, or the premises occupied with the same or appurtenant thereto, is or are in such a filthy state or unwholesome condition that the health of any person is likely to be endangered thereby, or that the whitewashing cleansing or purifying of any such place premises or appurtenances would tend to prevent or check infectious contagious or epidemic diseases, such Local Board or Justices may give or cause to be given notice in writing to the owner or occupier of such place or premises, to whitewash cleanse or purify the same as the case may require, and such notice may be served by leaving a copy thereof with any person found on the premises, or by affixing a copy thereof on a conspicuous part of the place or premises directed to be whitewashed cleansed or purified as aforesaid; and if the person to whom such notice is given fails to comply therewith within such time as may be specified in the said notice, he shall be liable to a penalty not exceeding ten pounds for every day in which he continues to make default.

34. Whenever it shall be made to appear on oath, to the satisfaction of any Local Board or of any Justice, that there is reasonable ground for believing that any such abattoir slaughter-house shop building stall or place, or the premises occupied with the same or appurtenant thereto, as is hereinbefore mentioned, is or are in a filthy or unwholesome condition, such Local Board or Justice may grant a warrant authorizing any Inspector of Slaughter-houses, or any officer of such Local Board, or Inspector or other Officer of Police, with such assistance as may be necessary, and accompanied by any medical practitioner as aforesaid, to enter in the daytime such abattoir slaughter-house shop building stall or place, with the appurtenances as aforesaid, and view the same and the state and condition thereof.

35. If at any time it shall appear to any Local Board that any accumulation of manure dung soil filth offal coal ashes or other offensive or noxious matter whatsoever, ought to be removed from any abattoir slaughter-house yard house out-buildings lane alley or other place, they shall give notice to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove the same; and if at the expiration of twenty-four hours after such notice the same be not complied with, the manure dung soil filth offal coal ashes or matter referred to shall be removed by the Local Board at the expense of the party to whom such notice shall have been given; and such expenses shall be recovered as hereinafter mentioned.

36. Any Local Board or any officer of such Board may, at all reasonable times, enter into and inspect any butcher's poulterer's or fishmonger's shop, or any abattoir or slaughter-house, or any shop building stall or place kept or used for the sale of any provisions or other articles used or intended to be used as food for human consumption, and may examine any carcase provisions or articles which may be therein; and in case any such carcase provisions or articles, or any part thereof respectively, appear to them or him to be intended as food for human consumption and to be unfit for such food, may seize the same and carry before a Justice; and such Justice shall forthwith order the same to be further inspected and examined by competent persons, and in case upon such inspection and examination such carcase provisions or articles, or any part thereof respectively, shall be found unfit for food for human consumption, such Justice shall order the same to be immediately destroyed or to be otherwise disposed of, so as to prevent the same being exposed for sale or used for such food; and the sale or exposure for sale or the possession of any such carcase provisions or articles, or any such part thereof respectively, shall be an offence under this Part of this Act.

Pigsties, &c., when nuisances to be abated.

37. No person shall keep any swine or pigsty in or near any dwelling house or so as to be a nuisance to any person, or suffer any waste or stagnant water to remain in any cellar or place within any dwelling house, for twenty-four hours after written notice to him, from the Local Board of Health or its officer, to remove the same respectively, nor allow the contents of any water-closet privy or cesspool to overflow or soak therefrom. And if any such nuisance shall exist, the said Local Board shall abate the same or cause it to be abated, and the expenses incurred by them in so doing shall be repaid to them by the occupier of the premises upon which the same exists.

Penalties for obstructing the execution of this Part.

38. Whosoever shall wilfully obstruct any Inspector or any member of any Central or Local Board of Health or any officer or person duly employed in the execution of this Part of this Act, or shall incite any other person so to do, or destroy pull down injure or deface any board placard or notice made or published under this Part of this Act, shall be liable for every such offence to a penalty not exceeding five pounds; and if the occupier of any premises prevent the owner thereof from obeying or carrying into effect the provisions of this Part of this Act, he shall be liable to a penalty not exceeding five pounds for every day of such prevention; and if the occupier of any premises, when requested by or on behalf of the Local Board of Health to state the name of the owner of the premises occupied by him, shall refuse or wilfully omit to disclose or wilfully mis-state the same, he shall be liable to a penalty not exceeding fifty pounds.

Penalties for disobedience of this Part of this Act.

39. Where anything is by this Part of this Act directed to be done or forbidden to be done, or where any authority is given to any Central or any Local Board of Health, or any officers of theirs respectively, to direct anything to be done or forbid anything to be done, and such act so directed to be done shall remain undone or such act so forbidden to be done shall be done, in every such case the person making default as to such direction and prohibition respectively shall be deemed guilty of an offence against this Part of this Act. And every person guilty of an offence against this Part of this Act not specially provided for, shall be liable for any such offence, besides any costs or expenses to be incurred in the remedying such default, as particularly provided for in this Part of this Act, to a penalty not exceeding the sum of fifty pounds, to be recovered before two or more Justices in a summary way.

Complaints to be heard before Justices.

40. All offences under this Part of this Act shall be heard and determined, and all moneys costs and expenses recovered, in a summary way before two or more Justices of the Peace.

Penalties imposed, how to be enforced.

41. Whenever any penalty forfeiture costs expenses or other payment shall have been imposed directed or awarded to be paid under the provisions of this Part of this Act, and the person convicted or awarded to pay such penalty forfeiture costs expenses or other payment shall not pay the same within such time as such Justices shall direct, the convicting Justices may order that the same be levied by distress and sale of the goods and chattels of such offender; or, in default of such distress or in the discretion of such Justices, without ordering any such distress, may direct such person to be imprisoned, with or without hard labour as they shall think fit, for a period not exceeding two months, if the penalty forfeiture cost expenses or payment shall not exceed ten pounds; and for a period not exceeding four months, if the penalty forfeiture costs expenses or payment be above ten pounds and not exceeding twenty pounds; and for a period not exceeding six months, if the penalty forfeiture costs expenses or payment be above twenty pounds; and such person shall be detained and kept to hard labour accordingly, unless such respective penalties forfeitures costs expenses and payments shall be sooner paid.

Appropriation of penalties.

42. The moneys arising from fines penalties and forfeitures imposed by this Part of this Act shall when recovered be paid and

949

applied towards defraying the expenses of carrying this Part of this Act into execution, in such manner as any Local Board within whose jurisdiction such fines penalties or forfeitures may have been received shall direct, or, if there be no such Local Board, shall form part of the revenue of the Province within which the offence in respect of which the same shall have been imposed shall have been committed.

43. Nothing in this Part contained shall take from lessen or diminish any of the powers belonging to any corporate body, or to the council of any city town or borough, or to any Justice, in respect of any matters provided for by this Part, whether such powers be given under or by Act of the General Assembly or Act or Ordinance of a Provincial Council.

This Part not to affect other powers.

44. If any person shall deem himself aggrieved by any general order or regulation of any Local Board of Health binding or purporting to bind not individuals or particular corporations or companies but classes of persons, such person may address a memorial thereon to the Central Board of the Province within which such Local Board is established, stating the grounds of his complaint and the manner in which he individually or the corporation company or class to which he belongs may be prejudiced thereby; and the said Central Board may confirm reverse or vary such order or regulation as to them shall seem fit.

Appeal from general orders of Local Board to Central.

PART III.

QUARANTINE.

45. The Governor may from time to time, as he thinks fit, order that any or all of the powers functions duties authorities or acts vested in conferred on or authorized or required to be performed by the Governor by this Part of this Act within any Province district port or place in the Colony (except such powers functions duties authorities or acts as are vested in conferred on or authorized or required to be done by or under the fifty-second and seventy-fifth sections of this Act), shall be exercised performed or done by the Superintendent of such Province, with the advice of the Executive Council of such Province if any, or the Central Board thereof constituted under the First Part of this Act, or by any other person or persons the Governor may think fit, subject, however, to any limitations or restrictions as he may think fit; and thereupon such functions powers duties authorities and acts may, by such Superintendent or Central Board or other person or persons be exercised performed and done within the Province district port or place of the Colony specified in such order; and the Governor may from time to time revoke or alter any such order.

Governor may delegate powers.

46. The term "Gazette" where used in this Act, where the order instrument or other matter, the publication whereof is referred to, is given made or done by the Governor, means the *New Zealand Gazette*, and where such order instrument or other matter is given made or done by the Governor's Delegate, shall mean the *Provincial Gazette* of the Province within which such Delegate is authorized to act, or, if such Delegate shall think fit, any newspaper published in such Province.

Interpretation of term "Gazette."

47. If the Governor shall by Proclamation notify that any place, whether beyond or within New Zealand, is infected with any infectious or contagious disease, immediately after such notification all vessels whatever arriving at any port or place in New Zealand from or having touched at any such place, and all vessels and boats receiving any person or thing whatsoever from or out of any vessel so coming from or having touched at any such infected place as

Vessels goods and passengers arriving from places notified by the Governor as infected, and persons having communication with them, to be liable to perform quarantine.

aforesaid (whether such person or thing shall have come or been brought in such vessel, or such person shall have gone or have been put on board the same either before or after the arrival of such vessel at any place in New Zealand, and whether such vessel was or was not bound to any place in New Zealand,) and all persons and things whatsoever on board of any vessel so coming from or having touched at such infected place as aforesaid, or on board of any such receiving vessels or boats as aforesaid, shall be liable to quarantine within the meaning of this Part of this Act, and of any regulations made by the Governor and notified by Proclamation concerning quarantine and the prevention of infection, from the time of the departure of such vessels from such infected place as aforesaid, or from the time such persons or things shall have been received on board respectively.

Quarantine to be performed as directed by Governor.

48. All such vessels and boats as aforesaid, and all persons (as well pilots as others) and all things whether coming or brought in such vessels or boats from such infected place as aforesaid, or going or being put on board the same either before or after the arrival of such vessels or boats at any place in New Zealand, and all persons and things as aforesaid on board such receiving vessel or boat as aforesaid, shall, upon their arrival at any place in New Zealand, be obliged to perform quarantine in such places for such time and in such manner as shall be from time to time directed by the Governor and notified by Proclamation as aforesaid.

No person or thing to be put on shore until after due performance of quarantine.

49. Until such vessels and boats persons and things as aforesaid shall have respectively performed and shall be duly discharged from quarantine, no such persons or things shall, either before or after the arrival of such vessels or boats at any place in New Zealand, come or be brought on shore, or go or be put on board any other vessel or boat in order to come or be brought on shore, in any such place (unless in such manner and in such cases and by such license as shall be directed or permitted by any such regulations made by the Governor as aforesaid).

Vessels coming from infected places, to be subject to regulations of Governor.

50. All such vessels and boats, whether coming from such infected place as aforesaid or being otherwise liable to quarantine as aforesaid, and all persons (as well pilots as others) and things as aforesaid, whether coming or brought in such vessels or boats or going or being put on board the same, either before or after the arrival of such vessels or boats at any place in New Zealand, and all masters or other persons having the charge or command of any such vessels or boats, whether coming from any infected place or being otherwise liable to quarantine as aforesaid, shall be subject to all the provisions rules regulations and restrictions contained in this Part of this Act or in any regulations which shall be made by the Governor as aforesaid concerning quarantine and prevention of infection.

Punishments for breach of regulations.

51. The Governor may, in any regulations made under the provisions of this Part of this Act, attach a penalty not exceeding the sum of one hundred pounds, or a liability to imprisonment for any term not exceeding three months, to the disobedience of such Proclamation or breach of any of the regulations therein contained, and the person disobeying any such Proclamation or breaking any such regulation shall be punishable therefor as if such penalty or term of imprisonment provided as aforesaid had been provided by this Part of this Act as the punishment for the offence committed by such person; and when no penalty or term of imprisonment shall be provided by such Proclamation as aforesaid for disobedience thereof or for breach of any regulations therein contained, the person so offending shall forfeit and pay for every such offence a sum not exceeding twenty pounds.

Powers of Governor in case of emergency.

52. The Governor may from time to time make such orders or regulations as shall be deemed expedient, upon any unforeseen emergency or in particular cases, with respect to any vessel arriving and having any

951

such infectious or contagious disease on board, or on board of which any such infectious or contagious disease may have appeared in the course of the voyage, or arriving under any other alarming or suspicious circumstances as to infection or contagion, although such vessel shall not
5 have arrived from any place from which the Governor may have declared it probable that any such infectious disease may be brought, and also with respect to the persons and things as aforesaid on board the same.

53. In case of any such infectious disease appearing or breaking
10 out in New Zealand, the Governor may from time to time make such orders and regulations and give such directions, in order to cut off all communication between any persons infected with any such disease and the rest of Her Majesty's subjects, as shall appear to the Governor necessary and expedient for that purpose, and may likewise make
15 such orders and regulations as the Governor may deem fit for shortening the time of quarantine to be performed by particular vessels or particular persons or things, or for absolutely or conditionally releasing them or any of them from quarantine :

On infectious disease breaking out in New Zealand, Governor may make orders for cutting off communication with infected persons, &c.

And all such orders and regulations so made as aforesaid shall be as
20 good valid and effectual, to all intents and purposes, as well with respect to the master or other person having charge of any vessel and all other persons on board the same, as with respect to any other persons having any intercourse or communication with them, and to the penalties and punishments to which they may respectively become liable, as
25 any order or regulations concerning quarantine made by the Governor and notified by Proclamation as aforesaid.

In order, however, that all unnecessary hardship or inconvenience may be prevented, it shall be lawful for the Governor to allow such persons suffering from contagious or infectious diseases to be visited
30 by their friends relations or private medical adviser, at any time.

54. The Governor may from time to time, by any order notified
by Proclamation in the *Gazette*, appoint certain stations or places within or near any harbour or place within New Zealand for the performance of quarantine under this Part of this Act, where all vessels
35 liable to quarantine, and the crews passengers and persons on board thereof, shall perform the same, and also (if necessary) appoint lazarets and other places where the crews passengers and other persons, and the things which shall or may be on board the said vessels, shall be detained and kept for the performance of quarantine, and may from
40 time to time appoint and remove Superintendents of such lazarets, stations, or places, and such other officers as may appear to him necessary for carrying out the provisions of this Act.

Lazarets, &c., may be appointed.

55. All persons liable to perform quarantine, and all persons having had any intercourse with them (whether in vessels or in a
45 lazaret or elsewhere), shall be subject, during the time they are liable to quarantine, to such orders as they shall receive from the superintendent of such station lazaret or place or his assistant, and the said officers are required to enforce all necessary obedience to the said orders, and in case of necessity to call in others to their assistance,
50 and such officers shall compel all persons liable to quarantine, and persons having had any intercourse with them, to repair to such station lazaret or place.

Persons performing quarantine, subject to orders of superintendent of the quarantine station.

56. Any person liable to perform quarantine, or any person having had any intercourse with him, shall wilfully refuse or neglect
55 to repair, when required by such officers or either of them, to the said station lazaret or place appointed, or, having been placed in the said station lazaret or place, shall escape or attempt to escape out of the same before quarantine duly performed, the said officers or either of them and also the watchman and other persons appointed may, by
60 such necessary force as the case shall require, compel every person so

Penalty on breach of provisions relating to performance of quarantine.

refusing or neglecting escaping or attempting to escape to repair or return to such station lazaret or place, and every person so refusing or neglecting, and also every person actually escaping, shall forfeit a sum not exceeding two hundred pounds.

Masters of vessels
liable to quarantine
to keep signals
hoisted while within
two leagues of coast.

57. Every master or other person having the charge of any vessel liable to the performance of quarantine shall, at all times when such vessel is within two leagues of the coast of New Zealand, hoist a signal to denote that his vessel is liable to the performance of quarantine, which signal shall be in the day time, if the said vessel shall have a clean bill of health, a large yellow flag of six breadths of bunting at the main-topmast head; and if such vessel shall not have a clean bill of health, then a like yellow flag with a circular mark or ball entirely black in the middle thereof, whose diameter shall be equal to two breadths of bunting.

In the night time the signal shall in both such cases be a large signal lantern with a light therein (such as is commonly used on board Her Majesty's ships of war) at the same masthead.

Such master or other person shall keep such signals respectively, as the case shall be, hoisted during such time as the vessel shall continue within two leagues' distance of the said coast, and while within such distance, until such vessel shall have arrived at the place where it is to perform quarantine, and until legally discharged from the performance thereof.

On any breach of or failure to comply with the provisions of this section, such master or other person having the charge of such vessel shall forfeit for every such offence a sum not exceeding two hundred pounds.

Signals to be hoisted
if infectious diseases
on board.

58. Every master or other person having the charge of any vessel on board whereof the cholera small-pox or other contagious or infectious disease, highly dangerous to the health of the people, shall actually be, shall, at all times when such vessel shall be within two leagues of the coast of New Zealand, hoist the signal hereinafter prescribed, that is to say, in the day time, a flag of yellow and black, borne quarterly, of eight breadths of bunting, at the main topmast head.

And in the night time the signal shall be two large signal lanterns, such as are commonly used on board Her Majesty's ships of war, one over the other, at the same mast head.

Such master or other person shall keep such signal hoisted during such time as the said vessel shall continue within two leagues of the said coast, and until such vessel shall have arrived at the place where it is to perform quarantine, and until it shall have been legally discharged from the performance thereof.

On any breach of or failure to comply with the provisions of this section, such master or other person having the charge of such vessel shall forfeit for every such offence a sum not exceeding two hundred pounds.

Masters, on arrival,
to give pilots account
of places at which
they traded or
touched.

59. Every master or other person having the charge of any vessel coming from parts beyond New Zealand, shall give to the pilot who shall communicate with such vessel a written paper containing a true account of the name of the place and country at which such vessel shall have loaded, and also of all the places at which any such vessel shall have touched on the voyage to New Zealand, on pain of forfeiting the sum of one hundred pounds for any neglect or refusal to give such paper, or for any false representation or wilful omission therein.

Pilots to give masters
notice if such places
have been proclaimed.

If by any proclamation made under this Act, and then in force, vessels coming from any place mentioned in any such paper shall be liable to the performance of quarantine, such pilot shall immediately give notice thereof to the master or other person aforesaid, on pain of forfeiting the sum of one hundred pounds for any neglect thereof.

953

Such master or other person shall thereupon hoist a proper signal according to the provisions of this Part of this Act, and under the penalties in this Part of this Act provided for any neglect in respect of hoisting such signals.

5 **60.** If any pilot being on board or any master or other person having the charge of any vessel coming from places beyond or within New Zealand, whether such vessel be liable to quarantine or not, shall be required by any Health Officer or Officer of Customs to bring to such vessel, to the end that such master or other person may be
10 interrogated according to the provisions of this Part of this Act, and shall neglect or refuse to bring to such vessel as soon as it can be done with safety, in obedience to such requisition, every such pilot master or other person as aforesaid shall for every such offence forfeit a sum not exceeding one hundred pounds.

Pilots and masters to bring to.

15 **61.** The Governor may from time to time appoint for each port in New Zealand a person to be Health Officer for such port, and may at any time remove such officer and appoint another in his place.

Health Officer for each port.

The master or other person (excepting the pilot) having the charge of any vessel arriving at any port or place in New Zealand, shall give
20 to the Health Officer of the port at which such vessel shall arrive, either alongside or on board such vessel as such Health Officer may desire, a written paper containing a true account of the name or names of the place or places at which such vessel shall have loaded or shall have touched on the voyage to New Zealand, and of the health of the crew and passen-
25 gers of such vessel during the voyage, and the cause of death of any person who shall have died on such voyage, and also true answers to the questions contained in the form provided by the Second Schedule hereto, or in such other form as shall be prescribed from time to time by the Governor in that behalf and published in the *Gazette*, and
30 shall also truly answer, orally, any questions which may be put to him touching all or any of the matters aforesaid by such Health Officer.

Masters arriving, to make report to and answer questions of Health Officer.

Second Schedule.

And if such master or other person in charge of such vessel as aforesaid shall refuse or omit to give such true account or answers, or shall answer falsely any of such questions either in writing or orally
35 as aforesaid, he shall be liable to a penalty not exceeding two hundred pounds for any such refusal omission or false statement.

Penalty for untrue statement.

62. Such master or other person in charge of such vessel as aforesaid shall permit the Health Officer, either alone or together with any medical practitioner accompanying him, to inspect any part of the
40 vessel and all or any of the passengers or crew of such vessel.

Inspection of ship, crew, and passengers.

Any master or other person in or in charge of such vessel refusing to permit such inspection, or obstructing the Health Officer therein, shall for every such offence be liable to a penalty not exceeding one hundred pounds.

Penalty for obstruction.

45 **63.** If it shall appear to the Health Officer that such vessel is not liable to perform quarantine, he shall give to the master or other person in charge of such vessel as aforesaid a clean bill of health, in the form in the Third Schedule hereto, or in such other form as shall be from time to time prescribed in that behalf by the Governor and published
50 in the *Gazette*.

When vessel not liable to quarantine, clean bill of health to be given. Third Schedule.

64. If it shall appear, by the written paper answers to questions or by inspection as aforesaid, that such vessel shall have arrived from any place notified by the Governor as being infected as aforesaid, or if the Health Officer shall apprehend any danger to the public health
55 from the immediate admission of such vessel to entry, by reason of there then being or of there having been during the voyage any infectious or contagious disease on such vessel, or of such vessel having touched at any place where any such disease shall have prevailed, or having communicated with any other vessel on board
60 which any such disease may have existed, such vessel shall be liable to

When quarantine to be performed.

perform quarantine, and such Health Officer shall immediately notify the same to the master or other person in charge as aforesaid, under a penalty of one hundred pounds for any neglect therein.

Signals to be hoisted denoting that vessel is liable to quarantine.

65. The master or other person in charge as aforesaid shall immediately after such notice hoist a signal to denote that such vessel is liable to the performance of quarantine (which signal shall be in the day time a yellow flag of six breadths of bunting, with a circular mark or ball entirely black in the middle thereof, whose diameter shall be equal to two breadths of bunting, to be hoisted at the main topmast head, and in the night time a large signal lantern with a light therein, such as is commonly used on board Her Majesty's ships of war, at the same mast head), and shall keep such signal hoisted until the time when such vessel shall be legally discharged from the performance of quarantine, and on any and every neglect therein shall incur a penalty not exceeding one hundred pounds.

Penalty on pilot conducting vessel liable to quarantine to any place but that provided for quarantine.

66. If any pilot shall knowingly bring or cause to be brought or conducted any vessel liable to the performance of quarantine into any place not specially appointed for the reception of vessels so liable, unless compelled thereto by stress of weather adverse winds or accidents of the sea, he shall for every such offence forfeit a sum not exceeding two hundred pounds.

In certain cases Justices may order vessel into quarantine.

67. If any vessel shall arrive in any port or harbour of New Zealand, where there is no Health Officer appointed for the purposes of this Part of this Act, and if during the voyage there shall have been or at the time of arrival there shall be on board such vessel any infectious or contagious disease, or if such vessel shall have sailed from or touched at any place during the voyage where any such disease shall have prevailed, or shall have communicated with any other vessel on board which any such disease may have existed, and if any legally qualified medical practitioner or the surgeon or medical officer of such vessel shall certify in writing that danger may reasonably be apprehended to the public health from the immediate admission of such vessel to entry, any two Justices may, by writing under their hands, order such vessel into quarantine, and every such vessel so placed in quarantine, with the contents thereof, and every person on board (whether such person shall belong to or shall have come as a passenger by such vessel or shall have gone on board her after her arrival at any place in New Zealand), shall be subject to the same laws rules and penalties in all respects as are in force with respect to vessels persons and things placed in quarantine under the provisions of these regulations, until released thereunder or by an order under the hands of the Justices making such first-mentioned order.

Vessel having been placed in quarantine, to be reported to Governor.

68. Any Justices making such order as aforesaid imposing quarantine, and any Health Officer ordering any vessel into quarantine as aforesaid, shall forthwith report the fact that such order has been made to the Colonial Secretary and to the Central Board of the Province within which the port or harbour at which the vessel arrives is situate, in order that further measures may if necessary be taken, according to law, for the continuance of such vessel in quarantine or the release thereof.

Master to deliver to Superintendent of quarantine their bill of health, manifest, &c.

69. Every master or other person having charge of any vessel which shall be liable to perform quarantine as aforesaid, shall forthwith, after his arrival at the station or place appointed for the performance of quarantine, deliver on demand to the Superintendent of such station or place (and who is hereby required to make such demand) his bill of health and manifest, together with his log book and journal, under pain of forfeiting a sum not exceeding one hundred pounds if he shall wilfully refuse or neglect to do so.

Penalty on masters quitting or suffering

70. If any master or other person being in charge of any vessel liable to perform quarantine shall himself quit, or shall knowingly

955

permit or suffer any person to quit, such vessel by going on shore or to quit vessels liable
 by going on board any other vessel before such quarantine shall be to quarantine.
 fully performed (unless by such license as shall be granted by virtue
 of any orders or regulations made by the Governor as aforesaid), or in Or not conveying
 5 case any master or person having charge of such ship shall not, within a such vessels to
 convenient time after due notice given for that purpose, cause such appointed places.
 vessel and the lading thereof to be conveyed into the place appointed
 for such vessel and lading to perform quarantine, then and in every
 such case every such master or person for every such offence shall
 10 forfeit and pay a sum not exceeding four hundred pounds.

71. If any person coming in any such vessel liable to quarantine Penalty on persons
 (or any pilot or other person going on board the same, either before or quitting vessels.
 after the arrival of such vessel at any place within New Zealand)
 shall, either before or after such arrival, quit such vessel (unless by such
 15 license as aforesaid) by going on shore or by going on board any other
 vessel or boat with intent to go on shore as aforesaid, before such vessel
 so liable to quarantine as aforesaid shall be regularly discharged from
 the performance thereof, any person whosoever may, by any kind of
 necessary force, compel such pilot or other person so quitting such
 20 vessel to return on board the same, and every such pilot or other person
 so quitting such vessel shall for every such offence suffer imprisonment
 for the space of six months and shall forfeit a sum not exceeding three
 hundred pounds.

72. Any person may seize and apprehend any person that Persons liable to
 25 shall, contrary to the provisions of this Act or any regulations or quarantine may be
 order made hereunder, have quitted or come on shore from seized.
 any vessel liable to perform quarantine, or who shall have escaped
 from or quitted any vessel under quarantine, or from any
 lazaret vessel or place appointed in that behalf, for the purpose of
 30 carrying such person before any Justice, and any such Justice may
 grant his warrant for the apprehending and conveying of any such
 person to the vessel from which he shall have come on shore, or
 to any vessel performing quarantine, or lazaret from which he shall
 have escaped, or for confining any such person in any such place of
 35 safe custody (not being a public gaol), and under such restrictions as to
 having communication with any other persons, as may to such Justice
 appear proper, until such person can safely and securely be conveyed
 to some place appointed for the performance of quarantine, or until
 directions can be obtained from the Governor as to the disposal of
 40 any such person, and may make any further order that may be necessary
 in that behalf.

73. The Governor by Proclamation published in the *Gazette*, Intercourse with
 may prohibit all persons vessels and boats whatsoever from going, lazarets and stations
 under any pretence whatsoever, within the limits of any station allotted for quaran-
 45 which, by any order of the Governor as aforesaid, has been or may tine may be prohibited
 be assigned for the performance of quarantine; and if any person by order of Governor.
 whosoever, after such proclamation of any such order, shall go within
 the limits of any such station, he shall for every such offence forfeit
 and pay a sum not exceeding two hundred pounds.

74. If any person whosoever to whom it shall appertain to Penalty on persons
 50 execute or carry out any order or regulation made or to be made neglecting duty.
 concerning quarantine, and notified as aforesaid, or to see the same put in
 execution, shall knowingly and wilfully be guilty of any breach or neg-
 lect of his duty in respect of the vessels persons or things performing
 55 quarantine, every person so offending shall forfeit and pay a sum not ex-
 ceeding two hundred pounds; and if any such person shall desert from
 his duty when employed as aforesaid, or shall knowingly and willingly Or deserting or
 permit any person vessel or thing to depart or be conveyed out of the said permitting vessels,
 lazaret vessel or other place as aforesaid, unless by permission under persons, &c., to
 60 the order of the Governor, or if any person hereby authorized and depart without
 authority, or giving
 false certificates.

directed to give a certificate of a vessel having duly performed quarantine or airing shall knowingly give a false certificate thereof, every such person so offending shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding ten years; and if any such person shall knowingly or wilfully damage any goods performing quarantine under his direction, he shall be liable to pay one hundred pounds damages, and costs of suit to the owner of the same. 5

After proof of performance of quarantine, and proper certificate to that effect, vessels or persons shall be liable to no further detention.

75. After quarantine shall have been duly performed by any vessel or person obliged to perform quarantine as aforesaid, according to these regulations and to any regulations or order made as aforesaid, the Superintendent of the station or place at which such quarantine shall have been performed shall give a certificate thereof under his hand, and upon the same being approved and allowed by the Governor, every such vessel and all and every such person so having performed quarantine shall be liable to no further restraint or detention upon the same account for which such vessel or person shall have performed quarantine as aforesaid. 10 15

Goods, &c., liable to quarantine shall be opened and aired in certain places to be appointed by Governor.

76. All things liable to quarantine as aforesaid shall be opened and aired in such place and for such time and in such manner as shall be directed by the Governor by any such order or regulations to be made as aforesaid, and after such order or regulations shall have been duly complied with, then and in every such case the person in charge of the lazaret or vessel or other place in which the things shall have been opened and aired shall grant a certificate to such effect under his hand, and upon the same being approved and allowed by the Governor, then such things shall be liable to no further restraint or detention either at the place where such quarantine shall have been performed or at any other place within New Zealand whereto they may be afterwards conveyed. 25

Persons forging or uttering false certificates, guilty of felony.

77. If any person shall knowingly or wilfully forge or counterfeit interlined or altered, any certificate directed or required to be granted by any order or regulations of the Governor hereafter to be made touching quarantine, or shall publish any such forged or counterfeited interlined or altered certificate knowing the same to be forged or counterfeited interlined or altered, or shall knowingly and wilfully utter and publish any such certificate with intent to obtain the effect of a true certificate to be given thereto, knowing the contents of such certificate to be false, he shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding ten years. 30 35 40

Penalty on persons landing or receiving goods, &c., from vessels liable to quarantine.

78. If any person shall land or unship, or shall move in order to the landing or unshipping thereof, anything from on board any vessel liable to perform quarantine as aforesaid, or shall knowingly receive the same after it has been so landed or unshipped, every such person shall forfeit and pay a sum not exceeding five hundred pounds; and if any person shall clandestinely convey, or secrete or conceal for the purpose of conveying, anything from any vessel actually performing quarantine, or from the lazaret or other place where such thing shall be performing quarantine, every person so offending as last aforesaid shall forfeit a sum not exceeding one hundred pounds. 45 50

Proceedings to be taken before Justices.

79. All proceedings under this Part of this Act, or any regulations to be made hereunder except with regard to offences declared by this Part of this Act to be felony, shall be heard and determined before two Justices, in the manner provided by "The Justices of the Peace Act, 1866;" and all penalties by this Part of this Act or any such regulation imposed shall and may be recovered in like manner before any two or more Justices of the Peace. 55

Informers to receive two-thirds of penalty.

80. Where any penalty shall be incurred under any of the provisions of this Part of this Act, two-thirds of such penalty shall belong to the informer. 60

954

81. No action suit or other proceeding shall be brought against any person for any matter or thing done in pursuance of this Part of this Act but within six months after such matter or thing shall have been done; and if any action suit or other proceeding shall be brought or prosecuted against any person for anything done in pursuance of this Part of this Act, the defendant in every such action suit or other proceeding may plead a general denial, and may give this Act and the special matter in evidence in any trial to be had thereupon.

Limitation of actions.

82. In any prosecution suit or other proceeding under this Part of this Act against any person for any offence against this Act, or any order or regulations of the Governor or his delegate made thereunder, the statements or answers made by the master or other person in charge of any vessel arriving in New Zealand (other than the pilot) to the Health Officer shall be received as evidence so far as the same relate to the place from which such vessel shall arrive or come, or to the places at which such vessel touched in the course of the voyage, and where any vessel shall have been directed to perform quarantine by any person authorized under this Act to do so, such direction shall be received as evidence that such vessel was liable to quarantine, unless satisfactory proof shall be produced by the defendant in any such prosecution suit or other proceeding to show that the vessel did not arrive from or touch at any such place as is mentioned in the said statement or answer, or that such vessel although directed to perform quarantine was not liable to the performance thereof; and where any vessel shall have been in fact put under quarantine at any place by the Superintendent of Quarantine, and shall be actually performing quarantine, such vessel shall, in any prosecution suit or other proceeding against any person for any offence against this Part of this Act, or any regulation or order of the Governor or his delegate made hereunder, be deemed and taken to be liable to quarantine without proving in what manner or from what circumstance such liability arose.

Statements of master to be evidence.

PART IV.

VACCINATION.

83. In this Part of this Act the words and expressions following shall have the meanings hereafter respectively attached to them, that is to say—

Interpretation.

The word "parents" shall mean and include the father and mother of a legitimate child, and the mother of an illegitimate child.

The words "Medical Practitioner" or "practitioner" shall mean a duly qualified medical practitioner within the meaning of "The Medical Practitioners Act, 1869," or any Act amending the same or passed for like purposes.

The expression "Registrar-General" shall mean the Registrar-General of Births, Deaths, and Marriages for the time being.

The word "Registrar" shall mean the Registrar of Births, Deaths, and Marriages for the district within which any act or duty is required to be done or performed by such Registrar, and shall include the deputy of such Registrar.

84. The Colonial Secretary shall at all times cause to be kept at such places as the Governor shall from time to time appoint an adequate supply of pure vaccine lymph for the purpose of furnishing on application, and without payment, to Public Vaccinators under this Act, and to legally qualified Medical Practitioners, such reasonable

Colonial Secretary to keep supply of lymph.

quantities of such matter as by any such Vaccinators or Practitioners may be required. The expense of providing, keeping, and supplying such vaccine matter shall be defrayed out of moneys to be appropriated for the purposes of this Act by the General Assembly.

- 85.** The Governor may from time to time divide New Zealand, or 5
 such part thereof as he shall think fit, into convenient districts for
 affording increased facilities for vaccination, and from time to time
 alter the boundaries of any such districts heretofore formed or hereafter
 to be formed, and shall from time to time appoint a convenient place
 or places in each such district for the performance of such vaccination, 10
 and shall take the most effectual means for giving, from time to time,
 to all persons resident within such district, due notice of the days
 and hours at which a Public Vaccinator, to be by the Governor
 appointed, will attend at such place to vaccinate all persons not
 already successfully vaccinated who may then appear there, and also of 15
 the days and hours at which such Public Vaccinator will attend at
 such place to inspect the progress of such vaccination in the persons
 so vaccinated.
- 86.** The Governor may appoint for each district constituted in
 any part of the Colony one or more persons for the performance of 20
 vaccination of persons resident within such district, and every such
 person shall be termed a Public Vaccinator of the district, and also such
 other person or persons as he may think fit to enforce in such district
 the provisions of this Part of this Act, and every such person so
 appointed to enforce the provisions of this Act shall be termed a 25
 Vaccination Inspector of such district; and the Governor may from
 time to time remove any such Public Vaccinator or Vaccination
 Inspector and appoint another instead; and every Public Vaccina-
 tor and Vaccination Inspector shall be paid out of moneys to be
 appropriated by the General Assembly for the purpose, such annual 30
 salary or fees as the Governor shall from time to time appoint, provided
 that as to any Public Vaccination paid by fees, the fee for each
 successful vaccination shall not exceed the sum of two shillings and
 sixpence, if the vaccination be performed at the residence or place of
 business of such Vaccinator or elsewhere and not at a duly appointed 35
 vaccination station, and if such vaccination be performed at a duly
 appointed station other than such place of residence or business, then
 such fee shall not exceed two shillings and sixpence, together with
 one shilling for every mile or part of a mile of the distance at which
 such station is from such place of residence or business. 40
- 87.** The Governor may from time to time issue regulations
 providing for the vaccination and revaccination of persons gratuitously
 by Public Vaccinators; and Public Vaccinators shall be paid in respect
 of such vaccination or revaccination such fees as the Governor shall
 from time to time fix, not exceeding those fixed for primary vaccina- 45
 tion; and such fees shall be paid out of moneys appropriated for the
 purposes of this Part of this Act by the General Assembly.
- 88.** Where the operation of vaccinating or revaccinating any
 person is performed on the application of such person by the Public
 Vaccinator without charge to such person, the Public Vaccinator shall 50
 deliver to such person a notice requiring him to attend at the same
 place on the same day in the following week, in order that he may be
 inspected, and the result of the operation ascertained, and stating that
 in default he will be liable as in this section mentioned; and the
 Public Vaccinator, if required, shall deliver to the person vaccinated 55
 or revaccinated a certificate of the result of the operation of vaccina-
 tion or revaccination; and if such person fail to comply with such
 notice, or to permit the Public Vaccinator or his deputy to ascertain
 the result of the operation, he shall pay a fee for such vaccination or
 revaccination of five shillings, which fee shall be a debt due from 60
- Constitution of
vaccination districts.
- Appointed places
for vaccination.
- Notice of days for
vaccination.
- Public Vaccinator.
- Vaccination Inspec-
tor.
- Salary or fees.
- Revaccination.
- Person vaccinated
without charge to
return for inspection.

959

him to the Vaccination Inspector of the district for which such Public Vaccinator acts, and be accounted for by him to the Colonial Treasurer.

89. The Masters, or other persons, in charge of Reformatories and Industrial Schools, Lunatic Asylums, and other places where the poor or sick are received, and keepers or gaolers of prisons, shall, at the expense of their respective establishments or institutions, cause all inmates thereof to be vaccinated immediately upon their entrance thereto, unless they produce sufficient evidence of previous successful vaccination within five years, if such vaccination shall not in the opinion of a duly qualified medical man be attended with danger to such person.

Inmates of reformatories, &c., to be vaccinated.

90. Any person who shall be a legally qualified Medical Practitioner shall be qualified to be appointed a Public Vaccinator.

Qualifications for Public Vaccinator.

And the Governor may from time to time appoint for each Province or other division of the Colony, a Medical Practitioner to be a Certifying Officer for the purposes hereinafter mentioned, and any person not being a legally qualified Medical Practitioner, and whether such person shall hold any degree or diploma in medicine or surgery or not, whom any such Certifying Officer shall certify to be a competent and proper person to be appointed a Public Vaccinator, shall be deemed qualified to be so appointed. And for such certificate there shall on the appointment of any person so certified to be a Public Vaccinator be paid out of the moneys to be appropriated for the purposes of this Act by the General Assembly such fee, not exceeding three pounds, as the Governor shall from time to time determine.

91. The Registrar in every district shall, on or within seven days after the registration with him of the birth of any child not already vaccinated, give a notice, in the form in the Fourth Schedule to this Act or to the like effect, to the parent, or, in the event of the death illness absence or inability of the parent, to the person having the custody of such child, if known to him, requiring such child to be duly vaccinated according to the provisions of this Part of this Act, and specifying the days hours and places where the Public Vaccinator of the district wherein such child resides will attend for the purpose of performing the operation.

Notice of vaccination to be given on registration of birth.

92. To every such notice there shall be attached copies of the forms given in the Fifth, Sixth, and Seventh Schedules hereto, and also the address of the Registrar, giving such notice in such form as the Registrar-General of Births shall deem most convenient.

Forms to be attached.

93. The parent of every child born in New Zealand shall, within six calendar months after the birth of such child, or where, by reason of the death illness absence or inability of the parent or other cause, any other person shall have the custody of such child, such person shall, within six months after receiving the custody of such child, take or cause to be taken such child to the Public Vaccinator appointed for the district within which the said child is resident for the purpose of being vaccinated, or shall, within such period as aforesaid, cause it to be vaccinated by some Medical Practitioner; and the Public Vaccinator so appointed to whom such child shall be so brought is hereby required, with all reasonable despatch subject to the conditions hereinafter mentioned, to vaccinate such child without fee or reward other than such salary or fees appointed by the Governor as aforesaid.

Children to be vaccinated within six months of birth.

94. Upon the same day in the following week when the operation shall have been performed by the Public Vaccinator, and between the hours of eleven o'clock before noon and three o'clock in the afternoon, the parent or other person, as the case may be, shall again take the child or cause it to be taken to the Public Vaccinator by whom the operation was performed, in order that such Public Vaccinator may inspect it and ascertain by inspection the result of such operation, and if he see fit take from such child lymph for the performance of other

Success of vaccination.

vaccinations; and in the event of the vaccination being unsuccessful, such parent or other person shall, if the Public Vaccinator so direct, cause the child to be forthwith again vaccinated and subsequently inspected as on the previous occasion.

Certificate of child not being in a fit state for vaccination.

95. If any 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 give to the parent or other person having the custody of such child a certificate under his hand, in the form in the Fifth Schedule to this Act or to the like effect, which certificate shall remain in force for the period of two months from the date thereof, and the production thereof shall for such period be a sufficient defence against any complaint which shall be brought for non-compliance in respect of such child with the provisions of this Act, and such certificate shall be renewable for successive periods of two months, until a 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 despatch be vaccinated, and the certificate of successful vaccination, in the form in the Seventh Schedule to this Act, if warranted by the result, shall be given.

Provision for successive certificates.

96. 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 some Public Vaccinator or Medical Practitioner, who shall then examine the child and give the certificate in the form contained in the Fifth Schedule to this Act, so long as he deems requisite under the circumstances of the case.

Certificate of child being insusceptible of vaccination.

97. If any Public Vaccinator or Medical Practitioner shall be of opinion that any child whom he has 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 of such child or other person as aforesaid a certificate under his hand, according to the form in the Sixth Schedule to this Act, and the parent or such person as aforesaid shall thenceforth not be required to cause the child to be vaccinated.

Duplicate of certificate to be forwarded to Public Vaccinator.

98. A duplicate of every certificate given under this Act of a child being unfit for or insusceptible of successful vaccination shall, within twenty-one days after the examination of the child upon which such certificate is founded, be transmitted by the Public Vaccinator or Medical Practitioner giving the same to the Public Vaccinator of the district within which such child resides.

Certificate of successful vaccination.

99. Every Public Vaccinator who shall have performed the operation of vaccination upon any child, and have ascertained that the same is successful, shall within twenty-one days after the performance of the operation transmit by post or otherwise a certificate under his hand, according to the form in the Seventh Schedule to this Act annexed or to the like effect, certifying that the said child has been successfully vaccinated, to the Registrar for the district in which the birth was registered; but if such district is not known to him, or if the birth of the child shall not have been registered, to the Registrar of the District within which the operation shall have been performed, and upon request shall deliver a duplicate thereof to the parent or other person aforesaid.

Certificate of successful vaccination by Medical Practitioner not being Public Vaccinator.

100. Where the vaccination shall be successfully performed by a Medical Practitioner not being a Public Vaccinator appointed under this Act, the parent or other person causing the child to be vaccinated shall submit a certificate, according to the form in the Seventh Schedule to this Act, to such Medical Practitioner to be filled up and signed by him, and shall, within twenty-one days after the performance of the operation, transmit the same so signed, by post or otherwise, to the Registrar of the district where the birth of such child was registered, or, if the birth of such child shall not have been registered or the district of the registration shall not be known to such parent or other person,

961

the Registrar of the district in which the operation shall have been performed.

101. The Registrar in every district shall keep a book in which he shall enter minutes of the notices of vaccination given by him as
5 herein required, and also register the certificates transmitted to him as herein provided. The Vaccination Inspector of every district shall
10 keep a book in which he shall register the certificates transmitted to him under this Act.

Registrar of Births to register vaccination.
Inspector to register certificates.

102. Every Registrar shall at all reasonable times allow searches
10 to be made in his register, and, upon demand, give a copy certified under his hand of any entry in the same, on payment of a fee of sixpence for each search and threepence for each copy of an entry: Provided that no fee shall be charged for any search made by a Public Vaccinator or Vaccination Inspector appointed under this Act in the
15 course of his official duty.

Searches and copies.

103. Every parent or person having the custody of any 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 in this Act respectively contained, and shall not render a reasonable excuse for
20 such neglect, shall be guilty of an offence and be liable on conviction to pay a penalty not exceeding forty shillings.

Penalty for non-vaccination.

104. Every Public Vaccinator parent or other person (as the case may be) who shall neglect to transmit any certificate required by this Act to be by him transmitted, completely filled up and legibly written
25 to the Registrar, within the time herein specified, and every Public Vaccinator who shall refuse to deliver on request to the parent or other person, and every Medical Practitioner who shall refuse to fill up and sign when submitted to him as aforesaid any certificate required of him by this Act, shall be liable to pay a penalty not exceeding forty
30 shillings. And when a person is charged with the offence of neglecting to take or cause to be taken any child to be vaccinated, and on the defence made by such person it appears to the Justices having cognizance of the case that such person is not guilty of such offence, but has been guilty of the offence of not transmitting any certificate required
35 by this Part of this Act with respect to the vaccination of such child, the Justices may convict such persons of the last-mentioned offence, in like manner as if he had been charged therewith.

Penalty for neglecting to transmit certificates.

105. Every person who shall wilfully sign a false certificate or duplicate under this Act shall be guilty of a misdemeanour, and shall
40 be liable, on conviction thereof, to pay a penalty not exceeding twenty pounds, or to be imprisoned for any term not exceeding six months.

False certificates.

106. It shall be lawful for any Registrar, or for any Public Vaccinator, or for any Vaccination Inspector, and such officer last
45 aforesaid is hereby required, to cause a notice, in the form in the Eighth Schedule to this Act, to be handed to the parent or other person having the custody of any unvaccinated child over the age of six months and under the age of fourteen years resident within his district; and if after such notice such parent or other person as the case may be shall neglect, for a period of one month, to cause
50 such child to be vaccinated, such parent or person so offending shall forfeit a sum not exceeding forty shillings.

Notice may be given by Registrar, Public Vaccinator, or Vaccination Inspector, to parent, &c.

107. If any Registrar, Public Vaccinator, or any Vaccination Inspector shall give information, in writing, to a Justice of the Peace that he has reason to believe that any child under the age
55 of fourteen years, being within the jurisdiction of such Justice, has not been successfully vaccinated, and that notice has been given to the parent or person having the custody of such child to procure its being vaccinated, and that this notice has been disregarded, the Justice may summon such parent or person to appear, with the child,
60 before him at a certain time and place, and upon the appearance, if the

Penalty on neglect to have vaccination performed after such notice.

For disobedience parties may be summoned, and order for vaccination may be made.

Justice shall find, after such examination as he shall deem necessary, that the child has not been vaccinated, nor has already had the small-pox, he may if he see fit make an order under his hand 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 then 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, and, unless he can show some reasonable ground for his omission to carry the order into effect, shall be liable to pay a penalty not exceeding forty shillings. 10

Penalty on disobedience.

Registrar-General to provide books.

108. The Registrar-General shall frame and provide such books forms and regulations as he may deem requisite for carrying into full effect the provisions of this Act, and shall transmit the same to Registrars, who shall retain such as relate to themselves and distribute among Public Vaccinators appointed under this Act such as relate to them without fee or reward. 15

Registrars to transmit returns of births and deaths to Inspector.

Every Registrar of Births and Deaths for any place shall, when and as he may be directed, transmit by post or otherwise, to each Vaccination Inspector whose district is wholly or partly comprised in such place, a return, certified under the hand of the Registrar to be a true return, of all births and of all deaths of infants under twelve months of age which have, since the date of the last return (or in the case of the first return, since the passing of this Act), been registered by such Registrar as having occurred in the district of the Vaccination Inspector to whom the return is sent. 20 25

The returns under this section shall be made at such times and in such form and contain such particulars as may be from time to time prescribed by the Registrar-General of Births and Deaths.

Penalty on person inoculating with small-pox.

109. Any person who after the passing of this Act shall produce or attempt to produce in any person, by inoculation with variolous matter or by wilful exposure to variolous matter or to any matter article or thing impregnated with 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 pay a penalty not exceeding ten pounds or to be imprisoned for any term not exceeding one month. 30 35

Notice not required to be proved.

110. 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 from the Registrar or any other officer any notice by this Act directed to be given, or any other notice of the requirements of the law in this respect. But if the defendant produce any of the said certificates hereinbefore described, or shall produce the register kept by the Registrar in which the certificate of successful vaccination of such child shall be duly entered as hereinbefore provided, the same shall respectively be a sufficient defence for him except in regard to the certificate required by the ninety-fifth section of this Act, when the time therein specified for the postponement of the vaccination shall have expired before the time when the information shall have been laid. 40 45

Public Vaccinators not to charge fees.

111. No fee or remuneration shall be charged demanded or received by the Public Vaccinator to of or from the parent or other person for any such certificate as aforesaid given by him as Public Vaccinator, nor except such salary or fees appointed by the Governor as aforesaid for any vaccination done by him within the district for which he is appointed, or to any child resident within such district, whether such vaccination shall be done within or without his district. 50 55

Penalties how to be recovered.

112. All penalties by this Act imposed shall be recoverable upon the information or complaint of any Registrar or any Public Vaccinator appointed as aforesaid, or any Vaccination Inspector appointed as aforesaid, and may be recovered in a summary way before any two or more Justices of the Peace in the manner provided by "The 60

763

Justices of the Peace Act, 1866," so far as it relates to summary convictions. Any such information or complaint may be laid or made at any time within twelve months from the time when the matter of such complaint or information arose, and not subsequently.

5 The defendant in any proceedings under this Part of this Act may appear by any member of his family, or any person authorized by him in this behalf, being in either case a person not under eighteen years of age.

10 **113.** When any parent of a child fails to produce such child when required so to do by any summons under this Part of this Act, such parent shall be liable, on summary conviction, to a penalty not exceeding twenty shillings. Penalty on parent not producing child when summoned to do so.

114. No person shall be appointed to any office in the public service who has not been vaccinated. Unvaccinated persons not to be appointed in public service.

15 **115.** Every child admitted to any school which shall be maintained in whole or in part out of any moneys appropriated by the General Assembly or any Provincial Council shall be vaccinated by a Public Vaccinator, unless such child shall have been previously vaccinated. Children in public schools to be vaccinated.

SCHEDULES.

FIRST SCHEDULE.

Short Title of Act.	Extent of Repeal.
"The Marine Act, 1867" ...	Section eleven.
"The Vaccination Act, 1871" ...	The whole.

SECOND SCHEDULE.

REPORT and Answers to Questions as to the present and previous state of the Health of the Passengers and Crew on board the under-mentioned Vessel by (Master) (acting as Master) of the said Vessel.

Name of Vessel.	Class.	Tonnage.	Port of Departure or Loading.	Places at which Vessel has touched.	Duration of Voyage.	Number of Persons now on board.		Health of Passengers and Crew during the voyage.	Number of Deaths which occurred during the Voyage.			Causes of Death in each instance.
						Passengers.	Crew.		Passengers.	Crew.	Total.	
					Days.							
											TOTALS.	

Question No. 1.—Did any contagious or infectious disease prevail at the port from which you sailed? If so, what was the nature of such disease?

Answer

Question No. 2.—Have you had any communication with any infected port or vessel during the voyage? If so, when and where, and what was the nature of the disease infecting such port or vessel?

Answer

Question No. 3.—Have you any sickness on board at present? If so, what is that sickness, and what number of cases have you under treatment?

Answer

Question No. 4.—Has any case of Small-pox, or any form of Eruptive Skin Disease, Fever, Scarlatina, Plague, Cholera, or other infectious or contagious disease, or has any case of any other kind of sickness or disease occurred on board during the voyage? If so, state the number of cases and the dates of attack, and convalescence or termination of the first and last cases of the disease.

Answer

Question No. 5.—Have the clothes and bedding used by those persons who have suffered from infectious or contagious disease during the voyage been either destroyed or passed through boiling water?

Answer

Question No. 6.—What means, if any, have been adopted for preventing the spread of any infectious or contagious disease which has occurred during the voyage from the person or persons affected amongst the other persons on board?

Answer

THIRD SCHEDULE.

CLEAN Bill of Health granted to the _____ Master.
 Given under my hand this _____ day of _____, 18 _____ Health Officer.

FOURTH SCHEDULE.

I the undersigned hereby give you notice to have the child [*Insert name*] whose birth is now registered vaccinated within six months from the date of its birth, pursuant to the provisions and directions of "The Public Health Act, 1872," and that in default of your doing so you will be liable to the penalties thereby imposed for neglect of those provisions.

If you intend to apply to the Public Vaccinator of your district, I have to inform you that he will attend at _____ on _____ at the hour of _____.

You are required to produce to the Public Vaccinator or Medical Practitioner who may be applied to, the forms herewith supplied, for him to fill up and sign, and if the operation be performed by a Medical Practitioner who is not the Public Vaccinator, you must transmit to me, by post or otherwise, the certificate signed by him, within twenty-one days after the performance of the operation, or you will be liable to a penalty of forty shillings, to be recovered on a summary conviction.

Dated this _____ day of _____, 18 _____.
 (Signed) C. D.
 Registrar of Births and Deaths for the
 District of _____, in the _____

FIFTH SCHEDULE.

I the undersigned hereby certify that I am of opinion that _____, the child of _____ of _____, in the _____ of _____, in the _____ of _____, aged _____, is not now in a fit and proper state to be successfully vaccinated. I do hereby postpone the vaccination until the _____ day of _____ (a)

(Signed) A. B.
 Public Vaccinator of the _____ District of _____
 or A. B. of _____
 Medical Practitioner (*i.e.* M.D., L.A.C., or F.R.C.S.,
 or otherwise as the case may be).

Mem.—This is to be kept by the parent or other person to whom it is given.

(a) This must not exceed two calendar months from the date of the certificate.

SIXTH SCHEDULE.

I the undersigned hereby certify that I have _____ times unsuccessfully vaccinated the child of _____, of _____, in the _____ of _____, in the _____ of _____, aged _____, [*or that the child has already had small-pox as the case may be*], and I am of opinion that such child is insusceptible of successful vaccination.

Dated this _____ day of _____, 18 _____.
 (Signed) A. B.
 Public Vaccinator of the _____ District of _____
 or A. B. of _____
 Medical Practitioner (*i.e.* M.D., L.A.C. or F.R.C.S.
 or otherwise as the case may be).

Mem.—This is to be kept by the parent or other person to whom it is given.

SEVENTH SCHEDULE.

I the undersigned hereby certify that _____, the child of _____, aged _____, of _____, in the _____ of _____, in the _____ of _____, has been successfully vaccinated by me.

Dated this _____ day of _____, 18 _____.
 (Signed) A. B.
 Public Vaccinator of the _____ District of _____
 or A. B. of _____
 Medical Practitioner (*i.e.* M.D., L.A.C. or F.R.C.S.
 or otherwise as the case may be).

965

Public Health.

EIGHTH SCHEDULE.

I the undersigned hereby give you notice to have the child [*Insert name*] vaccinated forthwith, and if you neglect for one month from this date so to do, you will be liable to a penalty of forty shillings.

Dated this day of , 18 . (Signed) C. D.

Registrar of Births, &c., or Public Vaccinator of the
District, or Vaccination Inspector in the District
of .

NOTICE.—This certificate is to be transmitted, within twenty-one days from the performance of the operation, by the Public Vaccinator, to the Registrar of the district in which the birth was registered, or, if that be not known to him, to the Registrar of the district in which the operation was performed. A duplicate is to be given to the parent or other person procuring the vaccination, if requested.

When the vaccination is performed by a Medical Practitioner not the Public Vaccinator under "The Public Health Act, 1872," for the district, he is to fill up and sign the certificate, and the parent or such other person is within the same time to transmit it to the Registrar with whom the birth was registered, or, if his district be not known to such parent or other person, to the Registrar of the district in which the operation was performed.

The transmission may be by post or otherwise.

In each case "The Public Health Act, 1872," imposes a penalty of forty shillings or default.

By authority : GEORGE DIDSURY, Government Printer, Wellington.