

(UPDATED TILL JUNE 2017)

THE WEST PAKISTAN VACCINATION ORDINANCE, 1958

West Pakistan Ordinance XXVII of 1958

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

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

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

1. (1) This Ordinance may be called the West Pakistan Vaccination Ordinance, 1958.

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

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

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

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

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

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

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

⁷[(d-i) "Schedule" means the Schedule appended to this Ordinance ;]

⁸ ⁹[(dd) "Vaccination Officer" means an officer appointed by Government to perform the functions and duties of the Vaccination Officer under this Ordinance];

¹ Substituted by West Pakistan Ordinance No XVI of 1969

² Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

³ In Section 2 clause (a) inserted by Ordinance No XVI of 1969

⁴ Clause (a) re-lettered as clause (aa) by Ordinance No XVI of 1969

⁵ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁶ Added for West Pakistan by West Pakistan Ordinance XXXVIII of 1959

⁷ New clause (d-i) inserted by Khyber Pakhtunkhwa Vaccination (Amendment) Act 2017 Sec 2(a)

⁸ Clause (dd) inserted by West Pakistan Ordinance No XVI of 1969

⁹ Clause (dd) substituted by Khyber Pakhtunkhwa Vaccination (Amendment) Act 2017 Sec 2(b)

¹⁰(e) "Superintendent of Vaccination" means a person appointed to perform the duties of Superintendent of Vaccination under this Ordinance];

¹¹[(f) "unprotected child" and unprotected person" mean respectively a child or person who had not been protected from ¹²[vaccination preventable disease], or by having not been successfully vaccinated, and who has not been certified under this ordinance to be in susceptible to vaccination]

¹³ ¹⁴[(g) "vaccination" means the introduction of vaccine in to the body for the purpose of inducing immunity against vaccine preventable diseases;

¹⁵{(gg) "Vaccination Preventable Diseases: means Tuberculosis, Polio, Hepatitis B, Diphtheria, Tetanus, Pertussis, Haempophilus Influenza, Measles, Mumps, Rubella, Chickenpox, Smallpox and Pneumococcal Conjugate; and}

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

3. ¹⁶[(1) It shall be the duty of every local authority or ¹⁷{Vaccination Officers including Superintendent of Prisons and Incharge of Dar-ul-Aman, Borstal Institution, Reman Home and other Institutions where children are residing or kept} to enforce the provisions of this Ordinance within their respective jurisdiction so that all unprotected children and persons are vaccinated.

(2) If the ¹⁸[District Officer Public Health] receives information from the District Health Officer or any ¹⁹[Vaccination Officer] that a local authority has failed to execute or enforce any of the provisions of this Ordinance relating to the vaccination of unprotected children or persons, he may, after making such enquiry from the local authority as he thinks fit, by order, empower any public servant to execute or enforce the said provisions or to procure the execution or enforcement thereof, and the order may fix a reasonable remuneration to be paid to such public servant, and such remuneration together with any

¹⁰ Added for West Pakistan by West Pakistan Ordinance XXXVIII of 1959

¹¹ clause (d) re-numbered as clause (f) by West Pakistan Ordinance XXVIII and then substituted by West Pakistan Ordinance No XVII of 1969

¹² in clause (f) the words "smallpox by having had that disease" substituted by the words "vaccine preventable disease" by Khyber Pakhtunkhwa Vaccination (Amendment) Act 2017 *Sec 2(c)*

¹³ Substituted for West Pakistan by the West Pakistan Ordinance XXXVIII of 1959

¹⁴ clause (g) against substituted by Khyber Pakhtunkhwa Vaccination (Amendment) Act 2017 *Sec 2(d)*

¹⁵ new clause (gg) inserted by Khyber Pakhtunkhwa Vaccination (Amendment) Act 2017 *Sec 2(e)*

¹⁶ sub-section (1) and (2) substituted by West Pakistan Order XVI of 1969

¹⁷ the words "Smallpox Eradication Officers" substituted by the words "Vaccination Officers including Superintendent of Prisons and Incharge Dar-ul-Aman, Borstal Institution, Remand Home and other Institutions where children are residing or kept" by Khyber Pakhtunkhwa Vaccination (Amendment) Act 2017 *Sec 3(a)*

¹⁸ Substituted vide Khyber Pakhtunkhwa Ordinance No XVIII of 2001

¹⁹ words "Smallpox Eradication Officer" substituted by words "Vaccination Officer" by Khyber Pakhtunkhwa Vaccination (Amendment) Act 2017 *Sec 3(b)*

expenses incurred by the said public servant in performing the duties of the local authority under this Ordinance shall be paid by the local authority].

(3) If the expenses and the remuneration are not so paid, the ²⁰[District Officer Public Health] may make an order directing any person who for the time being has custody of any moneys on behalf of the local authority, as its officer, treasurer, banker, or otherwise to pay such expenses and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(4) When the ²¹[District Officer Public Health] makes any order under this section, he shall forthwith forward to the Commissioner and to the local authority affected thereby a copy of the order with a statement of reasons for making it, and it shall be in the discretion of the Commissioner to rescind the order or to direct that it may continue in force with or without modifications.

(5) The Commissioner shall forthwith submit to Government a report of every case occurring under this section, and Government may confirm, revise or modify the order, or make in respect thereof any other order which the Commissioner could have made: Provided that no order of the Deputy Commissioner or the Commissioner passed under this section shall be confirmed, revised or modified by Government without giving the local authority a reasonable opportunity of showing cause against such order.

²²[4. (1) ²³{After periodic vaccination becomes due, as provided in the schedule}, the parent or guardian of such child shall take it or cause it to be taken to a vaccinator or any other person authorised by Government in this behalf, to be vaccinated, or send for a vaccinator, or other authorised person to vaccinate it.

(2) Such vaccinator or other authorised person shall vaccinate the child and deliver to its parent or guardian a memorandum stating the date on which the vaccination has been performed and the date on which the child is to be ²⁴{further vaccinated in accordance with the Schedule}, or shall if he finds such child in a state unfit for vaccination, deliver to its parent or guardian a certificate under his hand to the effect that the child is in a state unfit for vaccination for the whole or part of the current vaccination season, and requiring its production for re-vaccination on the expiry of the said period].

²⁰ Substituted vide Khyber Pakhtunkhwa Ordinance No XVIII of 2001

²¹ Substituted vide Khyber Pakhtunkhwa Ordinance No XVIII of 2001

²² Section 4 substituted by West Pakistan Ordinance No XVI of 1969

²³ the words "After an unprotected child has attained the age of six months and before the child is one year of age" replaced by words "After periodic vaccination becomes due, as provided in the Schedule" by Khyber Pakhtunkhwa Vaccination (Amendment) Act 2017 *Sec 4(a)*

²⁴ the words "inspected in order to ascertain the results of the operation" replaced by the words "further vaccinated in accordance with the Schedule" Khyber Pakhtunkhwa Vaccination (Amendment) Act 2017 *Sec 4(b)*

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

6. ²⁶[After completion of vaccination as provided in the Schedule, a certificate of protection] shall be delivered by the vaccinator to the parent or guardian of such child to that effect, and such child thereafter be deemed to be protected.

7. When it is ascertained as aforesaid that the vaccination has been unsuccessful, the parent or guardian shall, if the vaccinator so directs cause the child to be forthwith again vaccinated and subsequently inspected in the manner hereinbefore provided.

8. A certificate granted under section 4 showing the unfitness of a child for vaccination shall remain in force for the period stated therein and on the termination of that period, ²⁷[. . . * .] the parent or guardian of such child shall take the child or cause it to be taken to a vaccinator to be vaccinated or procure its vaccination at his own house by a vaccinator: Provided that if the child is still found unfit for vaccination the certificate granted under section 4 shall be renewed.

9. If the Superintendent of Vaccination ²⁸[or any other officer authorised in this behalf by Government] is of the opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of successful vaccination, he shall deliver to the parent or guardian of such child a certificate under his hand to that effect and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

²⁹[9A Every un-protected person shall, within six months of coming into force of the West Pakistan Vaccination (Amendment) Ordinance, 1969, get himself vaccinated by a vaccinator or other person authorized in this behalf by Government.

9-B. (1) Every child or other person who has been vaccinated and to whom a certificate of insusceptibility has not been granted under section 9, shall after three years of its or his last vaccination, and within sixty days of the expiry of the said period, get itself or himself re-vaccinated by a vaccinator or other person authorised in this behalf by Government.

²⁵ Section 5 substituted by West Pakistan Ordinance No XVI of 1969

²⁶ the words "When it is ascertained at the time of inspecting a child under section 5 that the vaccination has been successful a certificate" substituted by words "After completion of vaccination as provided in the Schedule, a certificate of protection" by Khyber Pakhtunkhwa Vaccination (Amendment) Act 2017 Sec 5

²⁷ These words omitted by West Pakistan Ordinance No XXXVIII of 1959

²⁸ Inserted by West Pakistan Ordinance No XVI of 1969

²⁹ Inserted by West Pakistan Ordinance No XXXVIII of 1959

(2) In case of an out-break of smallpox in the Province or any part thereof, or if in the opinion of Government mass vaccination campaign is necessary in any area, Government may issue a notification in the official Gazette, specifying, the area or areas where smallpox has broken out or the mass vaccination campaign is being started and on the issue of such a notification, every child or other person residing in the area or areas specified in the said notification, who has been previously vaccinated and has not been declared insusceptible to vaccination, shall get itself or himself re-vaccinated by a vaccinator or other person authorised under sub-section (1) within such period as may be specified in the said notification.

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

³⁰[10. ³¹{*** deleted ***}].

11. No fee shall be charged by any vaccinator for vaccination. ³²[.]

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

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

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

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

³⁰ Section 10 substituted by West Pakistan Ordinance No XVI of 1969

³¹ Section 10 deleted by Khyber Pakhtunkhwa Vaccination (Amendment) Act 2017 Sec 6

³² In section 11 the proviso omitted by West Pakistan Ordinance No XVI of 1969

³³ Section 12 substituted by West Pakistan Ordinance No XVI of 1969

³⁴ Section 13 substituted by West Pakistan Ordinance No XVI of 1969

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

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

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

³⁵[(aa) prescribing the authorities by whom appointments under this Ordinance are to be made].

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

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

³⁶[d].

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

(f) prescribing the forms for notice and certificates.

³⁷[(3) Government may, by Notification in Official Gazette, amend the Schedule in order to delete or add any vaccination,]

16. The following enactments are hereby repealed:—

(a) the Vaccination Act, 1880;

³⁸[b.c.d.e.].

(f) the ³⁹[Khyber Pakhtunkhwa] Vaccination Law (Amendment) Act, 1947.

³⁵ Inserted by West Pakistan Ordinance XXXVIII of 1959

³⁶ In section 15 clause (d) omitted by West Pakistan Ordinance XVI of 1969

³⁷ sub section (3) added by Khyber Pakhtunkhwa Vaccination (Amendment) Act 2017 *Sec 7*

³⁸ Omitted by Khyber Pakhtunkhwa Adaptation of Laws Order 1975

³⁹ Substituted vide Khyber Pakhtunkhwa Act No IV of 2011

⁴⁰**Schedule**
(See Sections 2(d-i), 4(2) and 6)

Age Group	Disease
1-1/2 Months	BCG + OPV + HBVI
2-1/2 Months	OFV2+HBV2+DTP+HIBI
3-1/2 Months	OPV3+DTP2+HIBI+PCVI
6 Months	HBV3+PCV3
9 Months	Measles
12 Months	MMRI+ Varicella
15 Months	HIB4+PCV4
18 Months	Hepatitis AI + DPT4+OPV5
24 Months	Hepatitis A2 + Typhoid
5 years	OPV6+DTP5+Typhoid+MMR2
12 years	DT
Others	Meningococcal

⁴⁰ Schedule added after Section 16 by Khyber Pakhtunkhwa Vaccination (Amendment) Act 2017 Sec 8