

I.
1939

ORDRE EN CONSEIL

Ratifiant un Projet de Loi intitulé

Loi par rapport à l'Inoculation des Enfants contre la Diphtérie (1939).

(Enregistré sur les Records de l'Île de Guernesey le
18 mars 1939.)



IMPRIMÉ ET PUBLIÉ PAR LA
GUERNSEY "STAR" AND "GAZETTE" LTD.,
IMPRIMEURS OFFICIELS AUX ÉTATS,
BUREAU DE LA GAZETTE OFFICIELLE,
RUE DU BORDAGE,

1939.

ORDRE EN CONSEIL.



A LA COUR ROYALE DE L'ÎLE DE GUERNSEY

*Le dix-huit mars mil neuf cent trente-neuf, par devant
Victor Gosselin Carey, écuyer, Baillif; présents :
Jean Allès Simon, John Roussel, Osmond Priaulx
Gallienne, Arthur Dorey, Ernest de Garis, Jean
Nicholas Robin, Cyril de Putron, John Leale,
James Frederick Carey, écuyers, et Messire
Abraham James Lainé, K.C.I.E., Jurés.*

Monsieur le Baillif ayant ce jour communiqué
à la Cour un Ordre de Sa Majesté en Conseil en date
du neuf mars mil neuf cent trente-neuf, ratifiant
un Projet de Loi intitulé "Loi par rapport à
l'Inoculation des Enfants contre la Diphtérie
(1939)",—la Cour, après avoir eu lecture du dit
Ordre, ouïes les conclusions des Officiers du Roi,
a ordonné que le dit Ordre en Conseil sera enregistré
sur les Records de cette Ile, duquel Ordre la teneur
suit :—

At the Court at Buckingham Palace,

The 9th day of March, 1939.

Present,

The King's Most Excellent Majesty

MARQUESS OF ZETLAND

LORD CHAMBERLAIN

MR. CHANCELLOR OF THE DUCHY OF LANCASTER

SIR HUGH O'NEILL

Whereas there was this day read at the Board
a Report from the Right Honourable the Lords of
the Committee of Council for the Affairs of Guernsey

LE 13 MARS 1939.

and Jersey, dated the 24th day of February, 1939, in the words following, viz. :—

“Your Majesty having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

“ 1. That on the 29th day of April, 1938, the States of Deliberation, on the recommendation of their Board of Health, passed a resolution approving the principle of compulsory immunisation from Diphtheria, and requested the Royal Court to prepare a Bill or “ *Projet de Loi* ” to give effect to the said resolution : 2. That accordingly on the 4th day of June, 1938, the Royal Court adopted a Bill or “ *Projet de Loi* ” intituled “ *Loi par rapport à l’Inoculation des Enfants contre la Diphtérie (1939),*” and requested the Bailiff to submit the same to the States for approval : 3. That on the 29th day of June, 1938, at an adjourned sitting of the States, the said Bill or “ *Projet de Loi* ” was duly considered, and a resolution was passed approving the same and authorizing the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto : 4. That the said Bill or “ *Projet de Loi* ” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or “ *Projet de Loi* ” of the States of Guernsey intituled “ *Loi par rapport à l’Inoculation des Enfants contre la Diphtérie (1939),*” and to order and direct that the same shall have the force of Law within the Island of Guernsey.”

“The Lords of the Committee, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said *Projet*

de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

His Majesty having taken the said report into consideration is pleased, by and with the advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

And His Majesty doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

Rupert B. Howcr.h.

PROJET DE LOI referred to in the foregoing Order
in Council.

PROJET DE LOI

INTITULÉ

**“LOI PAR RAPPORT À L'INOCULATION DES
ENFANTS CONTRE LA DIPHTÉRIE (1939)”**

LES ETATS ont approuvé les dispositions suivantes rédigées en anglais lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi en cette Ile.

1.—For the purpose of this Law and of any Regulations made thereunder—

“Appointed date” means the date appointed by Ordinance of the Royal Court as the date after which inoculation in accordance with the provisions of this Law and of Regulations made thereunder will become compulsory :

“Contravention” includes non-observance :

“Island of Guernsey” includes the Islands of Herm and Jethou, which Islands shall be deemed to form part of the Parish of Saint Peter Port :

“Inoculation” means the administration by a qualified medical practitioner, with the object of immunising against diphtheria, of such preparation or preparations as may from time to time be prescribed by Ordinance of the Royal Court on such number of occasions, with such intervals of time between each of such occasions, if more than one, as may from time to time be so prescribed and, if the manner of such administration be so prescribed, in that manner.

“Medical Certificate” means a certificate signed by a qualified medical practitioner.

“ Parent ” means any person in whose custody, care or control a child is, whether or not that person is related to that child.

“ Residing in the Island of Guernsey ” applies to—

- (a) every child whose home is in the Island of Guernsey notwithstanding that that child may be periodically absent from the Island of Guernsey : and
- (b) every child attending school in the Island of Guernsey whether that child's home is in the Island of Guernsey or elsewhere : and
- (c) every other child who, during any period of three hundred and sixty-five consecutive days ending after the appointed date, has spent one hundred and eighty days in the Island of Guernsey.

“ States Medical Officer of Health ” includes any qualified medical practitioner for the time being acting as Medical Officer of Health.

2.—Every child residing in the Island of Guernsey who—

- (a) on the appointed date has already attained the age of two years but has not attained the age of ten years : or
- (b) on or after the appointed date attains the age of two years :

shall undergo inoculation :

Provided that any child as regards whom a medical certificate is presented to the States Medical Officer of Health to the effect that that child—

- (a) has already undergone inoculation with the object of immunising that child against diphtheria whether before or after the commencement of this Law : or
- (b) is permanently unfit to undergo inoculation : or
- (c) is suffering or has suffered from diphtheria :
- (d) is not liable to contract diphtheria and has

been so found by means of some test acceptable to the States' Medical Officer of Health: shall be exempt from inoculation :

3.—Inoculation under this Law shall be performed by medical practitioners appointed in that behalf by the States Board of Health and the cost of such inoculation and of the attendances and services of the medical practitioners so appointed shall be borne by the States :

Provided that it shall be lawful for the parent of a child required by this Law to undergo inoculation to have the inoculation of that child performed at his own expense by a medical practitioner selected by him.

4.—The States Board of Health is hereby empowered—

(a) to appoint the places at which inoculation to be performed free of cost shall be performed :

(b) to appoint the dates and times for the performance of inoculation at such places :

and different dates, times and places may be appointed for the inoculation of children of different ages and of children residing in different districts.

5.—It shall be the duty of the parent of a child to whom the provisions of this Law apply to present that child for inoculation at the place or places, on the dates and at the times appointed in that behalf by the States Board of Health which are applicable in the case of that child :

Provided that—

(i) in the case of a child as regards whom a medical certificate is presented to the States Medical Officer of Health to the effect that, at the dates on which that child would otherwise be required under this Law to undergo inoculation, that child is temporarily unfit to undergo inoculation, inoculation shall be deferred until that child, not

having attained the age of ten years, is no longer medically certified as unfit to undergo inoculation and that child shall thereupon undergo inoculation :

(ii) as regards a child who, not being exempt, whether temporarily or otherwise, from inoculation is not inoculated on the dates appointed by the States Board of Health which are applicable as regards that child, then, notwithstanding that a penalty may or may not have been inflicted on account of the non-presentation of that child for inoculation on the date or dates so appointed, the parent of that child shall present that child for inoculation in accordance with directions from time to time issued by the States Medical Officer of Health either by way of advertisement in two daily newspapers published in the English language in the Island of Guernsey or by way of notice addressed through the post or otherwise to the parent of such child.

6.—The Royal Court is hereby authorised from time to time to pass such Ordinances as it may deem expedient for the purpose of—

- (a) fixing the appointed date :
- (b) prescribing the preparation or preparations to be used for inoculation, the number of occasions on which the same are to be administered to a child, the interval between each of such occasions and the manner of such administration :
- (c) making regulations for the purpose of carrying the provisions of this Law into effect :
- (d) prescribing forms for use for the purposes of this Law :
- (e) prescribing the amount of the fees and other expenses payable by the States to medical practitioners under this Law :
- (f) prescribing penalties in respect of the contravention of the provisions of this Law and of such regulations :

Provided that no penalty so prescribed shall, in the case of a first conviction for any such contravention, exceed a fine of Five Pounds or, in default of payment of such fine, a term of imprisonment exceeding fifteen days or, in the case of a second or subsequent conviction, exceed a fine of Ten Pounds or, in default of payment of such fine, a term of imprisonment exceeding twenty-eight days and that a person sentenced to any such term of imprisonment shall not be required to undergo hard labour.

7.—This Law may be cited as the Diphtheria Immunisation Law (Guernsey), 1939.

QUERTIER LE PELLEY,
Greffier du Roi.