

MALTA

ATT Nru. III ta' I-1982

ATT maħruġ b'ligi mill-Parlament ta' Malta.

ATT biex ikompli jemenda l-Ordinanza dwar it-Tharis mill-Mard, Kap. 59.

ACT No. III of 1982

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Prevention of Disease Ordinance, Cap. 59.

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA
President

21 ta' Mejju, 1982

ATT Nru. III ta' l-1982

ATT biex ikompli jemenda l-Ordinanza dwar it-Tħaris mill-Mard, Kap. 59.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħha f'dan il-Parlament, u bl-awtorità ta' l-istess, ħareġ b'liġi dan li ġej:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1982 li jemenda l-Ordinanza dwar it-Tħaris mill-Mard, u għandu jinqara u jiftiehem haġa waħda ma' l-Ordinanza dwar it-Tħaris mill-Mard, hawnhekk iżjed 'il quddiem imsejha "il-liġi prinċipali".

Emenda ta' l-artikolu 12 tal-liġi prinċipali.

2. L-artikolu 12 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu —

(i) minnufih wara l-kliem "bin-nhar" għandhom jidhlu l-kliem "jew bil-lejl";

(ii) minnufih wara l-kliem "jew li m'ilux kien hemm," għandhom jidhlu l-kliem "jew li hemm tgħix xi persuna li seta' kellha kuntatt ma' xi marda,"; u

(iii) minnufih wara l-kliem "illi tkun tinsab hemm" għandhom jidhlu l-kliem "illi tkun hemm jew jissuġġetta lil kull persuna bħal dik biex isirulha dawk l-eżamijiet mediċi li jidhirlu xierqa fl-interess tas-saħħa pubblika";

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "eżami jew spezzjon" kull fejn jinsabu għandhom jidhlu f'kull każ il-kliem "eżami, spezzjon jew eżami mediku"; u

(ċ) fis-subartikolu (3) tiegħu, minflok il-kliem "fl-ispezzjon jew fl-eżami" għandhom jidhlu l-kliem "fl-ispezzjon, fl-eżami jew fl-eżami mediku".

3. Minnufih wara l-artikolu 12 tal-liġi prinċipali għandu jiżdied l-artikolu ġdid li ġej:

Zieda ta' artikolu ġdid 12A mal-liġi prinċipali.

“Restrizzjoni tal-moviment ta' persuna suspettata li jkollha mard.

12A. (1) Meta s-Suprintendent ikollu raġuni jissuspetta li persuna tista' xxerred mard huwa jista', b'ordni, jirres-trinġi l-moviment ta' dik il-persuna jew jissospendiha milli tattendi għax-xogħol tagħha għal perijodu ta' mhux iżjed minn erba' ġimgħat, liema perijodu jista' jiġi mtawwal sa għaxar ġimgħat sabiex jiġu finalizzati dawk l-eżamijiet mikrobijoloġiċi li jistgħu jkunu meħtieġa.

(2) Kull persuna li taġixxi kontra d-disposizzjonijiet ta' dan l-artikolu tkun hatja ta' reat kontra din l-Ordinanza.”

4. L-artikolu 13 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 13 tal-liġi prinċipali.

(a) fis-subartikolu (1) tiegħu —

(i) minflok il-kliem “skond l-artikolu ta' qabel dan” għandhom jidhru l-kliem “skond l-artikolu 12 ta' din l-Ordinanza.”; u

(ii) minnufih wara l-kelma “iżolati” għandhom jiżdiedu l-kliem “jew jingħataw kura medika, jew it-tnejn skond kif meħtieġ.”; u

(iii) minnufih wara l-kelma “l-iżolament” għandhom jidhru l-kliem “jew il-kura”; u

(b) minnufih wara s-subartikolu (2) tiegħu għandu jiżdied is-subartikolu li ġej:

“(3) Kull kura ordnata mis-Suprintendent jew minn Uffiċjal Mediku tas-Saħħa skond is-subartikolu (1) ta' dan l-artikolu għandha tingħata mingħajr hlas.”.

5. Minnufih wara l-artikolu 13 tal-liġi prinċipali għandu jiżdied l-artikolu ġdid li ġej:

Zieda ta' artikolu ġdid 13A mal-liġi prinċipali.

“Setgħa tas-Suprintendent li jiżgura helsien minn infezzjoni.

13A. (1) Is-Suprintendent jista' jordna li kull persuna li, ikollha xogħol li l-Ministru responsabbli għas-saħħa jista' jistabbilixxi b'avviż ippubblikat fil-Gazzetta, u li tkun meqjusa mill-imsemmi Suprintendent li tista' xxerred mard, li minn żmien għal żmien isirulha dawk l-eżamijiet u dawk l-investigazzjonijiet kif jidhirlu xieraq sabiex jiżgura li dik il-persuna tkun hielsa minn infezzjoni.

(2) Kull persuna li ma tobdux jew li ma thallix lil xi persuna oħra milli tobdi xi ordni bħal dak tkun hatja ta' reat taht din l-Ordinanza.”.

6. Fl-artikolu 14 tal-liġi prinċipali, minflok il-kliem “jew lill-Uffiċjal Mediku tas-Saħħa, jew lil tabib ieħor imqabbad bil-miktub għal dan il-ħsieb mis-Suprintendent” għandhom jidhru l-kliem “jew lill-Uffiċjal Mediku tas-Saħħa, jew lil tabib imqabbad bil-miktub għal dan il-ħsieb mis-Suprintendent, jew lil Spettur tas-Saħħa”.

Emenda ta' l-artikolu 14 tal-liġi prinċipali.

7. L-artikolu 17A tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 17A tal-liġi prinċipali.

(a) minnufih wara s-subartikolu (1) tiegħu għandu jiżdied il-proviso li ġej:

“Iżda s-Suprintendent jista’ jawtorizza li t-tindif isir fil-post tar-residenza ta’ dik il-persuna, jew f’dak il-post l-iehor li s-Suprintendent jista’ jordna.”; u

(b) minflok is-subartikolu (5) tiegħu għandu jidhol dan li ġej:

“(5) Ma jsir ebda hlas għat-tindif ta’ persuna jew ta’ l-ilbies tagħha jew għal xi servizz iehor li għandu x’jaqsam ma’ dan li jinghata skond id-disposizzjonijiet ta’ dan l-artikolu.”.

Zieda ta’
artikolu ġdid
38B mal-liġi
prinċipali.

8. Minnufih wara l-artikolu 38A tal-liġi prinċipali għandu jżied l-artikolu ġdid li ġej:

“Setgħa tal-Ministru li jagħmel regolamenti. 38B. Il-Ministru responsabbli għas-saħħa pubblika jista’, sabiex iħares aħjar is-saħħa pubblika, b’regolamenti jippreskrivi miżuri sabiex —

(a) tiġi kontrollata u regolata l-kwalità ta’ l-ilma, inkluż l-ilma vasti, li jista’ jintuza fit-tkabbir u tisqija tal-ħxejjex;

(b) tiġi kontrollata u regolata x-xorta ta’ ħxejjex li jistgħu jtkabbru f’xi nħawi partikolari; u

(ċ) jinqabdu u jinqerdu ħxejjex li jekk jittieklu jippreġudikaw jew jistgħu jkunu ta’ periklu għas-saħħa tal-konsumatur.”.

Sostituzzjoni
tat-**Titlu III**
tal-liġi prinċipali.

9. Minflok it-**Titlu III** tat-Taqsima I tal-liġi prinċipali għandu jidhol dan li ġej:

“Titlu III

Tilqim Kontra Mard li Jittiehed

Istituti
għall-
preparazz-
joni tal-
vaccine
lymph, eċċ.

49. (1) Hadd ma jista’ jiftaħ istituti għall-preparazzjoni tal-*vaccine lymph*, jew għall-preparazzjoni jew tilqim tal-*vaccine* jew sjeru għat-tħaris mill-mard tar-rabja jew mardiet oħra u għall-kura tagħhom, hliet bis-saħħa ta’ liċenza mill-Ministru responsabbli għas-saħħa pubblika u sugġetta għall-kondizzjonijiet miġjubin fiha.

(2) Kull istitut bħal dan għandu jkun f’kull każ taħt it-treġija u t-tmexxija ta’ tobba u sugġett għas-sorveljanza tas-Suprintendent.

(3) It-talba għal-liċenza hawn fuq imsemmija għandha tintbagħat lis-Suprintendent, u din il-liċenza tinħareġ taħt il-firma tiegħu.

(4) Il-liċenza msemmija fis-subartikolu (1) ta’ dan l-artikolu hija wkoll meħtieġa għall-bejgħ tal-vaċċin jew tas-sjeri hemm imsemmija.

Centri ta’
tilqim.

50. Għandu jkun hemm ċentru f’Malta u ċentru f’Għawdex u dawk iċ-ċentri l-oħra li s-Suprintendent jista’ minn żmien għal żmien jidhirlu meħtieġa, sabiex jipprovdi tilqim b’xejn kontra Difterite, Tetnu, *Poliomyelitis* u dak il-mard l-iehor li s-Suprintendent jista’ b’avviż fil-Gazzetta jis-tabbilixxi.

Tilqim
tat-tfal.

51. Ikun id-dover tal-ġenituri jew ta’ xi persuna oħra li jkollha l-kustodja ta’ xi tifel li jkun laħaq it-tliet xhur u li ma jkunx diġa’ ġie mlaqqam skond id-disposizzjonijiet ta’ dan l-

artikolu għas-sodisfazzjon tas-Suprintendent, li tiehu jew li tara li jittiehed dak it-tifel f'xi wiehed miċ-ċentri msemmija fl-artikolu 50 ta' din l-Ordinanza sabiex dak it-tifel jitlaqqam kontra Difterite, Tetnu u *Poliomyelitis* jew kontra kull mard li l-Ministru jista' jippreskrivi sakemm jiġi żgurat it-tħaris komplet u kontinwu ta' dak it-tifel.

Differiment
ta' tilqim.

52. Meta l-uffiċjal inkarigat minn dak iċ-ċentru jkun tal-fehma li tifel ma jkunx f'qagħda biex jitlaqqam, dan għandu jagħti lill-ġenituri jew lill-persuna oħra li jkollha l-kustodja ta' dak it-tifel, ċertifikat ta' differiment li fuqu jkollu speċifikat id-data li fiha t-tifel għandu jerga' jittiehed fiċ-ċentru għat-tilqim, u l-ġenituri jew il-persuna li jkollha l-kustodja tat-tifel għandha tiehu jew tara li jittiehed dak it-tifel f'xi wiehed miċ-ċentri msemmija fl-artikolu 50 ta' din l-Ordinanza fid-data msemmija f'dak iċ-ċertifikat għall-fini ta' tilqim :

Iżda ma jista' jinhareg ebda ċertifikat għal trasferiment dwar tifel li jkun laħaq l-età ta' sena jekk dak iċ-ċertifikat ma jkunx approvat minn Uffiċjal Mediku tas-Saħħa.

Tilqim fid-
dar tat-tifel.

53. (1) Tabib deputat mis-Suprintendent jista' jżur id-dar ta' xi tifel sabiex jeżamina u jlaqqam tifel li ma kienx ġie mlaqqam skond id-disposizzjonijiet ta' din l-Ordinanza.

(2) L-eżami u t-tilqim għandu jsir bla ħlas.

Certifikat
ta' tilqim.

54. Malli jispiċċa l-kors bażiku kollu ta' tilqim, l-uffiċjal inkarigat miċ-ċentru għandu jibgħat ċertifikat f'dan is-sens lill-ġenituri jew lill-persuna l-oħra li jkollha l-kustodja tat-tifel.

Notamenti
ta' ċertifi-
kati.

55. Ikun id-dmir ta' l-uffiċjal inkarigat minn ċentru msemmi fl-artikolu 50 ta' din l-Ordinanza li jzomm dawk in-notamenti dwar l-istat ta' tilqim ta' tfal, kif ikun meħtieġ b'din l-Ordinanza jew b'xi regolamenti magħmula bis-saħħa tagħha, inkluż notament ta' ċertifikati maħruġa lill-ġenituri jew lill-persuna l-oħra kif provdut bl-artikolu 54 ta' din l-Ordinanza.

Avviż għal
tilqim meta
jiġi registrat
twelid.

56. L-Uffiċjal Anzjan tal-Pulizija ta' kull distrett għandu, fi żmien sebat ijiem mid-data li fiha jingħata l-avviż ta' twelid ta' xi tarbija skond l-artikolu 305 tal-Kodiċi Ċivili, jagħti avviż fuq il-formula preskritta lill-ġenituri jew lill-persuna li jkollha l-kustodja ta' dik it-tarbija, li jeħtieġ li dik it-tarbija titlaqqam skond id-disposizzjonijiet ta' din l-Ordinanza.

Tilqim
privat.

57. Minkejja d-disposizzjonijiet ta' l-artikolu 51 ta' din l-Ordinanza, il-ġenituri jew il-persuna l-oħra li jkollha l-kustodja ta' xi tifel tista' tiehu jew iġġieghel li dak it-tifel jittiehed biex jitlaqqam minn tabib privat, u jekk dak it-tabib jagħmel dak it-tilqim, ikun obligat iħares id-dmirijiet kollha li għandhom x'jaqsmu ma' dak it-tilqim kif b'din l-Ordinanza għandhom jitharsu mill-uffiċjal inkarigat miċ-ċentru, u għandu fi żmien xahar mid-data ta' dik it-tilqima, jagħti avviż bil-miktub tagħha lis-Suprintendent.

Tilqim
b'ordni
tal-Qorti.

58. Fuq tagħrif bil-miktub mogħti mis-Suprintendent jew minn xi tabib li jaġixxi minflok li jkollu raġuni jaħseb illi tifel ma jkunx spiċċa l-kors bażiku ta' tilqim jew dawk id-

dozi l-oħra *booster* li s-Suprintendent jidhirlu meħtieġa biex tiffares is-saħħa tat-tifel jew tal-kommunità, u li hu jkun ta avviż lill-ġenituri jew lill-persuna l-oħra li jkollha l-kustodja tat-tifel biex jieħdu ħsieb li dak it-tifel jitlaqqam skond id-disposizzjonijiet ta' din it-Taqsima ta' l-Ordinanza, il-Kummissarju tal-Pulizija għandu jħarrek lil dawk il-ġenituri jew lil dik il-persuna l-oħra biex tidher quddiem il-Qorti tal-Maġistrati tal-Pulizija Ġudizzjarja, u jekk il-Qorti ssib wara dak l-istħarriġ li jidhirlha meħtieġ li tagħmel, li dak it-tifel ma jkunx ġie mlaqqam skond id-disposizzjonijiet ta' din l-Ordinanza, il-Qorti tista' tordna li dak it-tifel jitlaqqam bil-mod xieraq skond id-disposizzjonijiet ta' din l-Ordinanza f'dak iż-żmien li tippreskrivi dik il-Qorti; u jekk, meta jagħlaq dak iż-żmien it-tifel ma jkunx ġie mlaqqam bil-mod xieraq skond id-disposizzjonijiet ta' din l-Ordinanza, jew ma jiġix muri li ma jkunx f'qagħda biex jitlaqqam, il-persuna li dwarha jkun inġhata l-ordni tkun hatja ta' reat taħt din l-Ordinanza:

Iżda fi prosekuzzjoni għal traskuraġni biex tifel jitlaqqam, ma tkunx meħtieġa bħala prova li l-persuna akkuzata tkun irċeviet l-avviż imsemmi fl-artikolu 56 ta' din l-Ordinanza.

Prova ta' tilqim.

59. Is-Suprintendent jista' jitlob lill-ġenituri jew lill-persuna l-oħra li jkollha l-kustodja ta' tifel, li ġgib prova li dak it-tifel ikun ġie mlaqqam skond id-disposizzjonijiet ta' l-artikolu 51 jew ta' l-artikolu 57 ta' din l-Ordinanza.

Tilqim kontra t-tetnu.

60. (1) Meta s-Suprintendent ikun tal-fehma li xi persuna jkollha riskju akbar li tiehu t-tetnu minħabba x-xogħol tagħha, dan jista' jordna li dik il-persuna titlaqqam kontra dik il-marda b'dak il-mod u f'dak il-post li jiddeciedi s-Suprintendent.

(2) Id-disposizzjonijiet ta' l-artikolu 57 għandhom japplikaw meta t-tilqim jingħata minn tabib privat.

(3) Kull persuna li ma tobdux xi ordni bħal dan tkun hatja ta' reat taħt din l-Ordinanza.

Setgħa tal-Ministru biex jagħmel regolamenti.

61. Il-Ministru responsabbli għas-saħħa jkollu s-setgħa li jagħmel regolamenti sabiex jiżgura t-tħaris tal-pubbliku permezz ta' tilqim kontra mard u mingħajr ħsara għall-ġeneralità ta' dak li ntqal qabel, sabiex —

(a) jippreskrivi l-formuli li jintużaw għall-avviżi u ċertifikati kif ikun meħtieġ taħt din it-Taqsima ta' din l-Ordinanza;

(b) jirregola u jikkontrolla l-prattika ta' xi xorta partikolari ta' tilqim għal xi perijodu;

(c) jippreskrivi l-kwalità u x-xorta ta' xi vaċċina li tista' tintuża;

(d) jikkontrolla l-importazzjoni, il-ħażna, id-distribuzzjoni, il-bejgħ u l-użu ta' kull vaċċina, u

(e) jippreskrivi kull marda li kontra tagħha jkun obbligatorju t-tilqim skond l-artikolu 51.

Tifsir.

62. F'din it-taqsim —

“ġenituri” tfisser il-missier, u fin-nuqqas tiegħu, l-omm;

“tifel” tfisser kull persuna taht l-età ta’ tmintax-il sena;

“preskritt” tfisser preskritt b’regolamenti.”.

10. Fis-subartikolu (1) ta’ l-artikolu 104 tal-liġi prinċipali, minflok il-kliem u l-figuri “ta’ l-artikolu 12, tas-subartikolu (2) ta’ l-artikolu 13” għandhom jidhlu l-kliem u l-figuri “ta’ l-artikolu 12, ta’ l-artikolu 12A, tas-subartikolu (2) ta’ l-artikolu 13, tas-subartikolu (2) ta’ l-artikolu 13A”.

Emenda ta’
l-artikolu 104
tal-liġi prinċipali.

11. Minflok l-artikolu 111A tal-liġi prinċipali għandu jidhol dan li ġej:

Emenda ta’
l-artikolu 111A
tal-liġi prinċipali.

“111A. (1) Kull persuna li tikser xi regolamenti magħmula taht l-artikolu 38A tehel meta tinsab ħatja, multa ta’ mhux iżjed minn ħamsin lira.

(2) Kull persuna li tikser xi regolamenti magħmula taht l-artikolu 38B tehel, meta tinsab ħatja, multa ta’ mhux anqas minn ħamsin lira.”.

12. Minflok l-artikolu 113 tal-liġi prinċipali għandu jidhol dan li ġej:

Sostituzzjoni
ta’ l-artikolu 113
tal-liġi prinċipali.

“Piena għal
traskuraġni
għal tilqim.

113. Kull ġenituri jew persuna ohra li jkollha l-kustodja ta’ xi tifel li titraskura li tiehu lil dak it-tifel biex jittlaqqam jew biex dak it-tifel jittiehed għat-tilqim u kull persuna ta’ l-età li titraskura li titlaqqam jew li terġa’ titlaqqam kif provdut f’din l-Ordinanza, tista’ tehel multa (ammenda) ta’ mhux iżjed minn għaxar liri.”.

13. Fl-artikolu 114 tal-liġi prinċipali, minflok il-kliem u l-figuri “taht l-artikoli 75 u 76” għandhom jidhlu l-kliem u l-figura “taht l-artikolu 59”.

Emenda ta’
l-artikolu 114
tal-liġi prinċipali.

14. L-artikolu 115 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda ta’
l-artikolu 115
tal-liġi prinċipali.

(i) minflok il-kliem “vaċċinatur pubbliku” għandhom jidhlu l-kliem “uffiċjal inkarigat minn ċentru ta’ tilqim”; u

(ii) il-kliem “tas-Sub-Titlu II” għandhom jithassru,

15. L-Iskeda li tinsab mal-liġi prinċipali hi b’dan imħassra.

Ithassar l-Iskeda
li tinsab mal-liġi
prinċipali.

16. Il-liġi murija fl-Ewwel Kolonna ta’ l-Iskeda li tinsab ma’ din il-liġi jkollha effett skond l-emenda murija fit-Tieni Kolonna ta’ dik l-Iskeda.

Emenda
konsegwenzjali.

SKEDA

Artikolu 2

L-Ewwel Kolonna <i>Ligi</i>	It-Tieni Kolonna <i>Safejn tigi emendata</i>
Att ta' l-1952 li Jirregola l-Kondizzjonijiet ta' l-Impieg (Att Nru. XI ta' 1952)	Minnufih wara l-paragrafu (d) tal-proviso ghas-sub-artikolu (10) ta' l-artikolu 25 għandu jidhol il-paragrafu ġdid li ġej: “(e) li l-impjegat ikun sospiż milli jattendi għax-xogħol tiegħu minhabba ordni magħmul skond id-disposizzjonijiet ta' l-artikolu 12A ta' l-Ordinanza dwar it-Tharis mill-Mard (Kap. 59).”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru, 21 tat-18 ta' Mejju, 1982.

C. MIFSUD
Skriivan tal-Kamra tad-Deputati

DANIEL MICALLEF
Speaker

I assent.

(L.S.)

AGATHA BARBARA
President

21st May, 1982

ACT No. III of 1982

AN ACT further to amend the Prevention of Disease Ordinance, Cap. 59.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Prevention of Disease (Amendment) Act, 1982, and shall be read and construed as one with the Prevention of Disease Ordinance, hereinafter referred to as “the principal law”.

Short title.

2. Section 12 of the principal law shall be amended as follows:

Amendment of section 12 of the principal law.

(a) in subsection (1) thereof —

(i) immediately after the words “by day” there shall be inserted the words “or by night”; and

(ii) immediately after the words “has, recently, existed,” there shall be inserted the words “or there lives any person who may have been in contact with any disease,”; and

(iii) immediately after the words “on the premises” there shall be inserted the words “or subject such person to such medical investigations as may be deemed by him to be necessary in the interest of public health”;

(b) in subsection (2) thereof, for the words “examination or inspection” wherever they occur there shall be substituted in each case the words “examination, inspection or medical investigation”; and

(c) in subsection (3) thereof, for the words “inspection or examination” there shall be substituted the words “inspection, examination or medical investigation”.

Addition of new section 12A to the principal law.

3. Immediately after section 12 of the principal law there shall be added the following new section:

"Restrictions of movement of person suspected of disease.

12A. (1) Where the Superintendent has reason to suspect that a person may spread disease he may, by order, restrict the movements of such person or suspend him from attending to his work for a period not exceeding four weeks, which period may be extended up to ten weeks for the purpose of finalising such microbiological tests as may be necessary.

(2) Any person who acts in contravention of the provisions of this section shall be guilty of an offence against this Ordinance."

Amendment of section 13 of the principal law.

4. Section 13 of the principal law shall be amended as follows:

(a) in subsection (1) thereof —

(i) for the words "in the last preceding section" there shall be substituted the words "in section 12 of this Ordinance";

(ii) immediately after the word "isolated" there shall be added the words "or given medical treatment, or both as may be indicated,"; and

(iii) immediately after the word "isolation" there shall be added the words "or treatment"; and

(b) immediately after subsection (2) thereof there shall be added the following subsection:

"(3) Any treatment ordered by the Superintendent or a Medical Officer of Health in accordance with subsection (1) of this section shall be given free of charge."

Addition of new section 13A to the principal law.

5. Immediately after section 13 of the principal law there shall be added the following new section:

"Power of Superintendent to ascertain freedom from infection.

13A. (1) The Superintendent may order any person who, having an occupation which the Minister responsible for health may determine by notice published in the Gazette, is considered by the said Superintendent capable of spreading disease, to undergo such periodic medical examinations and investigations as may be deemed necessary for ascertaining such person's freedom of infection.

(2) Any person disobeying or preventing any other person from obeying any such order as aforesaid shall be guilty of an offence under this Ordinance."

Amendment of section 14 of the principal law.

6. In section 14 of the principal law, for the words "or other Medical Officer of Health, or medical practitioner deputed by the Superintendent" there shall be substituted the words "or a Medical Officer of Health, or a medical practitioner deputed by the Superintendent, or a Health Inspector".

Amendment of section 17A of the principal law.

7. Section 17A of the principal law shall be amended as follows:

(a) immediately after subsection (1) thereof there shall be added the following proviso:

"Provided that the Superintendent may authorise the cleansing to be carried out at the residence of such person, or at such other place as the Superintendent may direct."; and

(b) for subsection (5) thereof there shall be substituted the following:

“(5) No charge shall be made for the cleansing of a person or his clothing or for any related service rendered in accordance with the provisions of this section.”.

8. Immediately after section 38A of the principal law there shall be added the following new section:

Addition of new section 38B to the principal law.

“Power of Minister to make regulations.

38B. The Minister responsible for public health may, for the better protection of the health of the public, by regulations prescribe measures for —

(a) controlling and regulating the quality of the water, including waste water, which may be used in the cultivation and irrigation of crops;

(b) controlling and regulating the type of crops which may be cultivated in any particular area; and

(c) the seizure and destruction of crops the consumption of which would be prejudicial or could constitute a hazard to the health of the consumer.”.

9. For Title III of Part I of the principal law there shall be substituted the following:

Substitution of Title III of the principal law.

“Title III

Immunisation Against Communicable Disease

Institutes for the preparation of vaccine lymph, etc.

49. (1) No person shall establish any institute for the preparation of vaccine lymph or for the preparation or inoculation of any vaccine or serum for the treatment or prevention of rabies or any other disease, except in virtue of a licence from the Minister responsible for public health and subject to such conditions as shall be specified therein.

(2) Any such institute must, in every case, be under the direction and management of medical practitioners and shall be subject to the supervision of the Superintendent.

(3) The application for the said licence shall be forwarded to the Superintendent, and the licence shall be issued under his signature.

(4) The licence referred to in subsection (1) of this section shall also be required for the sale of the vaccine or serum therein mentioned.

Immunisation centres.

50. There shall be a centre in Malta and a centre in Gozo and such other centres as the Superintendent may from time to time consider necessary, for the purpose of providing free immunisation against Diphtheria, Tetanus, Poliomyelitis and such other diseases as the Superintendent may by notice in the Gazette determine.

Child immunisation.

51. It shall be the duty of the parent or other person having the custody of any child who has attained the age of three months and who has not already been completely protected in accordance with the provisions of this section to

the satisfaction of the Superintendent, to take or to cause such child to be taken to any of the centres referred to in section 50 of this Ordinance for the purpose of immunising such child against Diphtheria, Tetanus and Poliomyelitis or against any disease as the Minister may prescribe until such time as full and continued protection of the child against these diseases is ensured.

Postpone-
ment of
immunisa-
tion.

52. Where the officer in charge of such centre is of the opinion that a child is not fit to be immunised, he shall deliver to the parent or other person having the custody of such child, a certificate of postponement on which shall be specified the date on which the child shall again be brought to the centre for immunisation, and the parent or person having the custody of the child shall take or cause such child to be taken to any of the centres to which reference is made in section 50 of this Ordinance on the date specified in such certificate for the purpose of immunisation:

Provided that no certificate of postponement may be issued in respect of a child who has attained the age of one year unless such certificate has been approved by a Medical Officer of Health.

Immunisa-
tion
in home
of child.

53. (1) It shall be lawful for a medical officer deputed by the Superintendent to visit the home of a child for the purpose of examining and immunising a child who has not been immunised in accordance with the provisions of this Ordinance.

(2) The examination and immunisation shall be carried out free of charge.

Certificate
of
immunisa-
tion.

54. On completion of the full basic course of immunisation, the officer in charge of the centre shall forward a certificate to this effect to the parent or other person having the custody of the child.

Record of
certificates

55. It shall be the duty of the officer in charge of a centre referred to in section 50 of this Ordinance to keep such records regarding the immunisation status of children, as may be required by this Ordinance or any regulations made thereunder, including a record of certificates issued to the parent or other person as provided in section 54 of this Ordinance.

Notice to
immunise
when
birth is
registered.

56. The Senior Police Officer of any district shall, within seven days after the day on which notice of the birth of any child is given as provided in section 305 of the Civil Code, give notice on the prescribed form to the parent or to the person having the custody of such child, requiring such child to be immunised in accordance with the provisions of this Ordinance.

Private
immunisa-
tion.

57. Notwithstanding the provisions of section 51 of this Ordinance, the parent or other person having the custody of any child may take or cause to be taken such child to be immunised by a private medical practitioner, and if any such practitioner shall undertake the immunisation, he shall be liable to perform all the duties in connection with such immunisation as are required by this Ordinance to be performed by the officer in charge of the centre, and shall within one month from the day of such immunisation, give notice in writing thereof to the Superintendent.

Immunisation
by order of
Court.

58. On information in writing from the Superintendent or any medical officer acting on his behalf that he has reason to believe that a child has not completed the basic course of immunisation or such other booster doses as the Superintendent may deem necessary to safeguard the health of the child or of the community, and that he has given notice to the parent or other person having the custody of the child to procure the child's immunisation in accordance with the provisions of this part of the Ordinance, the Commissioner of Police shall summon such parent or other person to appear before the Court of Magistrates of Judicial Police, and if the Court finds after such enquiry as it shall deem necessary to make, that the child has not been immunised in accordance with the provisions of this Ordinance, the Court may make an order directing the proper immunisation of such child in accordance with the provisions of this Ordinance within such time as the said Court may prescribe; and if, at the expiration of such time the child shall not have been properly immunised in accordance with the provisions of this Ordinance, or shall not have been shown to be unfit to be so immunised, the person against whom such order shall have been made shall be guilty of an offence under this Ordinance:

Provided that in any prosecution for neglect to procure the immunisation of a child, it shall not be necessary in support thereof to prove that the person charged had received the notice referred to in section 56 of this Ordinance.

Production
of evidence
of immunisation.

59. It shall be lawful for the Superintendent to require the parent or other person having the custody of a child, to produce evidence that such child has been immunised in accordance with the provisions of section 51 or section 57 of this Ordinance.

Vaccination
against
tetanus.

60. (1) Where the Superintendent is of the opinion that any person's risk of contracting tetanus is increased by reason of his occupation, he may order such person to be vaccinated against that disease in such manner and at such place as the Superintendent may determine.

(2) The provisions of section 57 shall apply where the immunisation is carried out by a private medical practitioner.

(3) Any person disobeying any such order shall be guilty of an offence under this Ordinance.

Power of
Minister
to make
regulations

61. The Minister responsible for health shall have power to make regulations for ensuring the protection of the public by immunisation against disease and without prejudice to the generality of the foregoing, for —

(a) prescribing the forms to be used for notices and certificates as may be required under this part of this Ordinance;

(b) regulating and controlling the practice of any particular type of immunisation for any period;

(c) for prescribing the quality and type of any vaccine which may be used;

- (d) for controlling the importation, storage, distribution, sale and use of any vaccine, and
- (e) prescribing any disease against which immunisation shall be compulsory in terms of section 51.”.

Definitions.

62. In this part —
- “parent” means the father, and in his absence, the mother;
 - “child” means any person under eighteen years of age;
 - “prescribed” means prescribed by regulations.”.

Amendment of section 104 of the principal law.

10. In subsection (1) of section 104 of the principal law, for the words and figures “of section 12, of subsection (2) of section 13” there shall be substituted the words and figures “of section 12, of section 12A, of subsection (2) of section 13, of subsection (2) of section 13A”.

Amendment of section 111A of the principal law.

11. For section 111A of the principal law there shall be substituted the following:

- “111A. (1) Any person offending against any regulations made under section 38A shall, on conviction be liable to a fine (*multa*) not exceeding fifty pounds,
- (2) Any person offending against regulations made under section 38B shall, on conviction be liable to a fine (*multa*) of not less than fifty pounds.”.

Substitution of section 113 of the principal law.

12. For section 113 of the principal law there shall be substituted the following:

“Punishment for neglect of immunisation.

113. Every parent or person having the custody of a child who shall neglect to take such child or to cause such child to be taken for immunisation or for a booster dose, and every person of age who shall neglect to cause himself to be vaccinated or re-vaccinated as provided for in this Ordinance, shall be liable to a fine (*ammenda*) not exceeding ten pounds.”.

Amendment of section 114 of the principal law.

13. In section 114 of the principal law, for the words and figures “under sections 75 and 76” there shall be substituted the words and figures “under section 59”.

Amendment of section 115 of the principal law.

14. Section 115 of the principal law shall be amended as follows:

- (i) for the words “public vaccinator” there shall be substituted the words “officer in charge of an immunisation centre”; and
- (ii) the words “of Sub-title II.” shall be deleted.

Repeal of Schedule to the principal law. Consequential amendment.

15. The Schedule to the principal law is hereby repealed.

16. The enactment set out in the First Column of the Schedule to this Act shall have effect subject to the amendment set out in the Second Column of that Schedule.

SCHEDULE

Section 2

First Column <i>Enactment</i>	Second Column <i>Extent of Amendment</i>
Conditions of Employment (Regulation) Act, 1952 (Act No. XI of 1952)	Immediately after paragraph (d) of the proviso to subsection (10) of section 25 there shall be added the following new paragraph: “(e) that the employee is suspended from attending to his work by virtue of an order made in pursuance of the provisions of section 12A of the Prevention of Disease Ordinance (Cap. 59).”

Passed by the House of Representatives at Sitting No. 21 of the 18th May, 1982.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives