

Reprint  
as at 1 August 2020



## Health (Immunisation) Regulations 1995 (SR 1995/304)

Catherine A Tizard, Governor-General

### Order in Council

At Wellington this 18th day of December 1995

Present:

The Right Hon J B Bolger presiding in Council

Pursuant to section 117 of the Health Act 1956, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry of Health.**

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## Regulations

### 1 Title and commencement

- (1) These regulations may be cited as the Health (Immunisation) Regulations 1995.
- (2) These regulations shall come into force on 1 June 1996.

### 2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

**caregiver**, in relation to a child, means—

- (a) a parent or guardian of the child; or
- (b) a step-parent of the child, but only if the step-parent shares responsibility for the day-to-day care of the child with a parent of the child; or
- (c) a person who for the time being has the care of the child

**centre employee**, in relation to an early childhood education and care centre, includes any person concerned in the operation or management of the centre

**child** means a boy or girl under the age of 14 years

**controlling authority**,—

- (a) in relation to an early childhood education and care centre, means the licensee or licensees of that centre:
- (b) in relation to a primary school, means—
  - (i) in the case of a primary school registered or deemed to be registered (including conditionally registered) under section 214 of the Education and Training Act 2020, the managers of that school:
  - (ii) in the case of any other school, the board of that school constituted under subpart 5 of Part 3 of the Education and Training Act 2020

**duly completed immunisation certificate**, in relation to a child, means an immunisation certificate that has been completed in respect of that child and that is signed by a vaccinator

**early childhood education and care centre** or **centre** means an early childhood education and care centre within the meaning of section 10(1) of the Education and Training Act 2020

**immunisation certificate** or **certificate** means a certificate in the form for the time being prescribed by the Director-General under regulation 11

**immunisation register** or **register** means a register maintained pursuant to regulation 8 or regulation 9

**National Immunisation Schedule** means the schedule known as the National Immunisation Schedule administered by Pharmac, being a schedule specifying a programme of vaccinations to promote immunity against the diseases specified in the schedule

**Pharmac** means the Pharmaceutical Management Agency established by section 46 of the New Zealand Public Health and Disability Act 2000

**primary school** or **school** means—

- (a) a school established or deemed to have been established under section 190 of the Education and Training Act 2020 as a primary school:
- (b) a school registered or deemed to be registered (including conditionally registered) under section 214 of that Act as a primary school:
- (c) a State integrated school as defined in section 10(1) of that Act

**primary school employee**, in relation to a primary school, includes any person concerned in the operation or management of the school

**relevant child** means a child born on or after 1 January 1995

**vaccinator** means any medical practitioner or other person who may lawfully administer to any child the vaccinations required to promote immunity against the diseases for the time being specified in the National Immunisation Schedule.

- (2) Where any expression used in these regulations is not defined in these regulations but is defined in the Health Act 1956, that expression shall, unless the context otherwise requires, have, in these regulations, the meaning given to it in that Act.

Regulation 2(1) **caregiver**: substituted, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 2(1) **centre employee**: amended, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

Regulation 2(1) **controlling authority** paragraph (a): amended, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

Regulation 2(1) **controlling authority** paragraph (b): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 2(1) **early childhood centre** or **centre**: revoked, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

Regulation 2(1) **early childhood education and care centre** or **centre**: inserted, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

Regulation 2(1) **early childhood education and care centre** or **centre**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 2(1) **National Immunisation Schedule**: amended, on 29 November 2012, by regulation 4(1) of the Health (Immunisation) Amendment Regulations 2012 (SR 2012/328).

Regulation 2(1) **parent**: revoked, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 2(1) **Pharmac**: inserted, on 29 November 2012, by regulation 4(2) of the Health (Immunisation) Amendment Regulations 2012 (SR 2012/328).

Regulation 2(1) **primary school** or **school**: replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

### 3 Purposes of these regulations

The purposes of these regulations are—

- (a) to promote the immunisation of children against disease:
- (b) to encourage caregivers to make an informed choice regarding the immunisation of their children:
- (c) to facilitate disease control.

### 4 Early childhood education and care centres to require information regarding immunisation status

The controlling authority of every early childhood education and care centre must take all reasonable steps to ensure that,—

- (a) where a relevant child who is aged 15 months or over is enrolled at that early childhood education and care centre, a caregiver of that child is requested to provide to a centre employee, either before or promptly after enrolment, a duly completed immunisation certificate in respect of that child:
- (b) where a child who is enrolled at that early childhood education and care centre (being a child who was enrolled at that centre before attaining the age of 15 months) attains the age of 15 months, a caregiver of that child is requested to provide to a centre employee, promptly after that child attains the age of 15 months, a duly completed immunisation certificate in respect of that child.

Regulation 4 heading: amended, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

Regulation 4: amended, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

Regulation 4(a): amended, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

Regulation 4(b): amended, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

**5 Primary schools to require information regarding immunisation status**

The controlling authority of every primary school must take all reasonable steps to ensure that, where a relevant child is enrolled at that primary school, a caregiver of that child is requested to provide to a school employee, either before or promptly after enrolment, a duly completed immunisation certificate in respect of that child.

**6 Caregivers to provide information regarding immunisation status**

Where a caregiver of a child is requested, pursuant to regulation 4 or regulation 5, to provide in respect of that child a duly completed immunisation certificate, that caregiver must—

- (a) comply with that request; and
- (b) allow any centre employee or school employee, as the case may be, to inspect the certificate, to take extracts from the certificate, and to copy all or part of the certificate, in accordance with regulation 7.

**7 Early childhood education and care centres and primary schools may inspect immunisation certificates**

For the purpose of enabling the recording of relevant information in an immunisation register, any centre employee or school employee to whom any immunisation certificate is provided in accordance with the requirements of regulation 4 or, as the case may be, regulation 5 may do 1 or more of the following:

- (a) inspect that certificate;
- (b) take extracts from the certificate;
- (c) copy all or part of the certificate.

Regulation 7 heading: amended, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

**8 Early childhood education and care centres to maintain immunisation registers**

- (1) The controlling authority of every early childhood education and care centre must ensure that the centre maintains an immunisation register.
- (2) Every immunisation register maintained by an early childhood education and care centre must contain the following information in respect of each relevant child who is for the time being enrolled at the centre and who has attained the age of 15 months:
  - (a) the full name of the child;
  - (b) the child's date of birth;
  - (c) whether or not a caregiver of the child has provided to a centre employee an immunisation certificate in accordance with regulation 4:

- (d) where an immunisation certificate has been provided to a centre employee in accordance with regulation 4, the following information extracted from the certificate:
  - (i) whether the child has been fully immunised against the diseases for the time being specified in the National Immunisation Schedule:
  - (ii) if the child has not been fully immunised, those diseases against which, in the vaccinator's opinion, the child has been immunised or has developed laboratory-proven natural immunity:
- (e) such other information as the Director-General may from time to time prescribe by notice in the *Gazette*.

Regulation 8 heading: amended, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

Regulation 8(1): amended, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

Regulation 8(2): amended, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

## 9 Primary schools to maintain immunisation registers

- (1) The controlling authority of every primary school at which relevant children are enrolled must ensure that the school maintains an immunisation register.
- (2) Every immunisation register maintained by a primary school must contain the following information in respect of each relevant child who is for the time being enrolled at the school:
  - (a) the full name of the child:
  - (b) the child's date of birth:
  - (c) whether or not a caregiver of the child has provided to a school employee an immunisation certificate in accordance with regulation 5:
  - (d) where an immunisation certificate has been provided to a school employee in accordance with regulation 5, the following information extracted from the certificate:
    - (i) whether the child has been fully immunised against the diseases for the time being specified in the National Immunisation Schedule:
    - (ii) If the child has not been fully immunised, those diseases against which, in the vaccinator's opinion, the child has been immunised or has developed laboratory-proven natural immunity:
  - (e) such other information as the Director-General may from time to time prescribe by notice in the *Gazette*.

## **10 Form of, and access to, immunisation registers**

- (1) An immunisation register may be maintained in such form as the controlling authority responsible for maintaining it thinks fit, including, either wholly or partly, by means of a device or facility—
  - (a) that records or stores information electronically or by other means; and
  - (b) that permits the information so recorded to be readily inspected or reproduced in usable form.
- (2) The controlling authority of an early childhood education and care centre or a primary school must ensure that the immunisation register maintained by that centre or school is available at all times for inspection by the following persons:
  - (a) a Medical Officer of Health;
  - (b) a Health Protection Officer;
  - (c) any person who is authorised in writing, by a Medical Officer of Health or a Health Protection Officer, to inspect the register.
- (3) Any person who is entitled pursuant to subclause (2) to inspect any immunisation register may—
  - (a) take extracts from the register;
  - (b) make copies of all or part of the register.

Regulation 10(2): amended, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

## **11 Form of immunisation certificates**

- (1) The Director-General may from time to time, by notice in the *Gazette*, prescribe the form of immunisation certificates to be completed by vaccinators.
- (2) Without limiting subclause (1), an immunisation certificate may make provision for the entry of the following particulars in relation to the child to whom the certificate relates:
  - (a) the full name of the child;
  - (b) the child's date of birth;
  - (c) whether or not the child has been fully immunised against the diseases for the time being specified in the National Immunisation Schedule;
  - (d) if the child has not been fully immunised, those diseases against which, in the vaccinator's opinion, the child has been immunised or has developed laboratory-proven natural immunity;
  - (e) such other particulars as the Director-General considers appropriate.

**12 Rights to enrol at early childhood education and care centres and primary schools not limited**

Nothing in these regulations limits or affects any right of a child to be enrolled at or to attend any early childhood education and care centre or primary school.

Regulation 12 heading: amended, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

Regulation 12: amended, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

Marie Shroff,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 20 December 1995.

## **Reprints notes**

### **1 *General***

This is a reprint of the Health (Immunisation) Regulations 1995 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2 *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3 *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4 *Amendments incorporated in this reprint***

Education and Training Act 2020 (2020 No 38): section 668

Health (Immunisation) Amendment Regulations 2012 (SR 2012/328)

Education Amendment Act 2006 (2006 No 19): section 60(2)

Relationships (Statutory References) Act 2005 (2005 No 3): section 12