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WELSH STATUTORY INSTRUMENTS

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**2007 No. 1901 (W.162)**

**PUBLIC HEALTH, WALES**

**The Public Health (Ships)  
(Amendment) (Wales) Regulations 2007**

<i>Made</i>	- - - -	<i>3 July 2007</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>4 July 2007</i>
<i>Coming into force</i>	- -	<i>1 August 2007</i>

The Welsh Ministers, with the consent of the Commissioners for Her Majesty's Revenue and Customs<sup>(1)</sup>, makes the following Regulations in exercise of the powers conferred by section 13 of the Public Health (Control of Disease) Act 1984<sup>(2)</sup>:

**Citation, commencement, application and interpretation**

1.—(1) These Regulations are called the Public Health (Ships) (Amendment) (Wales) Regulations 2007 and come into force on 1 August 2007.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations “the principal Regulations” means the Public Health (Ships) Regulations 1979<sup>(3)</sup>.

**Amendment of regulation 2 of the principal Regulations**

2.—(1) In regulation 2(1) of the principal Regulations (interpretation)—

- (a) in the definition of “additional measures”, for “the diseases subject to the International Health Regulations” substitute—  
“plague, cholera, yellow fever or smallpox”;

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(1) Section 13(4) of the Public Health (Control of Disease) Act 1984 provides that regulations require the consent of the Commissioners of Customs and Excise in so far as they relate to enforcement and execution by officers of customs and excise. The functions of the Commissioners of Customs and Excise were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5(2) of the Commissioners for Her Majesty's Revenue and Customs Act 2005 (c. 11). By section 50(1) of that Act, a reference in an enactment to the Commissioners of Customs and Excise is taken as a reference to the Commissioners for Her Majesty's Revenue and Customs.

(2) 1984 c. 22. Functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672, article 2 and Schedule 1. Those functions were transferred to Welsh Ministers by section 162 and Schedule 11, paragraph 30 of the Government of Wales Act 2006.

(3) S.I. 1979/1435.

- (b) in the definition of “authorised officer”—
- (i) omit “as described by paragraph 13 of Schedule 14 of the Local Government Act 1972,” and
  - (ii) for “health authority” substitute “local authority”;
- (c) for the definition of “customs officer” substitute—
- ““customs officer” means an officer of Revenue and Customs;”;
- (d) in the definition of “infected person”, for “a disease subject to the International Health Regulations” substitute—
- “plague, cholera, yellow fever or smallpox”;
- (e) in the definition of “infected ship”, for sub-paragraph (a) substitute—
- “(a) a ship which has on board on arrival a case of plague, cholera, yellow fever, smallpox, rabies or viral haemorrhagic fever; or”;
- (f) for the definition of “infectious disease” substitute—
- ““infectious disease” means any infectious or contagious disease other than venereal disease or tuberculosis;”;
- (g) in the definition of “medical officer”, for “health authority” substitute “local authority”;
- (h) in the definition of “mooring station”—
- (i) for “health authority” substitute “local authority”, and
  - (ii) for “collector of customs and excise” substitute “customs officer”;
- (i) for the definition of “offshore installation” substitute—
- ““offshore installation” has the meaning set out at section 44 of the Petroleum Act 1998(4) (meaning of “offshore installation”);”;
- (j) for the definition of “Secretary of State” substitute—
- ““Secretary of State” means Welsh Ministers;”;
- (k) for the definition of “ship” substitute—
- ““ship” has the same meaning as “ship” in the Merchant Shipping Act 1995(5) except that it includes a hovercraft within the meaning of the Hovercraft Act 1968(6);”;
- (l) the following definitions are inserted in the correct alphabetical order—
- ““authorised port” means a port authorised to offer—
- (a) the issuance of a Ship Sanitation Control Certificate and the provision of the services referred to—
    - (i) in Annex 1 to the IHR(7), and
    - (ii) the form reproduced at Schedule 3 to these Regulations;
  - (b) the issuance of a Ship Sanitation Control Exemption Certificate following inspection of the ship including a thorough inspection of the hold; or
  - (c) the extension of a ship sanitation certificate for a period of one month;
- “competent authority” means a competent authority identified in accordance with Article 19 of the IHR (general obligations) and with a role as described at Article 22 of the IHR (role of competent authorities);

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(4) 1998 c. 17.

(5) 1995 c. 21.

(6) 1968 c. 59.

(7) See the IHR reproduced at document A58/55 of the fifty-eighth World Health Assembly on the WHO website at [www.who.int/est/ihr/IHRWHA58\\_3-en.pdf](http://www.who.int/est/ihr/IHRWHA58_3-en.pdf).

“IHR” means the International Health Regulations (2005) of the WHO adopted by the fifty-eighth World Health Assembly on 23 May 2005;

“local authority” means—

- (a) in relation to a port health district the port health authority; and
- (b) in relation to any other district in Wales—
  - (i) the county council,
  - (ii) the county borough council.

“National IHR Focal Point” means the body designated by the United Kingdom for communications with the WHO IHR Contact Point under the IHR;

“postal parcel” means an addressed article or package carried internationally by postal or courier services;

“ship sanitation certificate” means a Ship Sanitation Control Certificate or a Ship Sanitation Control Exemption Certificate;

“Ship Sanitation Control Certificate” means a certificate that conforms to the model in Annex 3 to the IHR reproduced at Schedule 3 to these Regulations that is issued in accordance with Article 39 of the IHR (ship sanitation certificates);

“Ship Sanitation Control Exemption Certificate” means a certificate that conforms to the model in Annex 3 to the IHR reproduced at Schedule 3 to these Regulations that is issued in accordance with Article 39 of the IHR;

“WHO IHR Contact Point” means the unit within WHO accessible for communications with the National IHR Focal Point;

“World Health Assembly” has the meaning set out in the Constitution of the World Health Organization adopted by the International Health Conference held in New York from 19 June to 22 July 1946 and signed on 22 July 1946;

“WHO” means the World Health Organization, a specialized agency within the terms of Article 57 of the Charter of the United Nations, established by the Constitution of the World Health Organization.”; and

- (m) omit the definitions of “approved port”, “Deratting Certificate”, “Deratting Exemption Certificate”, “designated approved port”, “diseases subject to the International Health Regulations”, “epidemic”, “excepted area”, “excepted port”, “health authority”, “infected area”, “International Health Regulations”, “valid” and “valid International Vaccination Certificate”.

- (2) Omit regulation 2(2) and (3).

### **Substitution of regulation 3 of the principal Regulations**

**3.** For regulation 3 of the principal Regulations (regulations not to apply to ships of the armed forces), substitute—

#### **“Application of Regulations to ships of Her Majesty’s armed forces**

**3.—(1)** Without prejudice to any enactment or rule of law which applies in relation to Her Majesty’s armed forces or to any of the other armed forces mentioned in this regulation as part of Her Majesty’s armed forces, nothing in these Regulations shall apply to any ship forming part of Her Majesty’s armed forces or of the armed forces of any country within the Commonwealth or of the armed forces of any other country for the time being designated

for the purposes of all the provisions of the Visiting Forces Act 1952(8) under section 1(2) of that Act, or to the officers and crew of any such ship.

(2) Notwithstanding paragraph (1), at the request of the officer holding Her Majesty's commission who has command or charge of a ship forming part of Her Majesty's armed forces, an authorised officer may issue or cause to be issued a ship sanitation certificate in respect of the ship in accordance with the procedures set out at regulation 18A."

#### **Amendment of regulation 4 of the principal Regulations**

4.—(1) In regulation 4(1) of the principal Regulations (enforcement and execution of regulations), for "health authority" substitute—"local authority".

(2) For paragraph (2) substitute—

"(2) Any two local authorities may agree that one of them shall undertake the enforcement and execution of the whole or specified provisions of these Regulations in the district of the other, provided that they first obtain the approval of the Secretary of State to the terms of the agreement.

(3) The district in which a provision of these Regulations is enforced and executed under an agreement made under paragraph (2) shall be deemed to be the district of the authority which enforces and executes it.

(4) Where an agreement under paragraph (2) enables a local authority to enforce and execute the provisions relating to ship sanitation certificates in the district of another local authority, an authorised officer of the local authority shall have authority to issue or amend a ship sanitation certificate in the district of the other local authority.

(5) A local authority must—

- (a) provide the National IHR Focal Point with the current contact details of each authorised port within its district;
- (b) ensure that no ship sanitation certificate is issued without prior inspection by an authorised officer with appropriate expertise;
- (c) ensure that any control measures required under regulations 18A(1)(a)(ii)(aa), 18B(3)(a)(i) and (4)(a)(i) are carried out by or under the supervision of an authorised officer with appropriate expertise."

#### **Substitution of regulation 5 of the principal Regulations**

5. For regulation 5 of the principal Regulations (appointment and duties of authorised officers and provision of services by health authorities) substitute—

##### **"Appointment and duties of authorised officers and provision of services by local authorities**

5. For the purposes of these Regulations a local authority may, and if so required by the Secretary of State shall—

- (a) appoint such medical practitioners, in addition to their medical officer, as may be necessary for the proper enforcement and execution of these Regulations;

- (b) give directions from time to time as to the duties which are to be performed by any medical practitioner so appointed or any other officer authorised to enforce and execute these Regulations;
- (c) provide or arrange for the provision of—
  - (i) premises or waiting rooms for the medical inspection and examination of persons;
  - (ii) premises for the temporary isolation of persons under these Regulations;
  - (iii) apparatus or other means for cleansing, disinfecting or disinsecting ships, persons or clothing and other articles;
- (d) arrange for the reception into hospital of persons requiring to be removed to a hospital under these Regulations;
- (e) arrange for the provision of means of transport for the conveyance of persons to any premises referred to in paragraph (c) or to a hospital;
- (f) do all such other things as in its opinion or the opinion of the Secretary of State, as the case may be, are necessary to enable the provisions of these Regulations to be complied with.”.

#### **Omission of regulation 6 of the principal Regulations**

- 6. Omit regulation 6 of the principal Regulations (list of infected areas).

#### **Amendment of regulation 7 of the principal Regulations**

7.—(1) In regulation 7(2)(a) of the principal Regulations (inspection of ships), for “health authority” substitute—

“local authority”.

- (2) For paragraph (3) substitute—

“(3) The inspection of a ship under paragraph (1) or (2) may include taking from the ship samples of food or water for analysis or examination.

- (4) The analysis or examination under paragraph (3) must be—

- (a) with a view to the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases; or
- (b) for preventing other danger to public health.”.

#### **Amendment of regulation 9 of the principal Regulations**

8.—(1) In regulation 9 of the principal Regulations (examination, etc., of persons on ships)—

- (a) omit paragraphs (3) to (6) of the principal Regulations; and
- (b) in paragraph (7), delete “or customs officer” and for “health authority”, substitute—  
“local authority”.

#### **Amendment of regulation 10 of the principal Regulations**

9. For regulation 10(1)(a) of the principal Regulations (powers in respect of certain persons on ships), substitute—

- “(a) in the case of an infectious disease—

- (i) cause the person to be removed from the ship and isolated or sent to hospital or to some other suitable place approved for that purpose by the local authority;
- (ii) in the case of cholera, smallpox or viral haemorrhagic fever, place such person under surveillance for the appropriate period specified in regulation 36(1); or
- (iii) except as provided in regulation 31, the medical officer may, by notice in writing to the master, prohibit the removal of the person or the disembarkation from the ship without the consent in writing of the medical officer;”.

#### **Amendment of regulation 11 of the principal Regulations**

- 10.** In regulation 11(1)(b), after “infectious disease” insert—  
“or tuberculosis”.

#### **Substitution of regulation 12 of the principal Regulations**

- 11.** For regulation 12 of the principal Regulations (radio permission to enter district), substitute—

##### **“Permission to enter district**

**12.—(1)** An authorised officer may transmit free pratique to the master by an appropriate means when that officer is satisfied that the arrival of the ship will not result in or contribute towards the spread of infectious disease or tuberculosis.

(2) The ship shall transmit to the authorised officer from a foreign port before arrival in the officer’s district by radio, fax, email or other appropriate means, any information relevant under paragraph (1).”

#### **Amendment of regulation 13 of the principal Regulations**

**12.—(1)** Regulation 13 of the principal Regulations (notification of infectious disease, etc., on board) is amended in accordance with this regulation.

- (2) in paragraph (1)—

(a) in sub-paragraph (b), after “infectious disease” in each place where it occurs, insert—  
“or tuberculosis”;

(b) in paragraph (c) after “infectious disease” insert—  
“or other danger to public health”.

- (3) For paragraph (2), substitute—

“(2) For the purposes of paragraph (1) the master shall—

(a) send by appropriate means before arrival, either directly to the local authority or through an agent approved by the local authority, a radio message, fax, email or other communication complying with paragraph (3) of this regulation; or

(b) where it is not possible to comply with sub-paragraph (a) before arrival, notify the local authority immediately on arrival of the presence on board of such infectious disease or tuberculosis, symptoms or other similar circumstances.”.

- (4) For paragraph (3), substitute—

“(3) Any radio message, fax, email or other communication sent for the purpose of this regulation shall be sent so as to reach the local authority not more than twelve hours, and whenever practicable not less than four hours, before the expected arrival of the ship.”.

### **Omission of regulation 14 of the principal Regulations**

13. Omit regulation 14 (signals) of the principal Regulations.

### **Amendment of regulation 15 of the principal Regulations**

14.—(1) In regulation 15(1) of the principal Regulations (Maritime Declaration of Health), omit from “Provided that” to the end of the paragraph.

(2) In paragraph (2), for “health authority” substitute—  
“local authority”.

### **Amendment of regulation 16 of the principal Regulations**

15. In regulation 16 (Maritime Declaration of Health), after “infectious disease” insert—  
“or tuberculosis”.

### **Omission of regulations 18, 19 and 20 of the principal Regulations**

16. Omit regulations 18, 19 and 20 of the principal Regulations (Deratting Certificates and Deratting Exemption Certificates).

### **Insertion of new regulations 18A to 18D of the principal Regulations**

17. Insert new regulations 18A to 18D before regulation 21 of the principal Regulations (detention of ships, and ships to be taken to mooring stations), as follows—

#### **“Application for a Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate**

18A.—(1) Upon receipt of an application in writing from the owner of a ship or from the master acting for or on behalf of the owner for a ship sanitation certificate in respect of the ship—

- (a) if the ship is within the area of an authorised port, an authorised officer must—
    - (i) inspect the ship to prevent danger to public health or the spread of infection with a view to issuing a ship sanitation certificate; and
    - (ii) either—
      - (aa) carry out or cause to be carried out under the supervision of an authorised officer control measures necessary for the control of danger to public health or the spread of infection with a view to issuing a ship sanitation certificate; or
      - (bb) otherwise take or cause to be taken any steps which that officer considers necessary to satisfy him or herself that the ship does not present a danger to public health and is free of infection;
  - (b) if the ship is not within the area of an authorised port, an authorised officer must—
    - (i) consult with a customs officer; and
    - (ii) direct the ship to proceed at the risk of the owner of the ship to an area of an authorised port convenient to the ship and the customs officer.
- (2) If an authorised officer after inspecting a ship under paragraph (1)(a) is satisfied—

- (a) that the ship is exempt from control measures, that officer must issue or cause to be issued a Ship Sanitation Control Exemption Certificate (provided he or she has complied with paragraph (3)); or
  - (b) that control measures have been completed to the officer's satisfaction, he or she must—
    - (i) issue or cause to be issued a Ship Sanitation Control Certificate; and
    - (ii) note or cause to be noted on the certificate the evidence found and the control measures taken.
- (3) An authorised officer must wherever possible issue or cause to be issued a Ship Sanitation Control Exemption Certificate only if the inspection of the ship was carried out when the ship and holds—
- (a) were empty, or
  - (b) contained only ballast or other material of such a nature or so disposed as to make a thorough inspection of the holds possible.

#### **Production of a ship sanitation certificate**

**18B.**—(1) If the master of a ship which during its voyage has been in a foreign port cannot produce to an authorised officer of the local authority for the district in which the ship arrives or for any district at which the ship calls a valid ship sanitation certificate in respect of the ship—

- (a) if the ship is within the area of an authorised port, an authorised officer may inspect the ship for evidence of danger to public health or infection with a view to issuing a ship sanitation certificate;
  - (b) if the ship is not within such an area, an authorised officer must—
    - (i) consult with a customs officer; and
    - (ii) direct the ship to proceed at the risk of the master of the ship to an area of an authorised port convenient to the ship and the customs officer.
- (2) An authorised officer must issue or cause to be issued a Ship Sanitation Control Exemption Certificate if, after that officer has inspected a ship under paragraph (1)(a), he or she is satisfied that the ship is exempt from control measures (provided he or she has complied with regulation 18A(3)).
- (3) If, after a ship has been inspected by an authorised officer, the authorised officer is not satisfied that the ship is exempt from control measures he or she must—
- (a) if the ship is within the area of an authorised port—
    - (i) carry out or require to be carried out under the supervision of an authorised officer control measures necessary for the control of danger to public health or the spread of infection; or
    - (ii) otherwise take or cause to be taken any steps which the officer considers necessary to satisfy him or herself that the ship does not present a danger to public health and is free of infection;
  - (b) if the ship is not within the area of an authorised port—
    - (i) consult with a customs officer;
    - (ii) direct the ship to proceed at the risk of the master of the ship to an area of an authorised port convenient to the ship and the customs officer;
    - (iii) at the time of the ship's departure for the authorised port referred to in sub-paragraph (ii), inform an authorised officer of the authorised port of—



- (aa) the evidence found; and
  - (bb) the control measures required; and
  - (iv) note or cause to be noted in any ship sanitation certificate the matters described at sub-paragraph (iii).
- (4) If the master produces a ship sanitation certificate but the authorised officer has evidence of danger to public health or infection, notwithstanding such certificate the authorised officer must—
- (a) either—
    - (i) carry out or require to be carried out under the supervision of an authorised officer control measures necessary for the control of danger to public health or the spread of infection; or
    - (ii) otherwise take or cause to be taken any steps which that officer considers necessary to satisfy him or herself that the ship does not present a danger to public health and is free of infection;
  - (b) if the ship is not within the area of an authorised port—
    - (i) consult with a customs officer;
    - (ii) direct the ship to proceed at the risk of the master of the ship to an area of an authorised port convenient to the ship and the customs officer;
    - (iii) at the time of the ship's departure for the authorised port referred to in sub-paragraph (ii), inform an authorised officer of the authorised port of—
      - (aa) the evidence found; and
      - (bb) the control measures required; and
    - (iv) note or cause to be noted in the ship sanitation certificate the matters described at sub-paragraph (iii).
- (5) An authorised officer may extend the period of validity of a ship sanitation certificate by one month if—
- (a) any inspection or control measures required cannot be carried out at the port;
  - (b) there is no evidence of danger to public health or infection; and
  - (c) the port is authorised to extend the validity of a ship sanitation certificate.
- (6) The master of a ship must immediately make arrangements to carry out any control measures required by an authorised officer under paragraph (3)(a) or (4)(a).
- (7) When control measures referred to in paragraph (3)(a) or (4)(a) have been completed to the satisfaction of an authorised officer the authorised officer must—
- (a) issue or cause to be issued a Ship Sanitation Control Certificate; and
  - (b) note or cause to be noted on the certificate the evidence found and the control measures taken.

### **Ship sanitation certificates: supplementary**

**18C.—**(1) An authorised officer must ensure that a control measure he or she requires under regulations 18A(1)(a)(ii) or 18B(3)(a) or (4)(a) consists of methods or materials advised by WHO for these procedures, unless the authorised officer determines that other measures are as safe and reliable.

(2) An authorised officer under regulation 18A(1)(a)(ii) or 18B(3)(a) or (4)(a) may require additional health measures to be applied for preventing danger to public health or

the spread of infection in accordance with Article 43 of the IHR, including isolation of the ship at a mooring station or otherwise.

(3) The local authority must report the application of any such additional health measures required under paragraph (2) to the National IHR Focal Point.

(4) An authorised officer of a port where control measures are applied must note or cause to be noted on the ship sanitation certificate in relation to any case where that officer is of the view that the conditions under which the measures were carried out were such that a satisfactory result could not be obtained that the case was such a case.

#### **Ship sanitation certificates: form; period of validity and retention**

**18D.**—(1) A Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate must conform to the model in Annex 3 to the IHR which is reproduced at Schedule 3 to these Regulations.

(2) A ship sanitation certificate issued under regulation 18A or 18B shall be valid for six months beginning with the date of issue.

(3) The local authority must retain a copy of any ship sanitation certificate issued by it for a period of one year beginning with the date of issue.”

#### **Amendment of regulation 21 of the principal Regulations**

**18.** In regulation 21(1) of the principal Regulations (detention of ships, and ships to be taken to mooring stations), for “a disease subject to the International Health Regulations” substitute—  
“plague, cholera, yellow fever or smallpox”.

#### **Amendment of regulation 23 of the principal Regulations**

**19.** In regulation 23 of the principal Regulations (detention of ships, and ships to be taken to mooring stations), omit paragraph (a).

#### **Substitution of regulation 24 of the principal Regulations**

**20.** For regulation 24 of the principal Regulations (detention of ships, and ships to be taken to mooring stations), substitute—

“**24.** If after the arrival of a ship a case of plague, cholera, yellow fever, smallpox, rabies or viral haemorrhagic fever occurs on board, or an animal infected with any such disease is discovered or suspected of being on board, the authorised officer may direct the master to take the ship to a mooring station.”

#### **Amendment of regulation 30 of the principal Regulations**

**21.** For regulation 30(a) of the principal Regulations (persons from infected areas), substitute—

“(a) any person disembarking from the ship who has come from an area infected with cholera, smallpox or viral haemorrhagic fever; and”.

#### **Amendment of regulation 33 of the principal Regulations**

**22.** In regulation 33 of the principal Regulations (examination, etc., of persons proposing to embark)—

(a) for paragraph (a), substitute—

- “(a) may examine any person who proposes to embark on the ship if that officer has reasonable grounds for believing the person to be suffering from plague, cholera, yellow fever, smallpox or viral haemorrhagic fever; and—
  - (i) if after an examination the medical officer is of the opinion that the person shows symptoms of one of the diseases, the medical officer shall prohibit the embarkation of the person;
  - (ii) the time and place of an examination shall be arranged—
    - (aa) to take into account any other formalities; and
    - (bb) to avoid delay;”;
- (b) in each of paragraphs (c) and (d), for “health authority” substitute—  
“competent authority”.

#### **Amendment of regulation 34 of the principal Regulations**

- 23.** In regulation 34 of the principal Regulations (infected places in England and Wales), omit—  
“subject to the International Health Regulations or with any other disease”.

#### **Amendment of regulation 36 of the principal Regulations**

- 24.** For regulation 36(2) of the principal Regulations (surveillance) substitute—  
“(2) Where a person has been placed under surveillance for plague, cholera, smallpox or viral haemorrhagic fever under regulation 30 by reason of his having come from an area infected with such a disease, the period shall be reckoned from the date of that person leaving the infected area.”.

#### **Substitution of regulation 38 of the principal Regulations**

- 25.—(1)** For regulation 38 of the principal Regulations (charges for services) substitute—

##### **“Charges for services**

- 38.—(1)** A local authority may charge the owner or master of a ship for a service described in paragraph (2) in so far as the service is for preventing—
  - (a) danger to public health from a ship arriving in its district, or
  - (b) the spread of infection from a ship leaving its district.

(2) The services mentioned in paragraph (1) are—
  - (a) the inspection of the ship, or the application of measures required to be applied to the ship, in connection with the issue of a ship sanitation certificate in respect of the ship;
  - (b) the extension of the period of validity of a ship sanitation certificate; or
  - (c) the application, at the master’s request, of any other measure that the master of a ship is required by these Regulations to carry out.

(3) A charge for a service under paragraph (1)—
  - (a) must not exceed the actual cost of the service rendered;
  - (b) must be—
    - (i) published at least ten days in advance of being levied;
    - (ii) described sufficiently that the owner or master of the ship is reasonably informed of the likely amount of the charge; and

(c) must not be discriminatory, in particular—

(i) must not be levied so as to make a distinction based on the nationality, registry or ownership of the ship or containers, cargo, baggage, goods or postal parcels concerned; and

(ii) must not distinguish between national and foreign ships or containers, cargo, baggage, goods or postal parcels.

(4) A local authority may require the whole or part of the amount of a charge for a service under paragraph (1) to be paid or deposited with it before the service is performed.

(5) At the master’s request, a local authority must provide the master of a ship with particulars in writing free of charge of—

(a) measures taken for which a charge under paragraph (1) is made; and

(b) the reasons why the measures were taken.

(6) At the request of a person in relation to whom measures have been taken, or of a person in possession of articles in relation to which measures have been taken, an authorised officer must provide particulars in writing free of charge of the measures taken for which a charge under paragraph (1) is made.

(7) Particulars under paragraph (6) shall include the date on which the measures were taken.”.

#### **Substitution of regulation 40 of the principal Regulations**

26. For regulation 40 of the principal Regulations (expenses of health authorities) substitute—

##### **“Expenses of local authorities**

40. Subject to the provisions of regulation 38, any expenses incurred by a local authority in the enforcement and execution of these Regulations shall be defrayed in the same manner as the expenses incurred by it in the execution and discharge of its other powers and duties.”.

#### **Omission of regulation 41 of the principal Regulations**

27. Omit regulation 41 of the principal Regulations (saving for mails).

#### **Omission of Schedule 1 to the principal Regulations**

28. Omit Schedule 1 to the principal Regulations (International Code of Signals).

#### **Substitution of Schedule 2 to the principal Regulations**

29. For Schedule 2 to the principal Regulations (Maritime Declaration of Health) substitute—



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“SCHEDULE 3

Regulations 2(1) and 18D(1)

ANNEX 3

**Amendment of Schedule 4 to the principal Regulations**

**31.—**(1) Schedule 4 to the principal Regulations (Additional Measures with Respect to the Diseases Subject to the International Health Regulations) is amended as follows.

(2) For the heading to Schedule 4 substitute—

*“Additional measures with respect to some diseases”.*

(3) In Part 1 (plague)—

(a) under subheading A (infected ships and suspected ships), in paragraph (2)(a), for “A Deratting Exemption Certificate” substitute—

*“A Ship Sanitation Control Exemption Certificate”;* and

(b) for subheading B (ships which have been in infected areas), substitute—

*“B Ships which have been in areas infected with plague”.*

(4) In Part II (cholera), omit “Regulation 9(5)”.

(5) In Part IV (smallpox), under subheading A (infected ships), in paragraph (1), omit “or who does not satisfy the medical officer that he or she possesses a valid International Vaccination Certificate”.

(6) For the heading to Part V substitute—

*“Rabies or viral haemorrhagic fever”.*

(7) In paragraph (2)(a) of Part V, for “Deratting Exemption Certificate” substitute—  
“Ship Sanitation Control Exemption Certificate”.

### **Omission of Schedule 5 to the principal Regulations**

**32..** Omit Schedule 5 to the principal Regulations (International Certificate of Vaccination or Revaccination Against Smallpox).

### **Transitional arrangements**

**33..** A local authority or authorised officer must treat—

- (a) a valid Deratting Certificate during the period of its validity as if it were a Ship Sanitation Control Certificate; or
- (b) a valid Deratting Exemption Certificate during the period of its validity as if it were a Ship Sanitation Control Exemption Certificate.

3 July 2007

*Edwina Hart*  
Minister for Health and Social Services, one of  
the Welsh Ministers

*The following Commissioners for Her Majesty's Revenue and Customs have consented to these Regulations being made*

*Mike Eland*  
*Dave Hartnett.*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Public Health (Ships) Regulations 1979<sup>(9)</sup> (“the principal Regulations”) which provide for public health control of ships arriving at or leaving ports in England and Wales.

The Regulations apply in relation to Wales. They come into force on 1 August 2007, after the International Health Regulations 2005 (IHR) of the World Health Organization come into effect. (The full text of the IHR is available on the WHO website, [www.who.int/est/ihr/IHRWHA58\\_3-en.pdf](http://www.who.int/est/ihr/IHRWHA58_3-en.pdf)).

The Regulations implement in Wales provisions of the IHR on ship sanitation certificates (note regulations 17, 3 and 33) and otherwise amend or update the principal Regulations. In particular the Regulations provide for health authority functions under the principal Regulations to become local authority functions and alter provisions about charging by local authorities (regulation 25).

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from Stephanie Peaper at Cathays Park, Cardiff, CF10 3NQ. Email [Stephanie.Peaper@wales.gsi.gov.uk](mailto:Stephanie.Peaper@wales.gsi.gov.uk).

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<sup>(9)</sup> S.I. 1979/1435.