

2008 No. 333

PUBLIC HEALTH

The Public Health (Ships) Regulations (Northern Ireland) 2008

Made - - - - - *31st July 2008*

Coming into operation *21st August 2008*

The Department of Health, Social Services and Public Safety(**a**), with the consent of the Commissioners for Her Majesty's Revenue and Customs(**b**), so far as they apply to officers of Her Majesty's Revenue and Customs and after consultation with the Secretary of State, makes the following Regulations in exercise of the powers conferred by section 2A(1) to (4) of the Public Health Act (Northern Ireland) 1967(**c**).

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Public Health (Ships) Regulations (Northern Ireland) 2008 and shall come into operation on 21st August 2008.

Interpretation

2.—(1) In these Regulations;—

“additional measures” means such of the additional measures specified in Schedule 3 with respect to plague, cholera, yellow fever, smallpox, rabies, or viral haemorrhagic fever as are appropriate;

“animals” has the same meaning as in Article 2(1) of the Diseases of Animals (Northern Ireland) Order 1981(**d**);

“arrival” in relation to a ship, means the entry within the limits of jurisdiction of a Board area of a ship which has not during its voyage or since it last—

- (a) called at a port outside the United Kingdom;
- (b) met with an offshore installation; or

(a) See section 40 of and paragraph 8 of Schedule 5 to the Northern Ireland Constitution Act 1973 (c. 36) and Article 3(6) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1))

(b) 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 Customs and Excise shall be taken as a reference to the Commissioners for her Majesty's Revenue and Customs

(c) 1967 c. 36 (Northern Ireland) Section 2A was inserted by Article 17 of the Health and Personal Social Services and Public Health (Northern Ireland) Order 1986 (S.I. 1986/2229) (N.I. 24) and amended by section 2 of the Public Health (Amendment) Act (Northern Ireland) 2008 c. 5 (N.I.)

(d) S.I. 1981/1115 (N.I. 22)

- (c) met with a ship which has proceeded from a foreign port,
 been subjected elsewhere in the United Kingdom to measures provided for in these Regulations or any corresponding regulations in England and Wales or Scotland, apart from any measure which may have been applied there to any person, baggage or cargo landed from the ship;
- “authorised officer” means the medical officer, or any other officer authorised by the Board under regulation 4, to enforce and execute any of these Regulations;
- “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(a), and—
 - (ii) the form reproduced at Schedule 2,—
 - (iii) the issuance of a Ship Sanitation Control Exemption Certificate following inspection of the ship including a thorough inspection of the hold; or
 - (b) the extension of a ship sanitation certificate for a period of one month;
- “baggage” means the personal effects of a traveller or of a member of the crew;
- “Board” means a Health and Social Services Board;
- “Board area” means the area of a Board determined by order under Article 16 of the Health and Social Services (Northern Ireland) Order 1972(b);
- “captive birds” includes poultry;
- “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);
- “crew” means the personnel of a ship who are employed for duties on board;
- “customs officer” means an officer of Her Majesty’s Revenue and Customs;
- “day” means an interval of twenty-four hours;
- “disinsecting” means the operation in which measures are taken to kill the insect vectors of human disease;
- “foreign port” means a port or other coastal place situated elsewhere than in the British Islands;
- “free pratique” means permission for a ship to disembark and commence operation;
- “IHR” means the International Health Regulations (2005) of the WHO adopted by the fifty-eighth World Health Assembly on 23rd May 2005;
- “immigration officer” means any person appointed to act as an immigration officer under the Immigration Act 1971(c);
- “infected person” means a person who is suffering from plague, cholera, yellow fever, smallpox, rabies, or viral haemorrhagic fever or who is considered by the medical officer to be infected with such disease or with some other infectious disease other than venereal disease;
- “infected ship” means
- (a) a ship which has on board on arrival a case of plague, cholera, yellow fever, smallpox, rabies or viral haemorrhagic fever;
 - (b) a ship on which a plague-infected rodent is found on arrival; or
 - (c) a ship which has had on board during its voyage—
 - (i) a case of human plague which developed more than six days after the embarkation of the person affected;
 - (ii) a case of cholera within five days before arrival; or
 - (iii) a case of yellow fever or smallpox;

(a) See the IHR reproduced at document A58/55 of the fifty-eighth World Health Assembly on the WHO website at www.who.int/est/1hr/IHRWHA58-3-en.pdf

(b) S.I. 1972/1265 (N.I. 14)

(c) 1971 c. 77

and which has not before arrival been subjected in respect of such case to appropriate measures equivalent to those provided for in these Regulations;

“isolation”, when applied to a person or group of persons, means the separation of that person or group of persons from other persons, except the health staff on duty, in such a manner as to prevent the spreading of infection;

“Maritime Declaration of Health” means a declaration in the form set out in Schedule 1;

“master” means the person for the time being in charge of or in command of a ship;

“medical officer” means the medical officer for a Board area or any other medical practitioner appointed by the Board under regulation 5;

“mooring station” means a place, situated within the waters of a Board area, which is specified by the Board with the consent of a customs officer and the harbour master, or in such other Board area as the Department may allow, for the mooring of ships for inspection so that they do not come into contact with other ships or the shore;

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

“offshore installation” has the meaning set out at section 44 of the Petroleum Act 1998(a) (meaning of “offshore installation”)

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

“ship” has the same meaning as the word “vessel” bears for the purposes of the Public Health Act (Northern Ireland) 1967;

“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 2 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 2 that is issued in accordance with Article 39 of the IHR;

“suspected person” means a person (not being an infected person) who is considered by the medical officer as having been exposed to an infectious disease and is considered capable of spreading that disease;

“suspected ship” means—

- (a) a ship which, not having on board on arrival a case of human plague, has had on board during the voyage a case of that disease which developed within six days of the embarkation of the person affected;
- (b) a ship on which there is evidence of abnormal mortality among rodents, the cause of which is unknown on arrival;
- (c) a ship which has had on board during the voyage a case of cholera which developed more than five days before arrival;
- (d) a ship which left within six days before arrival an area infected with yellow fever; or
- (e) a ship which has on board on arrival a person who the medical officer considers may have been exposed to infection from lassa fever, rabies, viral haemorrhagic fever or marburg disease provided that a ship to which paragraph (a) (c) or (d) applies shall not be deemed to be a suspected ship if in respect of such case of human plague or cholera, as the case may be, the ship has before arrival been subjected to appropriate measures equivalent to those provided for in these Regulations.

(a) 1998 c. 17

“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;

“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 WHO adopted by the International Health Conference held in New York from 19th June 1946 and signed on 22nd July 1946.

(2) For the purposes of these Regulations, a ship shall not be regarded as having met another ship or offshore installation unless in the course of the encounter a person has boarded one ship or installation from the other.

Application of Regulations to ships of Her Majesty’s armed forces

3.—(1) Without prejudice to any statutory provision or rule of law which applies in relation to Her Majesty’s armed forces, these Regulations shall not 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(a) 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 15.

PART II GENERAL

Enforcement

4.—(1) Subject to paragraph (2) every Board shall enforce and execute these Regulations and shall exercise its functions through the medical officer and such other officers as it may authorise in that behalf, and shall make such inquiries and take such other steps as seem to it to be necessary for securing the proper exercise of those functions.

(2) Any two Boards may agree that one of them shall undertake the enforcement and execution of the whole or specified provisions of these Regulations in the area of the other provided that they first obtain the approval of the Department to the terms of the agreement.

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

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

(5) A Board must—

(a) provide the National IHR Focal Point with the current contact details of each authorised port within its area;

(a) 1952 c. 67

- (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 15(1)(a)(ii)(aa), 16(3)(a)(i) and (4)(a)(i) are carried out by or under the supervision of an authorised officer with appropriate expertise.

Appointment and duties of medical officers and provisions of services by Boards

5. For the purposes of these Regulations, a Board may, and if so required by the Department shall—

- (a) appoint such medical practitioners, in addition to its 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 things as in its opinion or the opinion of the Department, as the case may be, are necessary to enable the provisions of these Regulations to be complied with.

PART III INCOMING SHIPS

Inspection of Ships

6.—(1) The authorised officer may, for the purposes of these Regulations, inspect any ship on arrival or already present in the Board area.

- (2) An authorised officer shall—
 - (a) inspect on arrival any ship in respect of which the master has sent to the Board a message or notification under regulation 12(1); and
 - (b) inspect any ship already in the area when he has reasonable grounds for believing that there is on board an infected person or suspected person.

(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 infectious disease and for preventing the spread of such a disease; or
 - (b) for preventing other danger to public health.

Direction of ships

7. Any authorised officer may require a ship on arrival or being already in the area to be brought to, and if necessary moored or anchored at, some safe and convenient place for the purpose of inspection under these Regulations.

Examination, etc, of persons on ships

8.—(1) The medical officer may, and if so requested by the master or required by the Department shall, examine any person on board a ship on arrival or already in the Board area, where there are reasonable grounds for suspecting that the person

- (a) is an infected person
 - (b) is a suspected person; or
 - (c) is verminous.
- (2) An authorised officer may—
- (a) detain any such person for such examination either upon the ship or at some place on shore appointed for the purpose;
 - (b) require the clothing and other articles belonging to any person so examined to be disinfected and, where necessary, disinfected,
 - (c) require any person found to be verminous to be disinfected;
 - (d) except as provided in regulation 34, prohibit any person so examined from leaving the ship, or permit him to leave it on such conditions and subject to the taking of such measures, as the authorised officer considers reasonably necessary for preventing the spread of infection; and
 - (e) require the master to take or assist in taking such steps as in the opinion of the authorised officer are reasonably necessary for preventing the spread of infection, for disinsection and the destruction of vermin and for the removal of conditions on the ship likely to convey infection, including conditions the existence of which might facilitate the harbouring of insects or vermin.

(3) Nothing in this Regulation shall be deemed to authorise the use of a ship for the isolation of such a person who is suffering from, or had been exposed to an infectious disease unless such isolation can be effected without delaying or unduly interfering with the movements of that ship.

Powers in respect of certain persons on ships

9.—(1) Where there is, or the medical officer suspects that there is, on board a ship on arrival or being already in the Board area a person suffering from an infectious disease, the medical officer may—

- (a) cause such 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 Board,
- (b) in the case of cholera, smallpox or viral haemorrhagic fever, place such person under surveillance for the appropriate period specified in regulation 34(1); or
- (c) except as provided in regulation 34, the medical officer may, by notice in writing to the master, prohibit the removal of the person or his disembarking from the ship without the consent in writing of the medical officer;

(2) Where the Department is satisfied that a grave danger to public health exists by reason of infectious disease and notifies medical officers accordingly, the medical officer, if the Department so directs, shall require a person disembarking from a ship to state in writing his name and intended destination and address.

Supply of information etc, by masters

- 10.** The master of a ship on arrival or being already in a Board area shall—
- (a) answer all questions as to the health conditions on board which may be put to him by a customs officer or an authorised officer and furnish any such officer with all such information and assistance as he may reasonably require for the purposes of these Regulations;
 - (b) notify the authorised officer immediately of any circumstances on board which are likely to cause the spread of infectious disease, including particulars as to the sanitary condition of the ship and the presence of animals or captive birds of any species, or mortality or sickness among such animals or birds, on the ship;
 - (c) comply with these Regulations, and with any directions or requirements of an authorised officer or customs officer given or made for the purposes of these Regulations.

Permission to enter Board Area

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

(2) Before arriving in a Board area from a foreign port, the master of a ship shall transmit to the authorised officer in that Board area by radio, fax, email or other appropriate means, any information relevant under paragraph (1).

Notification of infectious disease, etc, on board

12.—(1) The master of a ship shall before arrival, in accordance with paragraph (2), report the occurrence on board ship of—

- (a) the death of a person otherwise than as a result of an accident; or
- (b) illness where the person who is ill or has or had a temperature of 38°C or greater which was accompanied by a rash, glandular swelling or jaundice or where such temperature persisted for more than 48 hours; or
- (c) illness where the person has or had diarrhoea severe enough to interfere with work or normal activities;
- (d) the presence on board of a person who is suffering from an infectious disease or who has symptoms which may indicate the presence of such disease;
- (e) any other circumstances on board which are likely to cause the spread of infectious disease; or other danger to public health; and
- (f) the presence of animals or captive birds, and the occurrence of mortality or sickness amongst such animals or birds.

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

- (a) send by appropriate means before arrival, to the Board, a radio message, fax, email or other communication complying with paragraph (3); or
- (b) where it is not possible to comply with sub-paragraph (a) before arrival, notify the Board immediately on arrival, of the matters mentioned in paragraph (1).

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

Maritime Declaration of Health

13.—(1) Subject to paragraph (3), where on the arrival of a ship, the master—

- (a) has a duty to make a report in accordance with regulation 12(1), or
- (b) is directed by the medical officer to complete a Maritime Declaration of Health.

(2) The master shall complete a Maritime Declaration of Health in the form set out in Schedule 1, which shall be countersigned by the ship's surgeon if one is carried.

(3) The master shall deliver the Declaration to the authorised officer, who shall forward it to the Board.

(4) If, within four weeks after the master of a ship has delivered a Maritime Declaration of Health under paragraph (1) or a corresponding provision in force in England and Wales or Scotland, the ship arrives in a Board area or calls at another Board area, as the case may be, the master shall report to the authorised officer any case or suspected case of infectious disease which has occurred on board since the Declaration was delivered and which has not already been reported.

Restriction on boarding or leaving ships

14.—(1) Where the authorised officer so directs, or where the master is required to make a report in accordance with regulation 12(1) a person, other than the pilot, a customs officer or an immigration officer, shall not, without the permission of the authorised officer, board or leave a ship until free pratique has been granted, and the master shall take all reasonable steps to secure compliance with this regulation.

(2) Before granting permission to a person to leave the ship, the authorised officer may require that person to state his name and his intended destination and address, and to give any other information which the authorised officer may think necessary for transmission to the medical officer for the Board area in which the intended destination of the person is situated.

(3) If such a person cannot state his intended destination and address or arrives, within a period, not exceeding fourteen days after landing, to be specified to him by the authorised officer, at an address other than that which he has so stated, he shall immediately after his arrival at that address send particulars thereof to the authorised officer of the port where he left the ship.

Application for a Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate

15.—(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 he considers necessary to satisfy himself 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 customs officer.

(2) If an authorised officer after he has inspected a ship under paragraph (1)(a) is satisfied—

- (a) that the ship is exempt from control measures, he must issue or cause to be issued a Ship Sanitation Control Exemption Certificate (provided he has complied with paragraph (3)); or
- (b) that control measures have been completed to his satisfaction, he 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

16.—(1) If the master of a ship which during its voyage has been in a foreign port cannot produce to an authorised officer for the Board area in which the ship arrives or for any Board area 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 customs officer.

(2) An authorised officer must issue or cause to be issued a Ship Sanitation Control Exemption Certificate if, after he has inspected a ship under paragraph (1)(a), the authorised officer is satisfied that the ship is exempt from control measures (provided he has complied with regulation 15 (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 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 he considers necessary to satisfy himself 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; 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 customs officer;

(iii) at the time of the ship's departure for the authorised port referred to in head (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 head (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) if the ship is within the area of an authorised port, 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 he considers necessary to satisfy himself 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 head (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 head (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) or (4).

(7) When control measures referred to in paragraph (3) or (4) 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

17.—(1) An authorised officer must ensure that a control measure he requires under regulation 15(1)(a)(ii) or 16(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 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 Board 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 he is of the view that the conditions under which the measures were carried out, were such that a satisfactory result could not be obtained.

Ship sanitation certificates: form; period of validity and retention

18.—(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 2.

(2) A ship sanitation certificate issued under regulation 15 or 16 shall be valid for six months beginning with the date of issue.

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

Detention of ships, and ships to be taken to mooring stations

19.—(1) On the arrival of an infected ship or a suspected ship, or any other ship on which there has been, during its current voyage and within the last four weeks before arrival, a case of plague, cholera, yellow fever or smallpox in respect of which the ship has not, outside the United Kingdom, been subjected to appropriate measures equivalent to those provided for in these Regulations, the master shall take it to a mooring station unless an authorised officer otherwise allows or directs.

(2) When the authorised officer has reason to believe that a ship on arrival may be one to which paragraph (1) applies, he may direct the master to take it to a mooring station.

20. The authorised officer may for the purposes of these Regulations direct that any ship from a foreign port shall on arrival be taken to a mooring station for inspection, and he may, if a customs officer is to be the first officer to board the ship, give a notice in writing of such direction to the customs officer, who shall deliver the notice to the master.

21. Where on the arrival of a ship from a foreign port it appears to a customs officer, from information in the Maritime Declaration of Health or otherwise, that the ship is one to which regulation 19(1) applies, he shall direct the master to take it to a mooring station for detention there unless an authorised officer otherwise allows or directs.

22. 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.

23. A ship which has been taken to a mooring station or directed there by an authorised officer shall remain there until it has been inspected by the medical officer.

24. An authorised officer may detain, or give notice in writing to a customs officer to detain, any ship for inspection at its place of mooring (not being a mooring station) or at its place of discharge or loading.

25. The detention of a ship by a customs officer under these Regulations shall cease as soon as the ship has been inspected by the medical officer or, if such inspection has not commenced within

twelve hours after the ship has been so detained, on the expiration of that period provided that nothing in this regulation shall affect the power of the authorised officer to continue the detention of a ship under regulation 21 to 24.

26.—(1) The medical officer shall inspect any ship and the persons on board as soon as possible after it has been taken or directed to a mooring station or after it has been detained under these Regulations.

(2) If the ship is one to which the authorised officer is required to apply any further measures under these Regulations or additional measures in Schedule 3, or if after such inspection he considers it necessary to apply any such further or additional measures he may detain the ship at the mooring station, or continue the detention, as the case may be, if such detention or continued detention is necessary for the application of such further or additional measures.

27. The authorised officer may require the master of a ship which has been taken or directed to a mooring station or detained because rodents have been discovered or there are reasonable grounds for suspecting that rodents are on board to take all practicable measures to prevent the escape of rodents from the ship.

Persons from infected areas

28. On the arrival of a ship the medical officer may place under surveillance for the appropriate period specified in regulation 34(1)—

- (a) any person disembarking from the ship who has come from an area infected with cholera, smallpox or viral haemorrhagic fever; and
- (b) any suspected person disembarking from the ship who has come from an area infected with yellow fever, plague, lassa fever, viral haemorrhagic fever or marburg disease.

Removal of infected persons from ships when required by master

29. The medical officer shall, if so required by the master of a ship on arrival, cause any infected person to be removed from the ship.

Additional Measures

30. Without prejudice to any other provision in these Regulations, the additional measures in Schedule 3 shall be applicable on the arrival of—

- (a) any infected ship or suspected ship;
- (b) any ship which has during its voyage been in an area infected with plague, cholera, yellow fever, lassa fever, rabies, viral haemorrhagic fever or marburg disease;
- (c) any suspected person in relation to smallpox on a ship other than an infected ship;
- (d) any other ship where the medical officer is satisfied that, notwithstanding that measures equivalent to such additional measures have been applied to the ship or any person on board at a previous port during its voyage, there is on board or has been on board since such previous application an infected person or suspected person and that it is necessary again to apply any such measure, or the medical officer has evidence that such previous measure was not effective.

PART IV OUTGOING SHIPS

Examination, etc, of persons proposing to embark

31.—(1) Where a ship is due to depart for a destination, whether final or intermediate, outside the United Kingdom, the medical officer —

- (a) may examine any person who proposes to embark on the ship if he has reasonable grounds for believing him to be suffering from plague, cholera, yellow fever, smallpox or viral haemorrhagic fever, and —
 - (i) if after examination the medical officer is of the opinion that the person shows symptoms of one of these diseases, the medical officer shall prohibit the embarkation of the person;
 - (ii) and the time and place of an examination shall be arranged to take into account any other formalities; and to avoid delay; and
- (b) shall prohibit any suspected person from embarking thereon:

Provided that in the case of smallpox a person shall not be prohibited from embarking if he satisfies the medical officer that he is sufficiently protected by vaccination or by previously having had smallpox;

- (c) shall notify by the most expeditious means the master and the competent authority for the place to which the person is proceeding of any person embarking or proposing to continue his voyage thereon who, in the opinion of the medical officer, should be placed under surveillance;
- (d) notwithstanding the provisions of sub-paragraph (b), may allow a person on an international voyage who, on arrival, was placed under surveillance to continue his voyage.

(2) The medical officer shall notify by the most expeditious means the competent authority for the place to which the person is proceeding that such a person should, in the opinion of the medical officer, be placed under surveillance.

Infected places in Northern Ireland

32. Where the Department has by notice published in the Belfast Gazette, declared any place to be infected with a disease which in its opinion constitutes a menace to other countries by reason of its spread or potential spread, then, until the notice is revoked by a subsequent notice published in the Belfast Gazette, every medical officer shall comply with any requirement which may be made by the Department for preventing the spread of the disease, and in particular (but without prejudice to the generality of the foregoing provision) the following provisions of this regulation shall operate in relation to any ship departing from any Board area specified by the Department for a destination, whether final or intermediate, outside the United Kingdom:—

- (a) an authorised officer, if so required by the Department, shall require a valid vaccination certificate from departing travellers. In the absence of such a certificate the medical officer may offer vaccination to any such traveller and give notification in accordance with regulation 31(1);
- (b) the medical officer may, and within three hours after receiving a request from the master so to do shall, medically examine any person who proposes to embark on or is on board the ship;
- (c) the authorised officer may require any part of the ship which in his opinion may be infected to be cleansed and disinfected to his satisfaction;
- (d) an authorised officer shall inspect any clothing, bedding or other article which is on, or is intended to be taken by any person on the ship and which, in the opinion of the officer, may have been exposed to infection and may require the disinfection or destruction of any such clothing, bedding or article, and the master shall disclose to the authorised officer any relevant circumstances;
- (e) a person shall not take or cause to be taken on board the ship any article which, in the opinion of an authorised officer, is capable of carrying infection: unless that officer is satisfied that it has been efficiently disinfected and, where necessary, disinfected;
- (f) if any part of a Board area is included in such notice in the Belfast Gazette and is therein declared to be infected with plague, and if there is reason to believe that there are rodents on the ship, the authorised officer may, and if so required by the Department shall, take steps to secure the deratting of the ship.

PART V

MISCELLANEOUS

Compliance with directions, etc, under these Regulations

- 33.**—(1) Every person to whom these Regulations apply shall—
- (a) comply with every direction, requirement or condition given, made or imposed by an authorised officer or customs officer,
 - (b) furnish all such information as that officer may reasonably require (including information as to his name and intended destination and address to which he is going on leaving a ship),
- (2) Every person who has for the time being the custody or charge of a child or other person who is under legal disability shall—
- (a) comply with any direction, requirement, or condition so given, made or imposed, under paragraph (1); and
 - (b) furnish all such information in respect of that child or other person as may be reasonably required under that paragraph.

Surveillance

- 34.**—(1) Where these Regulations permit a medical officer to place a person under surveillance, the period of such surveillance shall not exceed such of the following periods as may be appropriate:—
- (a) in respect of plague, six days;
 - (b) in respect of cholera, five days;
 - (c) in respect of yellow fever, six days;
 - (d) in respect of smallpox, fourteen days;
 - (e) in respect of lassa fever, viral haemorrhagic fever, or marburg disease, twenty one days.
- (2) Where a person has been placed under surveillance for plague, cholera, smallpox or viral haemorrhagic fever under this regulation by reason of his having come from an area infected with such a disease, the period shall be reckoned from the date of his leaving the infected area.
- (3) When a person has been so placed under surveillance under the additional measures in Schedule 3, the period shall be reckoned in the manner therein specified.
- (4) Every person who is placed under surveillance under these Regulations shall—
- (a) give consent to any medical examination required by the medical officer or by the medical officer for any Board area in which he may be during the period of surveillance;
 - (b) furnish all such information as a medical officer mentioned in sub-paragraph (a) may reasonably require with a view to ascertaining the person's state of health;
 - (c) forthwith upon arrival during the period of surveillance at any address other than the one stated as his intended address when placed under surveillance, send particulars of that address to the medical officer;
 - (d) if so instructed by the medical officer, report immediately to the medical officer for any Board area in which he may be during the period of surveillance, and thereafter during that period report to that officer at such intervals as he may require;

Provided that an instruction shall not be given under this regulation unless the Department has by direction (whether general or special) authorised the giving of instructions thereunder.

Charges for services

- 35.**—(1) A Board 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 the public health from a ship arriving in its area, or
 - (b) the spread of infection from a ship leaving its area.
- (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 measures 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 Board 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 Board 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.

Expenses of Boards

36. Subject to regulation 35, any expenses incurred by a Board 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.

Recovery of Charges

37. Every charge authorised by regulation 35 shall be recoverable either summarily as a civil debt, or as a simple contract debt in any court of competent jurisdiction.

Saving for masters of ships unwilling to comply with these Regulations

38.—(1) The master of a ship on arrival, or being already in a Board area, who is unwilling to comply with, any provision of, or requirement made under these Regulations shall notify the authorised officer, and the authorised officer may then require the master to remove the ship immediately from the Board area.

(2) If before leaving the Board area the master wishes to discharge cargo or disembark passengers or to take on board fuel, water or stores, the authorised officer shall permit him to do so, but may impose such conditions under these Regulations as the authorised officer considers necessary.

(3) When the authorised officer has required the removal of a ship from the Board area, it shall not, during its voyage, call at any other Board area.

Saving for existing enactments

39. Nothing in these Regulations shall affect the Immigration Act 1971.

Revocation

40. The Public Health (Ships) Regulations (Northern Ireland) 1971^(a) are revoked.

The Commissioners for Her Majesty's Revenue and Customs consent to the foregoing Regulations

Mike Hanson

Dave Hartnett

Signed by order of the Commissioners of Her Majesty's Revenue and Customs

3rd July 2008

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 31st July 2008.

(L.S.)

Dr. Carolyn Harper

A senior officer of the Department

^(a) S.R. & O. (N.I) 1971 No. 183

ANNEX 8

MODEL OF MARITIME DECLARATION OF HEALTH

To be completed and submitted to the competent authorities by the masters of ships arriving from foreign ports.

Submitted at the port of Date

Name of ship or inland navigation vessel Registration IMO/No.
arriving from sailing to

(Nationality) (Flag of vessel) Master's name

Gross tonnage (ship)

Tonnage (inland navigation vessel)

Valid Sanitation Control Certificate carried on board? yes no

Issued at date

Re-inspection required? yes no

Has ship/vessel visited an affected area identified by the World Health Organisation?

yes no

Port and date of visit

Last ports of call from commencement of voyage with dates of departure, or within past thirty days, whichever is shorter:

.....

Upon request of the competent authority at the port of arrival, list new members, passengers or other persons who have joined ship/vessel since international voyage began or within past thirty days, whichever is shorter, including all ports/countries visited in this period (add additional names to the attached schedule):

(1) Name joined from (1) (2) (3)

(2) Name joined from (1) (2) (3)

(3) Name joined from (1) (2) (3)

Number of crew members on board

Number of passengers on board

Health Questions

- (1) Has any person died on board during the voyage otherwise than as a result of accident?
yes no
- (2) Is there on board or has there been during the international voyage any case of disease which you suspect to be of an infectious nature? yes no If yes, state particulars in attached schedule.
- (3) Has the total number of ill passengers during the voyage been greater than normal/expected?
yes no
- (4) Is there any ill person on board now? yes no If yes, state particulars in attached schedule.
- (5) Was a medical practitioner consulted? yes no If yes, state particulars of medical treatment or advice provided in attached schedule.
- (6) Are you aware of any condition on board which may lead to infection or spread of diseases?
yes no If yes, state particulars in attached schedule.
- (7) Has any sanitary measure (e.g. quarantine, isolation, disinfection or decontamination) been applied on board? yes no If yes, specify type, place and date

(8) Have any stowaways been found on board? yes no If yes, where did they join the ship (if known)?

(9) Is there a sick animal or pet on board? yes no

Note: In the absence of a surgeon, the master should regard the following symptoms as grounds for suspecting the existence of a disease of an infectious nature:

(a) fever, persisting for several days or accompanied by: (i) prostration; (ii) decreased consciousness; (iii) glandular swelling; (iv) jaundice; (v) cough or shortness of breath; (vi) unusual bleeding or (vii) paralysis.

(b) with or without fever: (i) any acute skin rash or eruption; (ii) severe vomiting (other than sea sickness); (iii) severe diarrhoea; or (iv) recurrent convulsions.

I hereby declare that the particulars and answers to the questions given in this Declaration of Health (including the schedule) are true and correct to the best of my knowledge and belief.

Signed

Master

Countersigned

Ship's Surgeon (if carried)

Date

ATTACHMENT TO MODEL OF MARITIME DECLARATION OF HEALTH

Name	Class or rating	Age		Nationality	Port, date joined ship/vessel	Nature of illness	Date of onset of symptoms	Reported to a port medical officer?	Disposal of case*	Drugs medicines or other treatment given to patient	Comments

* State (1) whether the person recovered, is still ill or died; and (2) whether the person is still on board, was evacuated (including the name of the port or airport), or was buried at sea.

Annex 3

**MODEL SHIP SANITATION CONTROL EXEMPTION CERTIFICATE/SHIP
SANITATION CONTROL CERTIFICATE**

Port of Date

This Certificate records the inspection and 1) exemption from control or 2) control measures applied.

Name of ship or inland navigation vessel Flag Registration/IMO No.

At the time of inspection the holds were unladen/laden with tonnes of cargo

Name and address of inspecting officer

Ship Sanitation Control Exemption Certificate				Ship Sanitation Control Certificate		
Areas, (systems and services) inspected	Evidence found ¹	Sample results ²	Documents received	Control measures applied	Re-inspection date	Comments regarding conditions found
Galley			Medical log			
Pantry			Ship's log			
Stores			Other			
Hold(s)/cargo						
Quarters						
— crew						
— officers						
— passengers						
— deck						
Portable water						
Sewage						
Ballast tanks						
Solid and medical waste						
Standing water						
Engine Room						
Medical facilities						
Other areas specified — see attached						
Note areas not applicable by marking N.A.						

No evidence found. Ship/vessel is exempt from control measures.

Control measures indicated were applied on the date below.

Name and designation of issuing officer Signature and seal Date

1 (a) Evidence of infection or contamination, including: vectors in all stages of growth; animal reservoirs for vectors; rodents or other species that could carry other disease, microbiological, chemical and other risks to human health; signs of inadequate sanitary measures. (b) Information concerning any human cases (to be included in the Maritime Declaration of Health.

2 Results from samples taken on board. Analysis to be provided to ship's master by most expedient means and if re-inspection is required, to the most appropriate port of call coinciding with the re-inspection date specified in this certificate.

Sanitation Control Exemption Certificates and Sanitation Control Certificates are valid for a maximum of six months, but the validity period may be extended by one month if inspection cannot be carried out at the port and there is no evidence of infection or contamination.

**ATTACHMENT TO MODEL SHIP SANITATION CONTROL EXEMPTION
CERTIFICATE/SHIP SANITATION CONTROL CERTIFICATE**

Areas/facilities/ systems inspected	Evidence found	Sample results	Documents reviewed	Control measures applied	Re-inspection date	Comments regarding conditions found
Food						
Source						
Storage						
Preparation						
Service						
Water						
Source						
Storage						
Distribution						
Waste						
Holding						
Treatment						
Disposal						
Swimming pools/spas						
Equipment						
Operation						
Medical facilities						
Equipment and medical devices						
Operation						
Medicines						
Other areas inspected						

Indicate when the areas listed are not applicable by marking N/A.

PART 1

PLAGUE

A. Infected ships and suspected ships

1. The medical officer may—
 - (a) require any suspected person on board to be disinfected and place him under surveillance, the period of surveillance being reckoned from the date of arrival of the ship;
 - (b) require the disinfecting and, if necessary, disinfection of the baggage of any infected or suspected person, and of any other article on board and any part of the ship which the medical officer considers to be contaminated.

2. If there is any rodent infected with plague on board, the medical officer or other authorised officer shall require the ship to be deratted in a manner to be determined by him, but without prejudice to the generality of this requirement the following special provisions shall apply to any such deratting:—
 - (a) the deratting shall be carried out as soon as the holds have been emptied or when they contain only ballast or other material, unattractive to rodents, of such a nature or so disposed as to make a thorough inspection of the holds possible;
 - (b) one or more preliminary derattings of a ship with the cargo in situ, or during its unloading, may be carried out to prevent the escape of infected rodents;
 - (c) if the complete destruction of rodents cannot be secured because only part of the cargo is due to be unloaded, a ship shall not be prevented from unloading that part, but the medical officer or other authorised officer may apply any measure which he considers necessary to prevent the escape of infected rodents, including placing the ship in quarantine;
 - (d) notwithstanding sub-paragraphs (a) a Ship Sanitation Control Exemption Certificate may be issued for an oil tanker with full holds.

3. On arrival of a ship having on board a person suffering from pulmonary plague, or if there has been a case of pulmonary plague on board a ship within the six days before its arrival, the medical officer may—
 - (a) carry out the measures set out in paragraph 1;
 - (b) require any person on board to be placed in isolation for six days reckoned from the date of the last exposure to infection.

B. Ships which have been in areas infected with plague

4. The medical officer may—
 - (a) place under surveillance any suspected person who disembarks, the period of surveillance being reckoned from the date of the departure of the ship from the infected area;
 - (b) regard as suspected any person not isolated for 6 days before departure from an area with an epidemic of pulmonary plague;
 - (c) require, in exceptional circumstances and for well founded reasons, the destruction of rodents on the ship and disinfecting, but he shall give the master notice in writing of the reasons for the requirement.

PART II

CHOLERA

Infected ships and suspected ships

1. The medical officer—
 - (a) may place under surveillance any person who disembarks from a ship, the period of surveillance being reckoned from the date of disembarkation from the ship;

(b) shall be responsible for the supervision of the removal and safe disposal of any water, food (excluding cargo), human dejecta, waste water, including bilge water, waste matter and any other matter which is considered to be contaminated, and shall be responsible for the disinfection of water tanks and food handling equipment.

2. Foodstuffs carried as cargo on board ships in which a case of cholera has occurred during the journey may not be subjected to bacteriological examination except by the health authorities of the country of final destination.

PART III
YELLOW FEVER

Infected ships, suspected ships, and ships which have been in infected areas

The medical officer may require the ship to be disinfected for the destruction of vectors of yellow fever which may be on board.

PART IV
SMALLPOX

A. Infected ships

1. The medical officer shall offer vaccination to any person on board or disembarking from the ship who does not show sufficient evidence of protection by previously having had smallpox.

2. The medical officer may either—

(a) place under surveillance any person who disembarks, the period of surveillance being reckoned from the date on which the medical officer considers the person was last exposed to infection; or

(b) if he considers any such person is not sufficiently protected against smallpox, isolate him for a similar period.

3. The medical officer shall require the disinfection of the baggage of any infected person, and of any other article on board and any part of the ship which the medical officer considers to be contaminated.

B. Suspected persons on other ships

4. The medical officer may also apply the provisions of paragraphs 1 and 2 of this Part to any suspected person who disembarks from a ship which is not an infected ship.

PART V
RABIES OR VIRAL HAEMORRHAGIC FEVER

Infected ships and suspected ships

1. The medical officer may—

(a) place any suspected person on board under surveillance, the period of surveillance being reckoned from the date of arrival of the ship;

(b) require the disinfection of the baggage of any infected or suspected person, and of any other article on board and any part of the ship which the medical officer considers to be contaminated.

2. If there is any rodent on board the authorised officer may require the ship to be deratted in a manner to be determined by him, but without prejudice to the generality of this requirement the following special provisions shall apply to any such deratting:

- (a) the deratting shall be carried out as soon as the holds have been emptied or when they contain only ballast or other material, unattractive to rodents, of such a nature or so disposed as to make a thorough inspection of the holds possible;
- (b) one or more preliminary derattings of a ship with the cargo in situ, or during its unloading, may be carried out to prevent the escape of infected rodents;
- (c) if the complete destruction of rodents cannot be secured because only part of the cargo is due to be unloaded, a ship shall not be prevented from unloading that part, but the authorised officer may apply any measure which he considers necessary to prevent the escape of infected rodents, including detaining the ship;
- (d) notwithstanding sub-paragraph (a) a Ship Sanitation Control Exemption Certificate may be issued for an oil tanker with full holds.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations revoke and replace the Public Health (Ships) Regulations (Northern Ireland) 1971.

Part I contains definitions of terms used in the Regulations and sets out the circumstances in which the Regulations apply to the armed forces.

Part II provides for the enforcement and execution of the regulations by Boards (Regulation 4).

Part III relates to incoming ships. It provides for the inspection of ships, the examination of persons suspected of suffering from, or having been exposed to infection from, an infectious disease or suspected of being verminous; and in these and other similar circumstances authorises measures to be taken for preventing danger to public health (Regulations 8 to 11). Regulation 12 requires the master of a ship to notify circumstances likely to lead to the spread of infection. Provision is also made for messages to be by radio, fax, email or other appropriate means and the signals to be used in given circumstances and for the completion of a Maritime Declaration of Health by the master of a ship arriving from a foreign port, as defined in Regulation 2.

Regulation 14 imposes restrictions on boarding or leaving ships from a foreign port, or from an infected area which is not a foreign port. Regulations 15 to 30 provide for the detention and inspection of infected or suspected ships, the placing under surveillance of persons from infected areas, the removal of infected persons from ships and the application of such of the additional measures set out in the Schedule 3 as are appropriate to specified diseases subject to the International Health Regulations of a kind particularly dangerous to the public health.

Part IV relates to outgoing ships. It provides for the examination, etc, in prescribed circumstances of persons proposing to embark for a destination outside the United Kingdom (Regulation 31) and, after publication by the Department in the Belfast Gazette (Regulation 32) of a notice declaring any place to be infected with diseases, the spread of which might endanger public health, special measures may be taken to prevent the disease spreading

Part V contains miscellaneous provisions concerning periods of surveillance, charges for services, and expenses of the health authorities enforcing the Regulations. It also contains removal from an area of any ship whose master is unwilling to comply with the Regulations (Regulation 38).

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