WELSH STATUTORY INSTRUMENTS

# 2007 No. 1901 (W.162)

# PUBLIC HEALTH, WALES

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

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| *Made - - - -* | *3 July 2007* |
| *Laid before the National Assembly for Wales - -* | *4 July 2007* |
| *Coming into force - -* | *1 August 2007* |

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

### 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(**3**).

### 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";

(**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;

(**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.

"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);

"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;

(**8**) 1952 c. 21.

(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—