WELSH STATUTORY INSTRUMENTS

2007 No. 1900 (W.161)

PUBLIC HEALTH, WALES

The Public Health (Aircraft) (Amendment) (Wales) Regulations 2007

Made - - - -	*2 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 (Aircraft) (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 (Aircraft) 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 (c. 22) 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 shall be 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. 1979/1434.

(b) for the definition of "aerodrome" substitute—

> ""aerodrome" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;";

(c) in the definition of "authorised officer" omit—

"as described by paragraph 13 of Schedule 14 of the Local Government Act 1972,";

(d) for the definition of "customs officer" substitute—

> ""customs officer" means an officer of Revenue and Customs;";

(e) in the definition of "infected aircraft", for sub-paragraph (a) substitute—

"(a) an aircraft 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 "infected person", substitute—

> ""infected person" means a person who is suffering from plague, cholera, yellow fever or smallpox or who is considered by the medical officer to be infected with one of the diseases or with some other infectious or contagious disease other than venereal disease or tuberculosis;";

(g) for the definition of "infectious disease" substitute—

> ""infectious disease" means any infectious or contagious disease other than venereal disease or tuberculosis;";

(h) for the definition of "Secretary of State" substitute—

> ""Secretary of State" means Welsh Ministers;";

(i) the following definitions are inserted in the correct alphabetical order—

> ""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);";

"Health Part of the General Aircraft Declaration" means a declaration containing the information specified in Schedule 1, being a part of the Aircraft General Declaration reproduced at Annex 9 to the IHR to be completed and delivered in accordance with Article 38 of the IHR;";

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

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

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

"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 19th June to 22nd July 1946 and signed on 22nd 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

(j) omit the definitions of "Aircraft Declaration of Health", "diseases subject to the International Health Regulations", "epidemic", "excepted airport", "infected area", "International Health Regulations", "national airport", "sanitary airport" and "valid International Vaccination Certificate".

(2) Omit regulation 2(2).

Amendment of regulation 4 of the principal Regulations

3.—(1) Omit regulation 4(1)(a) and (3) of the principal Regulations (enforcement and execution of regulations).

(2) In paragraph (4) of regulation 4, the first time the word occurs, omit—

"other".

Amendment of regulation 5 of the principal Regulations

4. In regulation 5(f) of the principal Regulations (appointment and duties of authorised officers and provisions of services by responsible authorities), for "a sanitary airport" substitute "a customs airport where such facilities are likely to be needed".

Omission of regulation 6 of the principal Regulations

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

Amendment of regulation 7 of the principal Regulations

6. For regulation 7(4) of the principal Regulations (inspection of aircraft), substitute—

"(4) The inspection of an aircraft under paragraph (1) or (2) may include taking from the aircraft samples of food or water for analysis or examination.

(5) The analysis or examination under paragraph (4) 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 8 of the principal Regulations

7.—(1) In regulation 8(2) of the principal Regulations (examination, etc., of persons on aircraft), insert "or other danger to public health" after "infection" in—

(a) sub-paragraph (c); and

(b) sub-paragraph (d), in both places where it appears.

(2) Omit paragraphs (3) to (5) of regulation 8 of the principal Regulations.

Amendment of regulation 11 of the principal Regulations

8. For regulation 11(1)(b) of the principal Regulations (supply of information, etc., by commanders), substitute—

"(b) in addition to any message sent under regulation 12—

(i) notify immediately on arrival to an authorised officer any death on the aircraft during its voyage caused by—

(aa) any case of infectious disease or tuberculosis on the aircraft; or

(bb) any circumstances on board which are likely to cause the spread of infectious disease or tuberculosis, or other danger to public health;

(ii) include in that officer's notification under sub-paragraph (i) particulars as to the presence or suspected presence on board of any animals or captive birds of any species;".

Amendment of regulation 12 of the principal Regulations

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

(2) For paragraph (1), substitute—

"(1) Where a member of the crew of an aircraft becomes aware of an event described in paragraph (1A), that person shall report it to the commander of the aircraft.

(1A) The event referred to in paragraph (1) is that there is on board the aircraft during a flight a person who—

(a) is suffering from an infectious disease or tuberculosis; or

(b) has symptoms which may indicate the presence of an infectious disease, tuberculosis or other danger to public health.

(1B) Immediately following a report under paragraph (1) the commander of the aircraft shall send a radio message or other communication about the event to one of the persons identified in paragraph (1C) at the first customs airport at which the aircraft is due to land.

(1C) The persons referred to at paragraph (1B) are—

(a) the authorised officer;

(b) the manager of the airport; or

(c) the owner of the airport.".

(3) After the words "radio message" in paragraphs (2) and (3), insert—

"or other communication".

(4) Omit sub-paragraph (4)(a).

(5) For paragraph (6), substitute—

"(6) The medical officer may require the commander of an aircraft to complete the Health Part of the Aircraft General Declaration in the form set out in Schedule 1.".

(6) In paragraph (7), for "Aircraft Declaration of Health" substitute—

"Health Part of the Aircraft General Declaration".

Amendment of regulation 13 of the principal Regulations

10.—(1) Regulation 13 of the principal Regulations (deratting and disinfection of aircraft) is amended in accordance with this regulation.

(2) In paragraph (1), omit "in such manner as he may determine".

(3) In paragraph (2), omit "in such manner as the officer may determine".

(4) After paragraph (3), insert—

"(3A) An authorised officer must ensure that a measure he or she requires under paragraph (1) or (2) consists of methods or materials advised by WHO, unless the authorised officer determines that other measures are as safe and reliable.

(3B) An authorised officer under paragraph (1) or (2) 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 (additional health measures), including isolation of the aircraft.

(3C) The responsible authority must report the application of any such additional health measures to the National IHR Focal Point.".

Amendment of regulation 14 of the principal Regulations

11. In regulation 14(1) of the principal Regulations (detention of aircraft), for "a disease subject to the International Health Regulations" substitute "plague, cholera, yellow fever or smallpox".

Amendment of regulation 16 of the principal Regulations

12. For regulation 16(b) of the principal Regulations (detention of aircraft) substitute—

"(b) the aircraft has been in an area infected with plague, cholera, yellow fever or smallpox; or".

Amendment of regulation 17 of the principal Regulations

13. In regulation 17 of the principal Regulations (detention of aircraft), for the proviso substitute —

"Provided that nothing in this regulation shall affect the power of the authorised officer to isolate an aircraft under regulation 13 or of the medical officer to continue the detention of an aircraft under regulation 18.".

Amendment of regulation 20 of the principal Regulations

14. For regulation 20(a) of the principal Regulations (persons from infected areas), substitute—

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

Substitution of regulation 21 of the principal Regulations

15. For regulation 21 (removal of infected persons from aircraft when required by commander), substitute—

"**Removal of infected persons from aircraft when required by commander**

21.—(1) A commander of an aircraft on arrival at a customs airport may require the medical officer to cause to be removed from the aircraft—

(a) any infected person, or

(b) any person suffering from tuberculosis.

(2) The medical officer shall carry out any requirement of a commander under paragraph (1).".