STATUTORY RULES OF NORTHERN IRELAND

2008 No. 436

PUBLIC HEALTH

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

Made - - - -	*5th November 2008*
Coming into operation	*11th December 2008*

The Department of Health, Social Services and Public Safety(**1**), with the consent of the Commissioners for Her Majesty's Revenue and Customs(**2**), so far as they apply to officers of Revenue and Customs, makes the following Regulations in exercise of the powers conferred by Sections 2A(1) to (4) and 2B(1) of the Public Health Act (Northern Ireland) 1967(**3**).

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Public Health (Aircraft) Regulations (Northern Ireland) 2008 and shall come into operation on 11th December 2008.

Interpretation

2.—(1) In these Regulations—

"additional measures" means such of the additional measures specified in Schedule 2 with respect to plague, cholera, yellow fever, smallpox, rabies, or viral haemorrhagic fever as are appropriate.

(**1**) *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.1. 1))

(**2**) 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

(**3**) 1967 c. 36 (Northern Ireland) sections 2A and 2B were 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.)

"aerodrome" except in regulation 4(4), 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;

"animals" has the same meaning as in Article 2(1) of the Diseases of Animals (Northern Ireland) Order 1981(**4**);

"authorised officer" means the medical officer, or any other officer authorised under regulation 4, to enforce and execute any of these Regulations;

"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(**5**);

"captive birds" includes poultry;

"commander" means the person for the time being in command of an aircraft;

"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 an aircraft who are employed for duties on board;

"customs airport" has the meaning assigned to the term "customs and excise airport" in section 21(7) of the Customs and Excise Management Act 1979;

"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;

"excepted area" means all the territory of Belgium, Metropolitan France, Greece, the Republic of Ireland, Italy, Luxembourg, the Netherlands, Spain and the United Kingdom, the Channel Islands and the Isle of Man;

"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(**6**);

"immigration officer" means any person appointed to act as an immigration officer under the Immigration Act 1971(**7**);

"infected aircraft" means—

(a) an aircraft which has on board on arrival a case of plague, cholera, yellow fever, smallpox, rabies or viral haemorrhagic fever; or

(**4**) S.I. 1981/1115 (N.I. 22)
(**5**) S.I. 1972/1265 (N.I. 14)
(**6**) *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
(**7**) 1971 c. 77

(b) an aircraft on which a plague-infected rodent is found on arrival; or

(c) an aircraft which has had a case of smallpox on board during its voyage;

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

"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;

"in flight" means the time elapsing between the closing of the doors of the aircraft before take-off and their opening on arrival;

"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 spread of infection;

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

"medical practitioner" means a registered medical practitioner;

"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;

"responsible authority", in relation to an aerodrome, means the authority charged under regulation 4 with the duty of enforcing and executing these Regulations;

"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 aircraft" means an aircraft—

(a) from which a case of cholera occurring on board during the voyage has been removed before the arrival of the aircraft, and which has not before arrival been subjected in respect of such case to appropriate measures equivalent to those provided for in these Regulations or;

(b) which has on board on arrival a person whom the medical officer considers may have been exposed to infection from lassa fever, rabies, viral haemorrhagic fever or marburg disease ;

"voyage" in relation to an aircraft, means the flight of the aircraft from its point of origin via any intermediate points to its point of termination;

"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;

"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;

(2) Any reference, however expressed, in these Regulations to a person leaving an aircraft shall not be construed as a reference to that person leaving an aircraft and continuing his journey in that aircraft.

Regulations not to apply to aircraft of the armed forces

3. Without prejudice to any statutory provision or rule of law which applies in relation to Her Majesty's armed forces, nothing in these Regulations shall apply to any aircraft 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 such aircraft or to any aerodrome under the control of such forces.

PART II

GENERAL

Enforcement and execution of regulations

4.—(1) Subject to paragraph (2) every Board shall enforce and execute the Regulations and shall exercise its functions through the medical officer and other such officers as it may authorise in that behalf, and shall make such inquiries and take such other steps as seems 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) In relation to an aerodrome (as defined by section 105(1) of the Civil Aviation Act 1982) for the time being vested in or under the control of the Secretary of State and in relation to persons and aircraft arriving at any such aerodromes these Regulations shall be enforced and executed by officers designated for that purpose by the Secretary of State.

(5) A Board must provide the National IHR Focal Point with the current contact details of each customs airport within its area.

Appointment and duties of authorised 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) at or in connection with a customs airport, 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;

(d) at or in connection with a customs airport, arrange for the reception into hospital of persons requiring to be removed to a hospital under these Regulations;

(**8**) 1952 c. 67

(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) at or in connection with a customs airport where such facilities are likely to be needed, provide or arrange for the provision of—

(i) apparatus or other means for cleansing, disinfecting and disinsecting aircraft, persons or clothing and other articles for deratting aircraft;

(ii) a laboratory for the examination of suspected material, or equipment for taking and despatching such material for examination in a laboratory;

(g) do all such 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 AIRCRAFT

Inspection of aircraft

6.—(1) An authorised officer may, for the purposes of these Regulations, inspect any aircraft at a customs airport.

(2) The medical officer or other authorised officer acting on the medical officer's instructions shall—

(a) inspect on arrival any aircraft in respect of which the commander has sent a communication under regulation 11;and

(b) inspect any aircraft when he has reasonable grounds for believing that there is on board an infected person or suspected person.

(3) The medical officer or other authorised officer acting on the medical officer's instructions may require any aircraft which he intends to inspect under this regulation to be taken to some safe and convenient part of the customs airport for such inspection if it cannot otherwise be carried out effectively.

(4) The inspection of an aircraft under paragraph (1) or (2) may include taking from the aircraft of 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 a disease; or

(b) for preventing other danger to public health.

Examination, etc, of persons on aircraft

7.—(1) The medical officer may, and if so requested by the commander or required by the Department, shall, examine any person on board or leaving an aircraft at a customs airport 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) The authorised officer may—

(a) detain any such person for such examination at a place appointed for the purpose;