STATUTORY RULES OF NORTHERN IRELAND

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(**1**), with the consent of the Commissioners for Her Majesty's Revenue and Customs(**2**), 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(**3**).

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 haemorragic 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.I. 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) 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.)

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

"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

(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(**5**), 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(**6**);

"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(**7**);

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

"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;

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(**8**) (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;

(**8**) 1998 c. 17

"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.

"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(**9**) 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.

(**9**) 1952 c. 67

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;

(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;