1971. No. 183 [NC]

PUBLIC HEALTH

Prevention of Infectious and Epidemic Diseases—Ships

REGULATIONS, DATED 23RD JUNE 1971, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES FOR NORTHERN IRELAND UNDER SECTION 143 OF THE PUBLIC HEALTH ACT 1936.

The Ministry of Health and Social Services for Northern Ireland, in exercise of the powers conferred upon it by section 143 of the Public Health Act 1936(**a**), as extended to Northern Ireland by the Public Health (Northern Ireland) (Extension of Enactments) Order 1939(**b**) and adapted by the Local Authorities (Transfer of Functions) (Northern Ireland) Order 1953 and the Ministries of Northern Ireland (Transfer of Functions) (Northern Ireland) Order 1965(**c**) and of all other powers enabling it in that behalf, after consultation with the Secretary of State for Trade and Industry and so far as they apply to officers of customs and excise with the consent of the Commissioners of Customs and Excise and, so far as they apply to signals, with the consent of the Secretary of State for Trade and Industry hereby makes the following regulations:—

PART I

PRELIMINARY

Title and commencement

1. These regulations may be cited as the Public Health (Ships) Regulations (Northern Ireland) 1971, and shall come into operation on 1st July 1971.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(2) In these regulations—

"additional measures" means such of the additional measures specified in Schedule 4 with respect to the diseases subject to the International Health Regulations as are appropriate;

"approved port" means a port approved by the Ministry in accordance with paragraph 1 of Article 17 of the International Health Regulations for the issue of Deratting Exemption Certificates only;

"area" means the area of a health authority;

"arrival", in relation to a ship, means the entry within the limits of jurisdiction of an area of a ship which has not during its voyage or since it last called at a port outside the United Kingdom, as the case may be, been subjected elsewhere in the United Kingdom to measures provided for in these regulations or any corresponding regulations in force 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, and

(**a**) 26 Geo. 5. and 1 Edw. 8 c. 49.
(**b**) S.R. & O. 1939/1438; Rev. XVIII p. 881; 1939 II, p. 2914.
(**c**) S.R. & O. (N.I.) 1965, No. 13.
(**d**) 1954. c. 33.

"arrives" shall be construed accordingly;

"authorised officer" means the medical officer or any other officer authorised by the health authority 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;

"crew" means the personnel of a ship who are employed for duties on board;

"customs officer" means any officer as defined in the Customs and Excise Act 1952(e);

"day" means an interval of twenty-four hours;

"Deratting Certificate" means a certificate issued in accordance with Article 54 of the International Health Regulations;

"Deratting Exemption Certificate" means a certificate issued in accordance with Article 54 of the International Health Regulations;

"designated approved port" means an approved port designated by the Ministry in accordance with paragraph 2 of Article 17 of the International Health Regulations for the issue of both Deratting Certificates and Deratting Exemption Certificates;

"diseases subject to the International Health Regulations" means cholera, including cholera due to the El Tor vibrio, plague, smallpox, including variola minor (alastrim), and yellow fever;

"disinsecting" means the operation in which measures are taken to kill the insect vectors of human disease;

"epidemic" means an extension of a disease subject to the International Health Regulations by a multiplication of cases in an area;

"excepted area" means all the territory of Belgium, Metropolitan France, Greece, Italy, Luxembourg, the Netherlands and the British Islands;

"excepted port" means any port in the excepted area;

"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;

"health authority" means a health authority constituted under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946(f);

"immigration officer" means any person appointed to act as an immigration officer under the Aliens Restriction Acts 1914(g) and 1919(h) or under the Commonwealth Immigrants Acts 1962(i) and 1968(j);

"infected area" means an area notified as such to health administrations by the World Health Organisation under Article 11 of the International Health Regulations and which has not been subsequently notified by that organisation as being free from infection;

"infected person" means a person who is suffering from a disease subject to the International Health Regulations or who is considered by the medical officer to be infected with such a disease;

(e) 15 & 16 Geo. 6. and 1 Eliz. 2 c. 44.
(f) 1946. c. 19.
(g) 4 & 5 Geo. 5 c. 12.
(h) 9 & 10 Geo. 5 c. 92.
(i) 10 & 11 Eliz. 2 c. 21.
(j) 1968. c. 9.

"infected ship" means—

(*a*) a ship which has on board on arrival a case of a disease subject to the International Health Regulations; or

(*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; or

(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;

"infectious disease" means a disease subject to the International Health Regulations or any other infectious or contagious disease other than venereal disease or tuberculosis;

"International Health Regulations" means the International Health Regulations as adopted by the World Health Assembly on 25th July 1969;

"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 2;

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

"medical officer" means the medical officer of health for an area, or any other medical practitioner appointed by the health authority under regulation 5;

"medical practitioner" means a registered medical practitioner;

"Ministry" means the Ministry of Health and Social Services for Northern Ireland;

"mooring station" means a place, situated within the waters of an area, which is specified by a health authority, with the consent of the collector of customs for the area and the harbour master, or in such other area as the Ministry may allow, for the mooring of ships for medical inspection so that they do not come into contact with other ships or the shore;

"radio receiving port" means an area specified in a notice published under regulation 12(1)(*a*);

"radio transmitting port" means an area specified in a notice published under regulation 12(1)(*b*);

"ship" has the same meaning as the expression "vessel" bears for the purposes of the Public Health Act 1936 and accordingly includes—

(*a*) any ship or boat;

(*b*) any other description of vessel used in navigation;

(*c*) any hovercraft within the meaning of the Hovercraft Act 1968(k);

(k) 1968. c. 59.

"suspect" means a person (not being an infected person) who is considered by the medical officer as having been exposed to infection by a disease subject to the International Health Regulations 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; or

(*b*) a ship on which there is evidence of abnormal mortality among rodents, the cause of which is unknown on arrival; or

(*c*) a ship which has had on board during the voyage a case of cholera which developed more than five days before arrival; or

(*d*) a ship which left within six days before arrival an area infected with yellow fever:

Provided that a ship to which the foregoing paragraph (*a*) or (*c*) 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;

"valid", in relation to a Deratting Certificate or Deratting Exemption Certificate issued for a ship, means issued not more than six months before the production of the Certificate to the medical officer or other authorised officer, or, if the ship is proceeding immediately to an approved port or a designated approved port, not more than seven months before such production;

"valid International Vaccination Certificate" means a certificate of vaccination or revaccination against smallpox or cholera which is in the form laid down and conforms with the rules as to validity contained in Schedule 5 or 6 as the case may be.

(3) A ship shall not be deemed to have been in an infected area, if without having itself been in contact with the shore, it has landed there only mail, passengers and baggage, or has taken on board there only mail, fuel, water or stores or passengers, with or without baggage, who have not themselves been in contact either with the shore or with any person from the shore.

Regulations not to apply to ships of the armed forces

3. 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 hereinafter mentioned as part thereof, 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(I) following section 1(2) thereof, or to the officers and crew of any such ship.

(I) 15 & 16 Geo. 6. and 1 Eliz. 2. c. 67.

PART II

GENERAL

Enforcement and execution of regulations

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

(2) Any two health authorities may agree, upon terms and conditions approved by the Ministry, that one of them shall undertake the enforcement and execution of and arrange for their authorised officers to enforce and execute the whole or specified provisions of these regulations in the area of the other, and for this purpose the area in which any such provision is so enforced and executed shall be deemed to be the area of the authority who enforces and executes it; and if their area is an approved port or designated approved port and they so agree to enforce and execute in another area the provisions relating to Deratting Certificates and Deratting Exemption Certificates, the medical officer for their area shall have authority to grant such Certificates in such other area.

Appointment and duties of authorised officers and provision of services by health authorities

5. A health authority may, and if so required by the Ministry, shall—

(*a*) appoint such medical practitioners, in addition to their medical officer of health, 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 a hospital of persons requiring to be removed thereto 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 their opinion or the opinion of the Ministry, as the case may be, are necessary to enable the provisions of these regulations to be complied with.

List of infected areas

6.—(1) The medical officer of health for every area shall from time to time prepare and keep up to date a list of ports and other areas which are infected or believed to be infected with a disease subject to the International Health Regulations or which may serve other places or areas so infected or believed to be so infected.