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STATUTORY RULES OF NORTHERN IRELAND

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**2008 No. 333**

**The Public Health (Ships) Regulations (Northern Ireland) 2008**

**PART III**

**INCOMING SHIPS**

**Inspection of Ships**

**6.**—(1) The authorised officer may, for the purposes of these Regulations, inspect any ship on arrival or already present in the Board area.

(2) An authorised officer shall—

- (a) inspect on arrival any ship in respect of which the master has sent to the Board a message or notification under regulation 12(1); and
- (b) inspect any ship already in the area when he has reasonable grounds for believing that there is on board an infected person or suspected person.

(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 infectious disease and for preventing the spread of such a disease; or
- (b) for preventing other danger to public health.

**Direction of ships**

**7.** Any authorised officer may require a ship on arrival or being already in the area to be brought to, and if necessary moored or anchored at, some safe and convenient place for the purpose of inspection under these Regulations.

**Examination, etc, of persons on ships**

**8.**—(1) The medical officer may, and if so requested by the master or required by the Department shall, examine any person on board a ship on arrival or already in the Board area, 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) An authorised officer may—

- (a) detain any such person for such examination either upon the ship or at some place on shore appointed for the purpose;

- (b) require the clothing and other articles belonging to any person so examined to be disinfected and, where necessary, disinfected,
- (c) require any person found to be verminous to be disinfected;
- (d) except as provided in regulation 34, prohibit any person so examined from leaving the ship, or permit him to leave it on such conditions and subject to the taking of such measures, as the authorised officer considers reasonably necessary for preventing the spread of infection; and
- (e) require the master to take or assist in taking such steps as in the opinion of the authorised officer are reasonably necessary for preventing the spread of infection, for disinsection and the destruction of vermin and for the removal of conditions on the ship likely to convey infection, including conditions the existence of which might facilitate the harbouring of insects or vermin.

(3) Nothing in this Regulation shall be deemed to authorise the use of a ship for the isolation of such a person who is suffering from, or had been exposed to an infectious disease unless such isolation can be effected without delaying or unduly interfering with the movements of that ship.

#### **Powers in respect of certain persons on ships**

9.—(1) Where there is, or the medical officer suspects that there is, on board a ship on arrival or being already in the Board area a person suffering from an infectious disease, the medical officer may—

- (a) cause such person to be removed from the ship and isolated or sent to hospital or to some other suitable place approved for that purpose by the Board,
- (b) in the case of cholera, smallpox or viral haemorrhagic fever, place such person under surveillance for the appropriate period specified in regulation 34(1); or
- (c) except as provided in regulation 34, the medical officer may, by notice in writing to the master, prohibit the removal of the person or his disembarking from the ship without the consent in writing of the medical officer;

(2) Where the Department is satisfied that a grave danger to public health exists by reason of infectious disease and notifies medical officers accordingly, the medical officer, if the Department so directs, shall require a person disembarking from a ship to state in writing his name and intended destination and address.

#### **Supply of information etc, by masters**

10. The master of a ship on arrival or being already in a Board area shall—

- (a) answer all questions as to the health conditions on board which may be put to him by a customs officer or an authorised officer and furnish any such officer with all such information and assistance as he may reasonably require for the purposes of these Regulations;
- (b) notify the authorised officer immediately of any circumstances on board which are likely to cause the spread of infectious disease, including particulars as to the sanitary condition of the ship and the presence of animals or captive birds of any species, or mortality or sickness among such animals or birds, on the ship;
- (c) comply with these Regulations, and with any directions or requirements of an authorised officer or customs officer given or made for the purposes of these Regulations.

### **Permission to enter Board Area**

**11.**—(1) An authorised officer may, transmit free pratique to the master by an appropriate means when he is satisfied that the arrival of the ship will not result in or contribute towards the spread of infectious disease.

(2) Before arriving in a Board area from a foreign port, the master of a ship shall transmit to the authorised officer in that Board area by radio, fax, email or other appropriate means, any information relevant under paragraph (1).

### **Notification of infectious disease, etc, on board**

**12.**—(1) The master of a ship shall before arrival, in accordance with paragraph (2), report the occurrence on board ship of—

- (a) the death of a person otherwise than as a result of an accident; or
- (b) illness where the person who is ill or has or had a temperature of 38°C or greater which was accompanied by a rash, glandular swelling or jaundice or where such temperature persisted for more than 48 hours; or
- (c) illness where the person has or had diarrhoea severe enough to interfere with work or normal activities;
- (d) the presence on board of a person who is suffering from an infectious disease or who has symptoms which may indicate the presence of such disease;
- (e) any other circumstances on board which are likely to cause the spread of infectious disease; or other danger to public health; and
- (f) the presence of animals or captive birds, and the occurrence of mortality or sickness amongst such animals or birds.

(2) For the purposes of paragraph (1) the master shall

- (a) send by appropriate means before arrival, to the Board, a radio message, fax, email or other communication complying with paragraph (3); or
- (b) where it is not possible to comply with sub-paragraph (a) before arrival, notify the Board immediately on arrival, of the matters mentioned in paragraph (1).

(3) Any radio message, fax, email or other communication sent for the purpose of this regulation shall be sent so as to reach the Board not more than twelve hours, and whenever practicable not less than four hours, before the expected arrival of the ship.

### **Maritime Declaration of Health**

**13.**—(1) Subject to paragraph (3), where on the arrival of a ship, the master—

- (a) has a duty to make a report in accordance with regulation 12(1), or
- (b) is directed by the medical officer to complete a Maritime Declaration of Health.

(2) The master shall complete a Maritime Declaration of Health in the form set out in Schedule 1, which shall be countersigned by the ship's surgeon if one is carried.

(3) The master shall deliver the Declaration to the authorised officer, who shall forward it to the Board.

(4) If, within four weeks after the master of a ship has delivered a Maritime Declaration of Health under paragraph (1) or a corresponding provision in force in England and Wales or Scotland, the ship arrives in a Board area or calls at another Board area, as the case may be, the master shall report to the authorised officer any case or suspected case of infectious disease which has occurred on board since the Declaration was delivered and which has not already been reported.

**Restriction on boarding or leaving ships**

14.—(1) Where the authorised officer so directs, or where the master is required to make a report in accordance with regulation 12(1) a person, other than the pilot, a customs officer or an immigration officer, shall not, without the permission of the authorised officer, board or leave a ship until free pratique has been granted, and the master shall take all reasonable steps to secure compliance with this regulation.

(2) Before granting permission to a person to leave the ship, the authorised officer may require that person to state his name and his intended destination and address, and to give any other information which the authorised officer may think necessary for transmission to the medical officer for the Board area in which the intended destination of the person is situated.

(3) If such a person cannot state his intended destination and address or arrives, within a period, not exceeding fourteen days after landing, to be specified to him by the authorised officer, at an address other than that which he has so stated, he shall immediately after his arrival at that address send particulars thereof to the authorised officer of the port where he left the ship.

**Application for a Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate**

15.—(1) Upon receipt of an application in writing from the owner of a ship or from the master acting for or on behalf of the owner for a ship sanitation certificate in respect of the ship—

- (a) if the ship is within the area of an authorised port, an authorised officer must—
    - (i) inspect the ship to prevent danger to public health or the spread of infection with a view to issuing a ship sanitation certificate; and
    - (ii) either—
      - (aa) carry out or cause to be carried out under the supervision of an authorised officer control measures necessary for the control of danger to public health or the spread of infection with a view to issuing a ship sanitation certificate; or
      - (bb) otherwise take or cause to be taken any steps which he considers necessary to satisfy himself that the ship does not present a danger to public health and is free of infection;
  - (b) if the ship is not within the area of an authorised port, an authorised officer must—
    - (i) consult with a customs officer; and
    - (ii) direct the ship to proceed at the risk of the owner of the ship to an area of an authorised port convenient to the customs officer.
- (2) If an authorised officer after he has inspected a ship under paragraph (1)(a) is satisfied—
- (a) that the ship is exempt from control measures, he must issue or cause to be issued a Ship Sanitation Control Exemption Certificate (provided he has complied with paragraph (3)); or
  - (b) that control measures have been completed to his satisfaction, he must—
    - (i) issue or cause to be issued a Ship Sanitation Control Certificate; and
    - (ii) note or cause to be noted on the certificate the evidence found and the control measures taken.

(3) An authorised officer must wherever possible issue or cause to be issued a Ship Sanitation Control Exemption Certificate only if the inspection of the ship was carried out when the ship and holds—

- (a) were empty; or

- (b) contained only ballast or other material of such a nature or so disposed as to make a thorough inspection of the holds possible.

### **Production of a ship sanitation certificate**

**16.**—(1) If the master of a ship which during its voyage has been in a foreign port cannot produce to an authorised officer for the Board area in which the ship arrives or for any Board area at which the ship calls a valid ship sanitation certificate in respect of the ship—

- (a) if the ship is within the area of an authorised port, an authorised officer may inspect the ship for evidence of danger to public health or infection with a view to issuing a ship sanitation certificate;
- (b) if the ship is not within such an area, an authorised officer must—
  - (i) consult with a customs officer; and
  - (ii) direct the ship to proceed at the risk of the master of the ship to an area of an authorised port convenient to the customs officer.

(2) An authorised officer must issue or cause to be issued a Ship Sanitation Control Exemption Certificate if, after he has inspected a ship under paragraph (1)(a), the authorised officer is satisfied that the ship is exempt from control measures (provided he has complied with regulation 15 (3)).

(3) If, after a ship has been inspected by an authorised officer, the authorised officer is not satisfied that the ship is exempt from control measures he must—

- (a) if the ship is within the area of an authorised port—
  - (i) carry out or require to be carried out under the supervision of an authorised officer control measures necessary for the control of danger to public health or the spread of infection; or
  - (ii) otherwise take or cause to be taken any steps which he considers necessary to satisfy himself that the ship does not present a danger to public health and is free of infection;
- (b) if the ship is not within the area of an authorised port—
  - (i) consult with a customs officer; and
  - (ii) direct the ship to proceed at the risk of the master of the ship to an area of an authorised port convenient to the customs officer;
  - (iii) at the time of the ship's departure for the authorised port referred to in head (ii), inform an authorised officer of the authorised port of—
    - (aa) the evidence found; and
    - (bb) the control measures required; and
  - (iv) note or cause to be noted in any ship sanitation certificate the matters described at head (iii).

(4) If the master produces a ship sanitation certificate but the authorised officer has evidence of danger to public health or infection, notwithstanding such certificate the authorised officer must—

- (a) if the ship is within the area of an authorised port, either
  - (i) carry out or require to be carried out under the supervision of an authorised officer control measures necessary for the control of danger to public health or the spread of infection; or
  - (ii) otherwise take or cause to be taken any steps which he considers necessary to satisfy himself that the ship does not present a danger to public health and is free of infection;
- (b) if the ship is not within the area of an authorised port—
  - (i) consult with a customs officer;

- (ii) direct the ship to proceed at the risk of the master of the ship to an area of an authorised port convenient to the ship and the customs officer;
  - (iii) at the time of the ship's departure for the authorised port referred to in head (ii), inform an authorised officer of the authorised port of—
    - (aa) the evidence found; and
    - (bb) the control measures required; and
  - (iv) note or cause to be noted in the ship sanitation certificate the matters described at head (iii).
- (5) An authorised officer may extend the period of validity of a ship sanitation certificate by one month if—
- (a) any inspection or control measures required cannot be carried out at the port;
  - (b) there is no evidence of danger to public health or infection, and
  - (c) the port is authorised to extend the validity of a ship sanitation certificate.
- (6) The master of a ship must immediately make arrangements to carry out any control measures required by an authorised officer under paragraph (3) or (4).
- (7) When control measures referred to in paragraph (3) or (4) have been completed to the satisfaction of an authorised officer the authorised officer must—
- (a) issue or cause to be issued a Ship Sanitation Control Certificate; and
  - (b) note or cause to be noted on the certificate the evidence found and the control measures taken.

#### **Ship Sanitation certificates: supplementary**

17.—(1) An authorised officer must ensure that a control measure he requires under regulation 15(1)(a)(ii) or 16(3)(a) or (4)(a) consists of methods or materials advised by WHO for these procedures, unless the authorised officer determines that other measures are as safe and reliable.

(2) An authorised officer 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, including isolation of the ship at a mooring station or otherwise.

(3) The Board must report the application of any such additional health measures required under paragraph (2) to the National IHR Focal Point.

(4) An authorised officer of a port where control measures are applied must note or cause to be noted on the ship sanitation certificate in relation to any case where he is of the view that the conditions under which the measures were carried out, were such that a satisfactory result could not be obtained.

#### **Ship sanitation certificates: form; period of validity and retention**

18.—(1) A Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate must conform to the model in Annex 3 to the IHR which is reproduced at Schedule 2.

(2) A ship sanitation certificate issued under regulation 15 or 16 shall be valid for six months beginning with the date of issue.

(3) The Board must retain a copy of any ship sanitation certificate issued by it for a period of one year beginning with the date of issue.

### **Detention of ships, and ships to be taken to mooring stations**

**19.**—(1) On the arrival of an infected ship or a suspected ship, or any other ship on which there has been, during its current voyage and within the last four weeks before arrival, a case of plague, cholera, yellow fever or smallpox in respect of which the ship has not, outside the United Kingdom, been subjected to appropriate measures equivalent to those provided for in these Regulations, the master shall take it to a mooring station unless an authorised officer otherwise allows or directs.

(2) When the authorised officer has reason to believe that a ship on arrival may be one to which paragraph (1) applies, he may direct the master to take it to a mooring station.

**20.** The authorised officer may for the purposes of these Regulations direct that any ship from a foreign port shall on arrival be taken to a mooring station for inspection, and he may, if a customs officer is to be the first officer to board the ship, give a notice in writing of such direction to the customs officer, who shall deliver the notice to the master.

**21.** Where on the arrival of a ship from a foreign port it appears to a customs officer, from information in the Maritime Declaration of Health or otherwise, that the ship is one to which regulation 19(1) applies, he shall direct the master to take it to a mooring station for detention there unless an authorised officer otherwise allows or directs.

**22.** If after the arrival of a ship a case of plague, cholera, yellow fever, smallpox, rabies, or viral haemorrhagic fever occurs on board, or an animal infected with any such disease is discovered or suspected of being on board, the authorised officer may direct the master to take the ship to a mooring station.

**23.** A ship which has been taken to a mooring station or directed there by an authorised officer shall remain there until it has been inspected by the medical officer.

**24.** An authorised officer may detain, or give notice in writing to a customs officer to detain, any ship for inspection at its place of mooring (not being a mooring station) or at its place of discharge or loading.

**25.** The detention of a ship by a customs officer under these Regulations shall cease as soon as the ship has been inspected by the medical officer or, if such inspection has not commenced within twelve hours after the ship has been so detained, on the expiration of that period provided that nothing in this regulation shall affect the power of the authorised officer to continue the detention of a ship under regulation 21 to 24.

**26.**—(1) The medical officer shall inspect any ship and the persons on board as soon as possible after it has been taken or directed to a mooring station or after it has been detained under these Regulations.

(2) If the ship is one to which the authorised officer is required to apply any further measures under these Regulations or additional measures in Schedule 3, or if after such inspection he considers it necessary to apply any such further or additional measures he may detain the ship at the mooring station, or continue the detention, as the case may be, if such detention or continued detention is necessary for the application of such further or additional measures.

**27.** The authorised officer may require the master of a ship which has been taken or directed to a mooring station or detained because rodents have been discovered or there are reasonable grounds for suspecting that rodents are on board to take all practicable measures to prevent the escape of rodents from the ship.

### **Persons from infected areas**

**28.** On the arrival of a ship the medical officer may place under surveillance for the appropriate period specified in regulation 34(1)—

- (a) any person disembarking from the ship who has come from an area infected with cholera, smallpox or viral haemorrhagic fever; and
- (b) any suspected person disembarking from the ship who has come from an area infected with yellow fever, plague, lassa fever, viral haemorrhagic fever or marburg disease.

**Removal of infected persons from ships when required by master**

**29.** The medical officer shall, if so required by the master of a ship on arrival, cause any infected person to be removed from the ship.

**Additional Measures**

**30.** Without prejudice to any other provision in these Regulations, the additional measures in Schedule 3 shall be applicable on the arrival of—

- (a) any infected ship or suspected ship;
- (b) any ship which has during its voyage been in an area infected with plague, cholera, yellow fever, lassa fever, rabies, viral haemorrhagic fever or marburg disease;
- (c) any suspected person in relation to smallpox on a ship other than an infected ship;
- (d) any other ship where the medical officer is satisfied that, notwithstanding that measures equivalent to such additional measures have been applied to the ship or any person on board at a previous port during its voyage, there is on board or has been on board since such previous application an infected person or suspected person and that it is necessary again to apply any such measure, or the medical officer has evidence that such previous measure was not effective.