
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Health (Ships) (Scotland) Regulations 1971 (S.I.1971/132, as previously amended by S.I. 1974/1008 and S.I. 1978/369) (“the principal Regulations”) which provide for public health control of ships arriving at or leaving ports in Scotland.

The Regulations principally implement for Scotland the new arrangements for ship sanitation certificates introduced by the International Health Regulations 2005 of the World Health Organization (“the IHR 2005”), to replace the existing international deratting certificated system for ships. To that end, regulation 15 of these Regulations firstly removes regulations 19 to 21 of the principal Regulations which had provided for Deratting Certificates and Deratting Exemption Certificates. Regulation 16 then goes on to insert in to the principal Regulations new regulations 19A to 19D, to provide for applications for Ship Sanitation Control Certificates and Ship Sanitation Control Exemption Certificates, requiring production by a ship’s master of such a certificate, validity and retention of such certificates. Both a “Ship Sanitation Control Certificate” and a “Ship Sanitation Control Exemption Certificate” are defined in regulation 2(1) by reference to the form of each of these two new ship sanitation certificates having to conform to the model in Annex 3 to the IHR 2005, which is inserted to, and reproduced at, Schedule 3 to the principal Regulations.

The Regulations otherwise amend or update the principal Regulations in consequence of the introduction of the new ships sanitation certificate regime, to include: now listing on the face of the regulations the diseases to which the principal Regulations are applicable in place of the previous reference to those “diseases subject to the International Health Regulations”; altering provisions about charging by local authorities for services provided in relation to inspecting ships, issuing ships sanitation certificates and any extension thereto (regulation 24 of these Regulations, amending regulation 39 of the principal Regulations); and replacing the previous Maritime Declaration of Health at Schedule 2 to the principal Regulations with a new form of Declaration (regulation 27 of these Regulations).

These Regulations come into force on 14th December 2007, the day before the day on which the current deratting certificate system will cease to be valid. Transitional arrangements are provided (regulation 31 of these Regulations) to ensure that any Deratting Certificate and Deratting Exemption Certificate which has already been issued will be treated during the period of its validity as though it is a Ship Sanitation Control Certificate or Ship Sanitation Control Exemption Certificate respectively.