

**2007 No. 515**

**PUBLIC HEALTH**

**The Public Health (Ships) (Scotland) Amendment  
Regulations 2007**

|  |         |                           |
|--|---------|---------------------------|
| <i>Made</i>                                | - - - - | <i>20th November 2007</i> |
| <i>Laid before the Scottish Parliament</i> |         | <i>21st November 2007</i> |
| <i>Coming into force</i>                   |         | <i>14th December 2007</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 1 of the Public Health (Scotland) Act 1945(a) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Public Health (Ships) (Scotland) Amendment Regulations 2007 and come into force on 14th December 2007.

(2) In these Regulations “the principal Regulations” means the Public Health (Ships) (Scotland) Regulations 1971(b).

**Amendment of regulation 2 of the principal Regulations**

2.—(1) Regulation 2 of the principal Regulations (Interpretation) is amended in accordance with this regulation.

(2) In paragraph (1)—

(a) in the definition of “additional measures” omit “the diseases subject to the International Health Regulations” and substitute “plague, cholera, yellow fever, smallpox, Lassa fever, rabies, viral haemorrhagic fever or Marburg disease”;

(b) for the definition of “customs officer” substitute—

““customs officer” means an officer of Revenue and Customs;”;

(c) for the definition of “designated medical officer” substitute—

““designated medical officer” means a medical officer designated by a Health Board under section 14(1) of the National Health Service (Scotland) Act 1978(c) to exercise such functions on behalf of a local authority as may be assigned to that medical officer;”;

(d) for the definition of “Health Board” substitute—

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(a) 1945 (9 and 10 Geo. 6, c.15). The functions conferred on the Secretary of State under the 1945 Act were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1971/132, as amended by S.I. 1974/1008 and S.I. 1978/369.

(c) 1978 c.29.

““Health Board” means a Health Board constituted by an order under section 2(1)(a) of the National Health Service (Scotland) Act 1978(a);”;

- (e) in the definition of “infected person” omit “a disease subject to the International Health Regulations” and substitute “plague, cholera, yellow fever, smallpox, Lassa fever, rabies, viral haemorrhagic fever or Marburg disease”;
- (f) in the definition of “infected ship”, at sub-paragraph (a)(i) omit “a disease subject to the International Health Regulations” and substitute “plague, cholera, yellow fever or smallpox”;

- (g) for the definition of “infectious disease” substitute–

““infectious disease” means any infectious or contagious disease other than venereal disease or tuberculosis;”;

- (h) for the definition of “local authority” substitute–

““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39)(b);”;

- (i) in the definition of “mooring station” for “collector of customs” substitute “customs officer”;

- (j) the following definitions are inserted in the correct alphabetical order–

““authorised port” means a port authorised to offer–

- (a) both–

- (i) the issuance of a Ship Sanitation Control Certificate; and

- (ii) the provision of the services referred to–

- (aa) in Annex 1 to the IHR(c), and

- (bb) the form reproduced at Schedule 3 to these Regulations;

- (b) the issuance of a Ship Sanitation Control Exemption Certificate following inspection of the ship including a thorough inspection of the hold; or

- (c) the extension of a ship sanitation certificate for a period of one month;

“IHR” means the International Health Regulations (2005) of the WHO adopted by the fifty-eighth World Health Assembly on 23rd May 2005;

“postal parcel” means an addressed article or package carried internationally by postal or courier services;

“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 3 to these Regulations 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 3 to these Regulations that is issued in accordance with Article 39 of the IHR;

“World Health Assembly” has the meaning set out in the Constitution of the World Health Organization adopted by the International Health Conference held in New York from 19th June to 22nd July 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.”; and

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(a) Section 2(1) was amended by the Health Services Act 1980 (c.53), section 14(2) and Schedule 7, paragraph 1, the National Health Service and Community Care Act 1990 (c.19), section 28(a)(i) and the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), section 42(1) and schedule 2, paragraph 2(2).

(b) 1994 c.39.

(c) 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](http://www.who.int/est/ihr/IHRWHA58_3-en.pdf).

- (k) omit the definitions of “approved port”, “Deratting Certificate”, “Deratting Exemption Certificate”, “designated approved port”, “disease subject to the International Health Regulations”, “epidemic”, “excepted area”, “excepted port”, “infected area”, “International Health Regulations”, “valid” and “valid International Vaccination Certificate”.

(3) Omit paragraph (5).

### **Substitution of regulation 3 of the principal Regulations**

3. For regulation 3 of the principal Regulations (regulations not to apply to ships of the armed forces), substitute—

#### **“Application of Regulations to ships of Her Majesty’s armed forces**

3.—(1) 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 mentioned in this regulation as part of Her Majesty’s armed forces, 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(a) 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 19A.”.

### **Amendment of regulation 4 of the principal Regulations**

4. In regulation 4 of the principal Regulations (enforcement and execution of regulations), for paragraph (2) substitute—

“(2) Any two local authorities may agree that one of them shall undertake the enforcement and execution of the whole or specified provisions of these Regulations in the district of the other, provided that they first obtain the approval of the Scottish Ministers to the terms of the agreement.

(3) The district in which a provision of these Regulations is enforced and executed under an agreement made under paragraph (2) is deemed to be the district of the authority which enforces and executes it.

(4) Where an agreement under paragraph (2) enables a local authority to enforce and execute the provisions relating to ship sanitation certificates in the district of another local authority, an authorised officer of the local authority has authority to issue or amend a ship sanitation certificate in the district of the other local authority.

(5) A local authority must—

- (a) ensure that no ship sanitation certificate is issued without prior inspection by an authorised officer with appropriate expertise;
- (b) ensure that any control measures required under regulations 19A(1)(a)(ii)(aa), 19B(3)(a)(i) and (4)(a)(i) are carried out by or under the supervision of an authorised officer with appropriate expertise.”.

### **Omission of regulation 6 of the principal Regulations**

5. Omit regulation 6 of the principal Regulations (list of infected areas).

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(a) 1952 c.67.

#### **Amendment of regulation 7 of the principal Regulations**

6. In regulation 7 of the principal Regulations (inspection of ships), for paragraph (3) substitute—
- “(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 epidemic, endemic or infectious disease and for preventing the spread of such diseases; or
  - (b) for preventing other danger to public health.”.

#### **Amendment of regulation 9 of the principal Regulations**

7. In regulation 9 of the principal Regulations (examination, etc., of persons on ships) omit paragraphs (3) to (7).

#### **Amendment of regulation 10 of the principal Regulations**

8. In regulation 10(1) of the principal Regulations (powers in respect of certain persons on ships), for paragraph (a) substitute—

- “(a) in the case of—
- (i) an infectious disease, cause the 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 local authority;
  - (ii) cholera, smallpox or viral haemorrhagic fever, place such person under surveillance for the appropriate period specified in regulation 37(1); or
  - (iii) an infectious disease, except as provided in regulation 32, 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;”.

#### **Amendment of regulation 11 of the principal Regulations**

9. In regulation 11(1)(b) of the principal Regulations (supply of information etc., by masters), after “infectious disease” insert “or tuberculosis”.

#### **Substitution of regulation 13 of the principal Regulations**

10. For regulation 13 of the principal Regulations (radio permission to enter a district), substitute—

##### **“Permission to enter district**

13.—(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 or tuberculosis.

(2) The ship shall transmit to the authorised officer from a foreign port before arrival in his district by radio, fax, email or other appropriate means, any information relevant under paragraph (1).”.

#### **Amendment of regulation 14 of the principal Regulations**

11.—(1) Regulation 14 of the principal Regulations (notification of infectious disease, etc., on board) is amended in accordance with this regulation.

(2) In paragraph (1)—

- (a) For “paragraph (1A)” substitute “paragraph (2A)”;;

- (b) in sub-paragraph (b), after “infectious disease” in each place where it occurs, insert “or tuberculosis”;
  - (c) in paragraph (c) after “infectious disease” insert “or other danger to public health”.
- (3) For paragraphs (1A) and (2) substitute–
- “(2A) For the purposes of paragraph (1) the master must–
- (a) send by appropriate means before arrival, either directly to the local authority or through an agent approved by the local authority, a radio message, fax, email or other communication complying with paragraph (3) of this regulation; or
  - (b) where it is not possible to comply with sub-paragraph (a) before arrival, notify the local authority immediately on arrival of the presence on board of such infectious disease or tuberculosis, symptoms or other similar circumstances.
- (2B) Any radio message, fax, email or other communication sent for the purpose of this regulation shall be sent so as to reach the local authority not more than twelve hours, and whenever practicable not less than four hours, before the expected arrival of the ship.”.

#### **Omission of regulation 15 of the principal Regulations**

12. Omit regulation 15 (signals) of the principal Regulations.

#### **Amendment of regulation 16 of the principal Regulations**

13. In regulation 16 of the principal Regulations (Maritime Declaration of Health) omit the proviso.

#### **Amendment of regulation 17 of the principal Regulations**

14. In regulation 17 of the principal Regulations (Maritime Declaration of Health), after “infectious disease” insert “or tuberculosis”.

#### **Omission of regulations 19, 20 and 21 of the principal Regulations**

15. Omit regulations 19, 20 and 21 of the principal Regulations (Deratting Certificates and Deratting Exemption Certificates).

#### **Insertion of new regulations 19A to 19D of the principal Regulations**

16. Insert new regulations 19A to 19D before regulation 22 of the principal Regulations (detention of ships, and ships to be taken to mooring stations), as follows–

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

**19A.**—(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 ship and 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 that is of such a nature or so disposed as to make a thorough inspection of the holds possible.

**Production of a ship sanitation certificate**

- 19B.**—(1) If the master of a ship which, during its voyage has been in a foreign port, cannot produce to an authorised officer of the local authority for the district in which the ship arrives, or for any district at which the ship calls, a valid ship sanitation certificate in respect of the ship then—
- (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 ship and 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 19A(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;
  - (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 sub-paragraph (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 sub-paragraph (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) 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 sub-paragraph (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 sub-paragraph (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)(a)(i) or (4)(a)(i).

(7) When control measures referred to in paragraph (3)(a)(i) or (4)(a)(i) 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**

**19C.**—(1) An authorised officer must ensure that a control measure he requires under regulations 19A(1)(a)(ii)(aa) or 19B(3)(a)(i) or (4)(a)(i) 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 under regulation 19A(1)(a)(ii) or 19B(3)(a)(i) or (4)(a)(i) 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) 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 that the case was such a case.

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

**19D.**—(1) A ship sanitation certificate issued under regulation 19A or 19B is valid for six months beginning with the date of issue.

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

#### **Amendment of regulation 22 of the principal Regulations**

**17.** In regulation 22(1) of the principal Regulations (detention of ships, and ships to be taken to mooring stations), for “a disease subject to the International Health Regulations” substitute “plague, cholera, yellow fever, smallpox, Lassa fever, rabies, viral haemorrhagic fever or Marburg disease”.

#### **Amendment of regulation 24 of the principal Regulations**

**18.** In regulation 24 of the principal Regulations (detention of ships, and ships to be taken to mooring stations), omit paragraph (a).

#### **Substitution of regulation 25 of the principal Regulations**

**19.** For regulation 25 of the principal Regulations (detention of ships, and ships to be taken to mooring stations), substitute—

“**25.** If after the arrival of a ship a case of plague, cholera, yellow fever, smallpox, Lassa fever, rabies, viral haemorrhagic fever or Marburg disease 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.”.

#### **Amendment of regulation 31 of the principal Regulations**

**20.** In regulation 31 of the principal Regulations (persons from infected areas), for paragraph (a) substitute—

“(a) any person disembarking from the ship who has come from an area infected with cholera, smallpox, Lassa fever, viral haemorrhagic fever or Marburg disease; and”.

#### **Amendment of regulation 34 of the principal Regulations**

**21.** In regulation 34 of the principal Regulations (examination, etc., of persons proposing to embark)—

(a) for paragraph (a), substitute—

“(a) may examine any person who proposes to embark on the ship if he has reasonable grounds for believing him to be suffering from plague, cholera, yellow fever, smallpox, Lassa fever, viral haemorrhagic fever or Marburg disease; and—

(i) if after an examination the medical officer is of the opinion that the person shows symptoms of one of the diseases, the medical officer must prohibit the embarkation of the person;

- (ii) the time and place of an examination shall be arranged—
  - (aa) to take into account any other formalities; and
  - (bb) to avoid delay;”; and
- (b) in each of paragraphs (c) and (d), for “health authority” substitute “local authority”.

#### **Amendment of regulation 35 of the principal Regulations**

22. In regulation 35 of the principal Regulations (infected places in Scotland), omit “subject to the International Health Regulations or with any other disease”.

#### **Amendment of regulation 37 of the principal Regulations**

23. In regulation 37(2) of the principal Regulations (surveillance), for “an infected area” substitute “an area infected with such a disease”.

#### **Substitution of regulation 39 of the principal Regulations**

24. For regulation 39 of the principal Regulations (charges for services) substitute—

##### **“Charges for services**

39.—(1) A local authority may charge the owner or master of a ship for a service described in paragraph (2) in so far as the service is for preventing—

- (a) danger to public health from a ship arriving in its district, or
- (b) the spread of infection from a ship leaving its district.

(2) The services mentioned in paragraph (1) are—

- (a) the inspection of the ship, or the application of measures required to be applied to the ship, in connection with the issue of a ship sanitation certificate in respect of the ship;
- (b) the extension of the period of validity of a ship sanitation certificate; or
- (c) the application, at the master’s request, of any other measure that the master of a ship is required by these Regulations to carry out.

(3) A charge for a service under paragraph (1)—

- (a) must not exceed the actual cost of the service rendered;
- (b) must be—
  - (i) published at least ten days in advance of being levied;
  - (ii) described sufficiently that the owner or master of the ship is reasonably informed of the likely amount of the charge; and
- (c) must—

- (i) be levied without any distinction based on the nationality, registry or ownership of the ship or containers, cargo, baggage, goods or postal parcels concerned; and

- (ii) not distinguish between national and foreign ships or containers, cargo, baggage, goods or postal parcels.

(4) A local authority may require the whole or part of the amount of a charge for a service under paragraph (1) to be paid or deposited with it before the service is performed.

(5) At the master’s request, a local authority must provide the master of a ship with particulars in writing free of charge of—

- (a) measures taken for which a charge under paragraph (1) is made; and
- (b) the reasons why the measures were taken.

(6) At the request of a person in relation to whom measures have been taken, or of a person in possession of articles in relation to which measures have been taken, an authorised officer must provide particulars in writing free of charge of the measures taken for which a charge under paragraph (1) is made.

(7) Particulars under paragraph (6) shall include the date on which the measures were taken.”.

**Omission of regulation 42 of the principal Regulations**

**25.** Omit regulation 42 of the principal Regulations (saving for mails).

**Omission of Schedule 1 to the principal Regulations**

**26.** Omit Schedule 1 to the principal Regulations (International Code of Signals).

## Substitution of Schedule 2 to the principal Regulations

27. For Schedule 2 to the principal Regulations (Maritime Declaration of Health), substitute—

# “SCHEDULE 2 Regulations 2(1) and 16

## ANNEX 8

### MODEL OF MARITIME DECLARATION OF HEALTH

To be completed and submitted to the competent authorities by the masters of ships arriving from foreign ports.

Submitted at the port of..... Date.....  
Name of ship or inland navigation vessel..... Registration/IMO No..... arriving from ..... sailing to .....  
(Nationality)(Flag of vessel)..... Master's name .....  
Gross tonnage (ship).....  
Tonnage (inland navigation vessel).....  
Valid Sanitation Control Exemption/Control Certificate carried on board? yes..... no..... Issued at..... date.....  
Re-inspection required? yes..... no.....  
Has ship/vessel visited an affected area identified by the World Health Organization? yes..... no.....  
Port and date of visit .....  
List ports of call from commencement of voyage with dates of departure, or within past thirty days, whichever is shorter:  
.....

Upon request of the competent authority at the port of arrival, list crew members, passengers or other persons who have joined ship/vessel since international voyage began or within past thirty days, whichever is shorter, including all ports/countries visited in this period (add additional names to the attached schedule):

(1) Name ..... joined from: (1).....(2).....(3).....  
(2) Name ..... joined from: (1).....(2).....(3).....  
(3) Name ..... joined from: (1).....(2).....(3).....

Number of crew members on board.....  
Number of passengers on board.....

### Health questions

- (1) Has any person died on board during the voyage otherwise than as a result of accident? yes..... no.....  
If yes, state particulars in attached schedule. Total no. of deaths .....
- (2) Is there on board or has there been during the international voyage any case of disease which you suspect to be of an infectious nature? yes..... no..... If yes, state particulars in attached schedule.
- (3) Has the total number of ill passengers during the voyage been greater than normal/expected? yes..... no.....  
How many ill persons? .....
- (4) Is there any ill person on board now? yes..... no..... If yes, state particulars in attached schedule.
- (5) Was a medical practitioner consulted? yes..... no..... If yes, state particulars of medical treatment or advice provided in attached schedule.
- (6) Are you aware of any condition on board which may lead to infection or spread of disease? yes..... no.....  
If yes, state particulars in attached schedule.
- (7) Has any sanitary measure (e.g. quarantine, isolation, disinfection or decontamination) been applied on board? yes..... no.....  
If yes, specify type, place and date.....
- (8) Have any stowaways been found on board? yes..... no..... If yes, where did they join the ship (if known)? .....
- (9) Is there a sick animal or pet on board? yes..... no.....

Note: In the absence of a surgeon, the master should regard the following symptoms as grounds for suspecting the existence of a disease of an infectious nature:

- (a) fever, persisting for several days or accompanied by (i) prostration; (ii) decreased consciousness; (iii) glandular swelling; (iv) jaundice; (v) cough or shortness of breath; (vi) unusual bleeding; or (vii) paralysis.
- (b) with or without fever: (i) any acute skin rash or eruption; (ii) severe vomiting (other than sea sickness); (iii) severe diarrhoea; or (iv) recurrent convulsions.

I hereby declare that the particulars and answers to the questions given in this Declaration of Health (including the schedule) are true and correct to the best of my knowledge and belief.

Signed .....

Master

Countersigned .....

Ship's Surgeon (if carried)

Date.....

**ATTACHMENT TO MODEL OF MARITIME DECLARATION OF HEALTH**

| Name | Class or rating | Age | Sex | Nationality | Port, date joined ship/vessel | Nature of illness | Date of onset of symptoms | Reported to a port medical officer? | Disposal of case* | Drugs medicines or other treatment given to patient | Comments |
|------|-----------------|-----|-----|-------------|-------------------------------|-------------------|---------------------------|-------------------------------------|-------------------|---|----------|
|      |                 |     |     |             |                               |                   |                           |                                     |                   |   |          |

\* State: (1) whether the person recovered, is still ill or died; and (2) whether the person is still on board, was evacuated (including the name of the port or airport), or was buried at sea.

”



#### **Amendment of Schedule 4 to the principal Regulations**

**29.**—(1) Schedule 4 to the principal Regulations (Additional Measures with Respect to the Diseases Subject to the International Health Regulations) is amended in accordance with this regulation.

(2) For the heading to Schedule 4 substitute—

“ADDITIONAL MEASURES WITH RESPECT TO SOME DISEASES”.

(3) Omit the reference to regulation 9(5) in each place where it occurs.

(4) In Part 1 (plague)—

(a) in paragraph (2)(a) (Infected ships and suspected ships), for “a Deratting Exemption Certificate” substitute “a Ship Sanitation Control Exemption Certificate”; and

(b) for subheading B (Ships which have been in infected areas), substitute—

“B Ships which have been in areas infected with plague”.

(5) In Part IV (smallpox), in paragraph (1) (Infected ships), omit “or who does not satisfy the medical officer that he possesses a valid International Vaccination Certificate”.

(6) In Part V (Lassa fever, rabies, viral haemorrhagic fever or Marburg disease), in paragraph (2)(a) (Infected ships and suspected ships), for “A Deratting Exemption Certificate” substitute “A Ship Sanitation Control Exemption Certificate”.

#### **Omission of Schedule 5 to the principal Regulations**

**30.** Omit Schedule 5 to the principal Regulations (International Certificate of Vaccination or Revaccination Against Smallpox).

#### **Transitional arrangements**

**31.** A local authority or authorised officer must treat—

(a) a valid Deratting Certificate during the period of its validity as if it were a Ship Sanitation Control Certificate; or

(b) a valid Deratting Exemption Certificate during the period of its validity as if it were a Ship Sanitation Control Exemption Certificate.

*SHONA ROBISON*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
20th November 2007

## 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.

**2007 No. 515**

**PUBLIC HEALTH**

**The Public Health (Ships) (Scotland) Amendment  
Regulations 2007**

**£3.00**

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