

1978 No. 287

PUBLIC HEALTH, ENGLAND AND WALES

The Public Health (Ships) (Amendment) Regulations 1978

Made - - - - 28th February 1978
 Laid before Parliament 10th March 1978
 Coming into Operation 1st April 1978

The Secretary of State for Social Services in relation to England and the Secretary of State for Wales in relation to Wales in exercise of powers conferred by section 143 of the Public Health Act 1936(a) and now vested in them(b), and of all other powers enabling them in that behalf, and, so far as they apply to officers of customs and excise, with the consent of the Commissioners of Customs and Excise, hereby make the following regulations:—

Citation, interpretation and commencement

1.—(1) These regulations, which may be cited as the Public Health (Ships) (Amendment) Regulations 1978, shall be read as one with the Public Health (Ships) Regulations 1970(c), as amended(d) (hereinafter referred to as “the principal regulations”) and shall come into operation on 1st April 1978.

(2) The Interpretation Act 1889(e) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Amendment of the principal regulations

2. Regulation 2 (interpretation) of the principal regulations shall have effect subject to the following amendments, namely—

- (a) the following definitions shall be inserted at the appropriate points—
- ““animals” has the same meaning as in Art. 2(1) of the Rabies (Control) Order 1974(f);”;
- ““offshore installation” has the meaning assigned to it in section 12(1) of the Mineral Workings (Offshore Installations) Act 1971(g);”;
- (b) in the definition of “arrival”, for the words “called at a port outside the United Kingdom, as the case may be”, there shall be substituted the words
- “(a) called at a port outside the United Kingdom, or
- (b) met with an offshore installation, or

(a) 1936 c. 49.

(b) See, The Secretary of State for Social Services Order 1968, S.I. 1968/1699 Art. 2 and The Transfer of Functions (Wales) Order 1969, S.I. 1969/388 Art. 2(1).

(c) S.I. 1970/1881.

(d) S.I. 1974/269.

(e) 1889 c. 63.

(f) S.I. 1974/2212.

(g) 1971 c. 61.

- (c) met with a ship which has proceeded from a foreign port,”;
- (c) in the definition of “infected person”, after the words “such a disease” there shall be inserted the words “or with some other infectious or contagious disease other than venereal disease or tuberculosis”;
- (d) in the definition of “infected ship” for sub-paragraph (a) there shall be substituted
- “*(a)* a ship which has on board on arrival
- (i) a case of a disease subject to the International Health Regulations; or
- (ii) a case of lassa fever, rabies, viral haemorrhagic fever or marburg disease; or”;
- (e) for the definition of “suspect” there shall be substituted the following—
- ““suspect” means a person (not being an infected person) who is considered by the medical officer as having been exposed to infection by an infectious disease and is considered capable of spreading that disease”;
- (f) in the definition of “suspected ship”, after sub-paragraph (d), there shall be inserted the following sub-paragraph—
- “*(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;”;
- (g) in the definition of “valid” for the words “medical officer” there shall be substituted the words “authorised officer”;
- (h) the definitions of “radio receiving port” and “radio transmitting port” shall be omitted;
- (i) after paragraph (5) of regulation 2 there shall be inserted the following paragraph—
- “(6) 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.”.

3. Regulation 7 of the principal regulations shall have effect subject to the following amendments, namely—

- (a) in paragraph (1) the words “medical officer or other” shall be omitted;
- (b) in paragraph (2) for the words “The medical officer” there shall be substituted the words “An authorised officer” and in sub-paragraph (a) of paragraph (2) for the words “regulation 14” there shall be substituted the words “regulation 14(1)(a)(ii) and (iii), (b) or (c)”;
- (c) after paragraph (2) there shall be inserted the following paragraph—
- “(3) For the purposes of this regulation, the inspection of a ship may include the taking from the ship of samples of food and water for the purposes of analysis or examination with a view to the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases.”.

4. Regulation 9 of the principal regulations shall have effect subject to the following amendments, namely—

- (a) in paragraph (2) for the words “The medical officer” there shall be substituted the words “An authorised officer”, and in sub-paragraphs (c) and (d) of paragraph (2) for the words “medical officer” there shall be substituted the words “authorised officer”; and
- (b) in paragraph (3) the words “medical officer or other” shall be omitted.

5. Regulation 11 of the principal regulations shall have effect subject to the following amendments, namely—

- (a) before the words “The master”, there shall be inserted “(1)”;
- (b) in paragraph (1)(b) for the words “medical officer” there shall be substituted the words “authorised officer”, and for the words “rodents, or mortality or sickness among rodents” there shall be substituted the words “animals or captive birds of any species, or mortality or sickness among such animals or birds”; and
- (c) after paragraph (1) there shall be inserted the following paragraph—

“(2) For the avoidance of doubt, the expression “captive birds” both in this regulation and in regulation 14 includes poultry.”.

6. Regulation 12 (designation of radio receiving ports and radio transmitting ports) of the principal regulations shall be omitted.

7. In regulation 13 of the principal regulations, for the words “The medical officer for a radio transmitting port” there shall be substituted the words “An authorised officer”, and for the words “transmit to the master by radio permission, for the purposes of these regulations, for the ship to proceed direct to its intended place of mooring, discharge or loading”, there shall be substituted the words “transmit free pratique to the master by radio or otherwise.”.

8. Regulation 14 of the principal regulations shall have effect subject to the following amendments, namely—

- (a) in paragraph (1) for the words from “When” to “medical officer”, there shall be substituted the words

“The master of a ship shall, in accordance with paragraph (1A) below, report

 - (a) the occurrence on board ship before arrival of
 - (i) the death of a person otherwise than as a result of an accident, or
 - (ii) illness where the person who is ill 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
 - (iii) illness where the person has or had diarrhoea severe enough to interfere with work or normal activities;

- (b) the presence on board of a person who is suffering from an infectious disease or who has symptoms which may indicate the presence of an infectious disease;
- (c) any other circumstances on board which are likely to cause the spread of infectious disease; and
- (d) the presence of animals or captive birds, and the occurrence of mortality or sickness amongst such animals or birds.

(1A) For the purposes of the foregoing provisions”

- (b) in paragraph (1A) (a) the words “and is due to arrive at a radio receiving port” shall be omitted;
- (c) in paragraph (1A) (b) the words “or is due to arrive elsewhere than at a radio receiving port” shall be omitted; and
- (d) in paragraph (2) (b) for the words “notice published under regulation 12 in respect of such radio receiving port otherwise provides”, there shall be substituted the words “health authority otherwise directs”.

9. Regulation 15 of the principal regulations shall have effect subject to the following amendments, namely—

- (a) in paragraph (1), for the words “The master of a ship which is due to arrive in a district from a foreign port, or of a ship which has proceeded from a port in the United Kingdom and which has met a ship which has proceeded from a foreign port other than an excepted port”, there shall be substituted the words “Where a ship is due to arrive in a district and the master of that ship has a report to make in accordance with regulation 14(1) (a) (b) or (c), the master”;
- (b) the proviso to paragraph (1) shall cease to have effect;
- (c) in paragraph 2, the words “in writing” and the words “or a customs officer” shall be omitted.

10. Regulation 16 of the principal regulations shall have effect subject to the following amendments namely—

- (a) in paragraph (1) for the words “on arrival of a ship which during its voyage has been in a foreign port, or of a ship which has proceeded from an excepted port and which has met a ship which has proceeded from a foreign port other than an excepted port, the master” there shall be substituted the words “where on the arrival of a ship, the master
 - (a) has a report to make in accordance with regulation 14(1)(a) (b) or (c), or
 - (b) is directed by the medical officer to complete a Maritime Declaration of Health
 he”
- (b) in paragraph (2) the words “customs officer or” and “whoever first boards the ship” shall be omitted; and
- (c) paragraph (3) shall be omitted.

11. In regulations 17 of the principal regulations, the words “customs officer or” and the words “whoever first boards the ship”, shall be omitted.

12. Regulations 18 of the principal regulations shall have effect subject to the following amendments, namely—

(a) for paragraph (1) there shall be substituted the following paragraph—

“(1) Where the authorised officer so directs, or where the master is required to make a report in accordance with regulation 14(1)(a) (b) or (c), no person, other than the pilot, a customs officer or an immigration officer, shall, 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 provision.”;

(b) for the words “medical officer” (except where these words last appear in paragraph (2)) there shall be substituted the words “authorised officer”.

13. In regulation 19 of the principal regulations, the words “medical officer or other” shall be omitted and in paragraph (4) after the words “satisfactorily completed” there shall be inserted the words “or that there is evidence of rodents on board the ship”.

14. In regulation 20 of the principal regulations, the words “medical officer or other” shall be omitted.

15. For regulation 25 of the principal regulations there shall be substituted the following regulation—

“25. If after the arrival of a ship a case of disease subject to the International Health Regulations or of 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.”

16. Regulation 30 of the principal regulations shall have effect subject to the following amendments, namely—

(a) for the words “medical officer” there shall be substituted the words “authorised officer”;

(b) after the words “ship which” there shall be inserted the words “under these regulations”; and

(c) the words “plague-infected” and “such” shall be omitted.

17. In regulation 31(b) of the principal regulations, for the words “or plague” there shall be substituted the words “plague, lassa fever, viral haemorrhagic fever or marburg disease”.

18. In regulation 33(b) of the principal regulations for the words “or yellow fever” there shall be substituted the words “yellow fever, lassa fever, rabies, viral haemorrhagic fever or marburg disease”.

19. In regulation 34(a) of the principal regulations, after the words “International Health Regulations”, there shall be inserted the words “or from lassa fever, viral haemorrhagic fever or marburg disease”.

20. Regulation 37 of the principal regulations shall have effect subject to the following amendments, namely—

(a) after sub-paragraph (d) of paragraph (1) there shall be inserted the following sub-paragraph—

“(e) in respect of lassa fever, viral haemorrhagic fever, or marburg disease, twenty-one days.”;

(b) in paragraph (2), for the words “or smallpox”, there shall be substituted the words “smallpox, lassa fever, viral haemorrhagic fever or marburg disease”.

21. Regulation 39 of the principal regulations shall have effect subject to the following amendments, namely—

(a) in paragraph (2) for the words “two hundred pounds” there shall be substituted the words “four hundred pounds”; and

(b) in paragraphs (4) and (5) for the words “medical officer” there shall be substituted the words “authorised officer”.

22. In regulations 4(2), 6, 22(2), 23, 26 (on the first occasion on which they occur), 27, 28 (on the second occasion on which they occur), 29(2), 35 (except in paragraphs (a) and (b)) and 43 of the principal regulations, for the words “medical officer” there shall be substituted the words “authorised officer”.

23. After Part IV of Schedule 4 to the principal regulations, there shall be inserted the following, namely—

“PART V—LASSA FEVER, RABIES, VIRAL HAEMORRHAGIC FEVER
OR MARBURG DISEASE

Infected ships and suspected ships

(1) The medical officer may—

(a) place any suspect on board under surveillance, the period of surveillance being reckoned from the date of arrival of the ship;

(b) require the disinfection of the baggage of any infected person or suspect, and of any other article on board and any part of the ship which the medical officer considers to be contaminated.

(2) If there is any rodent on board, the authorised officer may require the ship to be deratted in a manner to be determined by him, but without prejudice to the generality of this requirement the following special provisions shall apply to any such deratting: —

- (a) the deratting shall be carried out as soon as the holds have been emptied or when they contain only ballast or other material, unattractive to rodents, of such a nature or so disposed as to make a thorough inspection of the holds possible. A Deratting Exemption Certificate may be issued for an oil tanker with full holds;
- (b) one or more preliminary derattings of a ship with the cargo in situ, or during its unloading, may be carried out to prevent the escape of infected rodents;
- (c) if the complete destruction of rodents cannot be secured because only part of the cargo is due to be unloaded, a ship shall not be prevented from unloading that part, but the authorised officer may apply any measure which he considers necessary to prevent the escape of infected rodents, including placing the ship in quarantine.”.

David Ennals,
Secretary of State for Social Services.

22nd February 1978.

John Morris,
Secretary of State for Wales.

22nd February 1978.

We consent

A. M. Fraser,
Commissioner of Customs and Excise.

28th February 1978.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Public Health (Ships) Regulations 1970, which provide for public health control over ships arriving in or leaving England and Wales.

The regulations require the master of a ship to complete a Maritime Declaration of Health either where he has by virtue of these regulations, a report to make relating to the death or illness of a person on board ship or where he is directed to do so by the medical officer (Reg. 10). Restrictions may apply to the boarding or leaving of a ship either where the authorised officer so directs, or where the master has under these regulations a report to make for the Health Authority relating to the death or illness of a person on board ship (Reg. 12). The definition of "infected ship" has been extended to include a ship which has on board on arrival a case of lassa fever, rabies, viral haemorrhagic fever or marburg disease and a corresponding amendment has been made to the definition of "suspected ship" (Reg. 2). Schedule 4 to the Public Health (Ships) Regulations 1970 (which relates to additional measures which the medical officer may take in respect of certain specified diseases dangerous to public health) has been extended to include provisions relating to lassa fever, rabies, viral haemorrhagic fever and marburg disease (Regs. 18 and 23).

Other changes to the Public Health (Ships) Regulations 1970 include the extensive substitution of "authorised officer" for "medical officer", and provisions relating to a ship which during its voyage has had contact with an offshore installation.

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