
STATUTORY INSTRUMENTS

1994 No. 311

PUBLIC HEALTH, ENGLAND AND WALES

The Public Health (International Trains) Regulations 1994

Made - - - - *14th February 1994*
Laid before Parliament *15th February 1994*
Coming into force - - *8th March 1994*

The Secretary of State for Health, in exercise of the powers conferred upon her by section 13 of the Public Health (Control of Disease) Act 1984(1) and of all other powers enabling her in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Public Health (International Trains) Regulations 1994 and shall come into force on 8th March 1994.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—
“animal” means—

- (a) any mammal except man; and
- (b) any four-footed beast whether or not a mammal;

“designated customs approved area” means a customs approved area which has been designated as a control area in accordance with regulation 5(c)(ii);

“designated shuttle control area” means a part of the tunnel system which has been designated as a control area in accordance with regulation 5(b);

“designated terminal control point” means a terminal control point which has been designated as a control area in accordance with regulation 5(c)(i);

“enforcement authority” means—

(1) 1984 c. 22. Under article 7(1) of, and paragraph 2 of Schedule 4 to, the Channel Tunnel (International Arrangements) Order 1993 (S.I.1993/1813) section 13 has effect with modifications in its application to France by virtue of article 4(1) of that Order and to the United Kingdom within the tunnel system (as defined in section 1(7) of the Channel Tunnel Act 1987 (c. 53)) and elsewhere for authorised purposes (as defined in article 2(2) of that Order).

(a) in relation to any place in England or Wales, the authority (or authorities) by whom these Regulations are to be enforced and executed at that place in accordance with regulation 10;

(b) in relation to any function to be executed and enforced on board any through train in accordance with regulation 9, the Secretary of State;

“freight terminal area” means any place in England or Wales at which a freight service begins or terminates its journey other than a designated customs approved area;

“freight service” means any international service other than a shuttle service or a passenger service;

“international train” means any shuttle train or through train;

“international service” has the same meaning as in section 13(6) of the Channel Tunnel Act 1987;

“next stopping place” means—

(a) if the train is part of a passenger service or a shuttle service, the next stopping place at which the train is due to stop; or

(b) if the train is part of a freight service, the next stopping place through which the train is due to pass;

“passenger service” means any international service—

(a) which uses rolling stock designed for the carriage of passengers by way of the tunnel system; or

(b) which comprises solely of a locomotive which is used by a train operator for moving such rolling stock,

other than a shuttle service;

“rolling stock” includes any railway vehicle, but does not include—

(a) any vehicle other than a railway vehicle; or

(b) any tank, container, pallet, package, fixture or fitting which is not an integral part of a railway vehicle;

“serious epidemic, endemic or infectious disease” does not include venereal disease or infection with human immunodeficiency virus;

“shuttle service” and “shuttle train” have the same meaning as in section 1(9) of the Channel Tunnel Act 1987;

“sick traveller” means a person on an international train who has a serious epidemic, endemic or infectious disease, or in relation to whom there are reasonable grounds for suspecting that he has such a disease;

“stopping place” means—

(a) in relation to a shuttle train which enters the United Kingdom, a designated shuttle control area;

(b) in relation to a through train which enters the United Kingdom as part of a passenger service, a designated terminal control point;

(c) in relation to a through train which enters the United Kingdom as part of a freight service, a designated customs approved area;

“stowaway animal” means any animal, whether dead or alive, which is on board an international train, except one which—

(a) is lawfully being transported through the tunnel system; or

(b) is being imported into Great Britain contrary to any order made, or which has effect as if made, under section 10 of the Animal Health Act 1981(2);

“through train” means a train, other than a shuttle train, which for the purposes of sections 11 and 12 of the Channel Tunnel Act 1987 is engaged on an international service;

“train manager” means, in relation to a through train or a shuttle train, the person designated as train manager by the person operating the international service on which the train is engaged;

“train operator” means a person operating any international service, except where the service is operated by a joint international undertaking and part of that undertaking is a British undertaking, in which case it means the British undertaking which forms part of that joint international undertaking;

“tunnel system” has the same meaning as in section 1(7) of the Channel Tunnel Act 1987;

“viral haemorrhagic fever” has the same meaning as in the Public Health (Infectious Diseases) Regulations 1988(3).

(2) In these Regulations, unless the context otherwise requires, a reference—

(a) to a numbered regulation is to the regulation in these Regulations bearing that number;

(b) in a regulation to a lettered or numbered paragraph is to the paragraph in that regulation bearing that letter or number;

(c) in a paragraph to a lettered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter.

Disruption of services

3. In these Regulations, any reference to any measure to be undertaken by an enforcement authority shall be construed as subject to a requirement that, wherever possible, the measure shall be undertaken in such a way so as not to disrupt unavoidably—

(a) the scheduled frequency of a loaded international service; or

(b) the intended running time of an unloaded international service.

Train managers

4. Where reference is made in regulation 6 or 8 to—

(a) a report to be made to a train manager; or

(b) a duty to be performed by a train manager,

but a train manager is not travelling on board a particular international train, that report shall instead be made to and that duty shall instead be performed by the most senior member of the crew on board that train.

Control areas

5. The Secretary of State may from time to time—

(a) give written notice to any train operator designating all or any through trains as control areas while they are within any area in England or Wales specified in the notice or while they constitute a control zone;

(2) 1981 c. 22; amended by article 2(1) of and Schedule 1 to S.I. 1990/2371, and article 8(1) of and paragraph 2 of Part I of Schedule 5 to S.I. 1993/1813.

(3) S.I. 1988/1546.

- (b) give written notice to the Concessionaires designating as a control area any part of the tunnel system in England;
- (c) give written notice to any occupier or person concerned with the management of—
 - (i) a terminal control point in England or Wales, or
 - (ii) a place in England or Wales which is a customs approved area within the meaning of the Channel Tunnel (Customs and Excise) Order 1990(4),
 designating that terminal control point or that place as a control area.

Stowaway animals on incoming trains

6.—(1) Where a member of the crew of any international train whose journey terminates in the United Kingdom becomes aware during the journey of the presence or suspected presence of any stowaway animal on board the train, he shall report the details of its presence or suspected presence to the train manager.

(2) A train manager (or if he is not on board, the most senior member of the crew) who is aware of the presence or suspected presence of a stowaway animal on board his train shall arrange for a message containing those details to be sent to the enforcement authority for the next stopping place, unless—

- (a) he gives any notice in respect of that animal which is required under article 4(1) of the Rabies (Control) Order 1974(5) (notice of rabies or suspected rabies); or
- (b) he has already arranged for those details to be sent to the enforcement authority at another stopping place.

(3) Where—

- (a) the presence of a stowaway animal which is or was capable of carrying rabies, plague or viral haemorrhagic fever is or has been identified or suspected on board an international train; or
- (b) an international train is or may be contaminated because a stowaway animal which may be or may have been infected with rabies, plague or viral haemorrhagic fever is or has been found on board,

the enforcement authority at a stopping place may require that the train, together with such of its contents as they may reasonably specify, be deratted, disinfested or decontaminated in such a manner and within such a time as they may reasonably determine.

(4) An enforcement authority may require any or all of the measures which may be required under paragraph (3) to be undertaken elsewhere at—

- (a) a designated customs approved area; or
- (b) a designated shuttle control area,

if the enforcement authority for that area (if different) agrees.

(5) The enforcement for an area referred to in paragraph (4)(a) or (b) may require such additional measures to be undertaken to derat, disinfest or decontaminate the train or its contents as in their opinion are necessary.

(6) Where an international train has been deratted, disinfested or decontaminated pursuant to the foregoing provisions of this regulation, the train operator of that train shall inform the enforcement authority for each area at which the deratting, disinfestation or decontamination was undertaken of any arrangements made for the disposal of any stowaway animal.

(4) S.I. 1990/2167; amended by S.I. 1993/1813.

(5) S.I. 1974/2122.

(7) Where—

- (a) the presence of a stowaway animal which is or was capable of carrying rabies, plague or viral haemorrhagic fever is or has been identified or suspected on board an international train; and
- (b) an international train has been deratted, disinfested or decontaminated during a journey in advance of any measures being required by an enforcement authority of a stopping place,

the train manager of that train shall arrange for the enforcement authority of any stopping place notified in accordance with paragraph (1) to be informed of any arrangements made for the disposal of the stowaway animal.

(8) For the avoidance of doubt, arrangements made in accordance with paragraph (2) may include arrangements whereby a train operator employee who is not on board the train contacts the relevant enforcement authority.

Records in relation to rolling stock

7.—(1) A train operator shall compile and maintain records in relation to all rolling stock which is or has been used by him in an international service, and those records shall contain the following particulars:—

- (a) any reports known to the operator (including any reports known to a train manager employed by the train operator) of—
 - (i) the presence or suspected presence of any stowaway animal on board that rolling stock, or
 - (ii) any signs of damage to that rolling stock caused or suspected of being caused by a stowaway animal;
- (b) any measures taken (including measures taken pursuant to another enactment) to derat, disinfest or decontaminate rolling stock as a result of the presence or suspected presence of any stowaway animal, including any arrangements made for the disposal of any stowaway animal.

(2) The records may be kept by means of a computer.

(3) A train operator shall make the records available for inspection by an enforcement authority at whichever—

- (a) designated customs approved area;
- (b) designated shuttle control area; or
- (c) freight terminal area,

is the most appropriate such area for carrying out such an inspection.

Sick travellers on incoming trains

8.—(1) Where the train manager of an international train whose journey terminates in the United Kingdom (or if he is not on board, the most senior member of the crew) becomes aware during the journey that there is on board a sick traveller, on or before arrival at the next stopping place he shall arrange for the enforcement authority for that stopping place to be provided—

- (a) if the sick traveller is still on board the train, with details of the sick traveller's presence and whereabouts;
- (b) if the sick traveller is no longer on board the train, with details of the circumstances in which—
 - (i) the sick traveller was identified as a sick traveller, and

(ii) the sick traveller alighted from or was removed from the train, unless he has already reported those details to the enforcement authority at another stopping place.

(2) The enforcement authority at the stopping place notified in accordance with paragraph (1) may require the disinfestation or decontamination in such a manner and within such a time as they may reasonably determine, of—

- (a) any article on board the train; or
- (b) any rolling stock,

which the enforcement authority considers may be infested or contaminated.

(3) An enforcement authority may require any or all of the measures which may be required under paragraph (2) to be undertaken elsewhere at—

- (a) a designated customs approved area; or
- (b) a designated shuttle control area,

if the enforcement authority for that area (if different) agrees.

(4) The enforcement authority for an area referred to in paragraph (3)(a) or (b) may require such additional measures to be undertaken to disinfect or decontaminate the train or its contents as in their opinion are necessary.

(5) For the avoidance of doubt, arrangements made in accordance with paragraph (1) may include arrangements whereby a train operator employee who is not on board the train contacts the relevant enforcement authority.

Questioning of persons on board or alighting from trains

9. Where there are reasonable grounds for suspecting that there is a significant danger to public health because a person either is believed to be a sick traveller or may have been exposed to infection with a serious epidemic, endemic or infectious disease, an enforcement authority may require him while he is on or when he alights from an international train—

- (a) to answer in a control area questions pertaining to his current state of health or his contact with the possible source of infection;
- (b) to answer in writing in a control area questions about his name, address and intended destination.

Enforcement

10.—(1) In this regulation, “enforcement area” means any place which is designated as a control area in accordance with regulation 5 or any freight terminal area.

(2) Subject to paragraph (3), the following authorities are specified as the authorities by whom these Regulations are to be enforced and executed—

- (a) unless paragraph (b) applies—
 - (i) where an enforcement area is wholly or mainly situated in the area of a local authority⁽⁶⁾, by the local authority in whose area the enforcement area is wholly or mainly situated, or
 - (ii) where it is not possible to determine in which local authority area an enforcement area is wholly or mainly situated, by all the authorities in whose area part of the enforcement area is situated;

(6) See section 1(2) of the Public Health (Control of Disease) Act 1984.

- (b) where any functions under these Regulations are assigned by an order under section 2 or 7 of the Public Health (Control of Disease) Act 1984 to a port health authority in whose area an enforcement area is wholly or mainly situated, by that port health authority.
- (3) The Secretary of State is also specified as an enforcement authority by whom regulation 7 is to be enforced and executed, in so far as it relates to any place which is designated as a control area in accordance with regulation 5.

Signed on behalf of the Secretary of State for Health

14th February 1994

Cumberlege
Parliamentary Under Secretary of State
Department of Health

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for public health controls in relation to international trains which use the channel tunnel.

Regulation 2 is an interpretation provision, and regulation 3 is about disruptions to international train services arising out of the enforcement of these Regulations.

Regulation 4 identifies the responsible person, for certain purposes, on board an international train if the train manager is not on board, and regulation 5 gives the Secretary of State powers to designate certain areas as control areas.

Regulation 6 contains measures for responding to the presence or suspected presence of stowaway animals on board an incoming international train, and regulation 7 deals with the records of incidents involving stowaway animals which operators of international services are required to keep.

Regulation 8 contains measures for responding to the presence of someone on board an incoming international train who has or may have a serious epidemic, endemic or infectious disease, and regulation 9 deals with the questions which enforcement authorities may, in specified circumstances, ask certain categories of people who are on board or alighting from international trains.

Regulation 10 specifies who is to act as an enforcement authority for the purposes of these Regulations.