

2008 No. 436

PUBLIC HEALTH

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

Made - - - - - *5th November 2008*

Coming into operation *11th December 2008*

The Department of Health, Social Services and Public Safety^(a), with the consent of the Commissioners for Her Majesty's Revenue and Customs^(b), so far as they apply to officers of Revenue and Customs, makes the following Regulations in exercise of the powers conferred by Sections 2A(1) to (4) and 2B(1) of the Public Health Act (Northern Ireland) 1967^(c).

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Public Health (Aircraft) Regulations (Northern Ireland) 2008 and shall come into operation on 11th December 2008.

Interpretation

2.—(1) In these Regulations—

“additional measures” means such of the additional measures specified in Schedule 2 with respect to plague, cholera, yellow fever, smallpox, rabies, or viral haemorrhagic fever as are appropriate.

“aerodrome” except in regulation 4(4), means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft, and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

(a) See section 40 of and paragraph 8 of Schedule 5 to the Northern Ireland Constitution Act 1973 (c. 36) and Article 3(6) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1))

(b) The functions of the Commissioners of Customs and Excise were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5(2) of the Commissioners for Her Majesty's Revenue and Customs Act 2005 (c. 11). By section 50(1) of that Act, a reference in an enactment to the Customs and Excise shall be taken as a reference to the Commissioners for her Majesty's Revenue and Customs

(c) 1967 c. 36 (Northern Ireland) sections 2A and 2B were inserted by Article 17 of the Health and Personal Social Services and Public Health (Northern Ireland) Order 1986 S.I. 1986/2229 (N.I. 24) and amended by section 2 of the Public Health (Amendment) Act (Northern Ireland) 2008 c. 5 (N.I.)

“animals” has the same meaning as in Article 2(1) of the Diseases of Animals (Northern Ireland) Order 1981(a);

“authorised officer” means the medical officer, or any other officer authorised under regulation 4, to enforce and execute any of these Regulations;

“baggage” means the personal effects of a traveller or of a member of the crew;

“Board” means a Health and Social Services Board;

“Board area” means the area of a Board determined by order under Article 16 of the Health and Social Services (Northern Ireland) Order 1972(b);

“captive birds” includes poultry;

“commander” means the person for the time being in command of an aircraft;

“competent authority” means a competent authority identified in accordance with Article 19 of the IHR (general obligations) and with a role as described at Article 22 of the IHR (role of competent authorities);

“crew” means the personnel of an aircraft who are employed for duties on board;

“customs airport” has the meaning assigned to the term “customs and excise airport” in section 21(7) of the Customs and Excise Management Act 1979;

“customs officer” means an officer of Her Majesty’s Revenue and Customs;

“day” means an interval of twenty-four hours;

“disinsecting” means the operation in which measures are taken to kill the insect vectors of human disease;

“excepted area” means all the territory of Belgium, Metropolitan France, Greece, the Republic of Ireland, Italy, Luxembourg, the Netherlands, Spain and the United Kingdom, the Channel Islands and the Isle of Man;

“Health part of the General Aircraft Declaration” means a declaration containing the information specified in Schedule 1, being a part of the Aircraft General Declaration reproduced at Annex 9 to the IHR to be completed and delivered in accordance with Article 38 of the IHR;

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

“immigration officer” means any person appointed to act as an immigration officer under the Immigration Act 1971(d);

“infected aircraft” means—

- (a) an aircraft which has on board on arrival a case of plague, cholera, yellow fever, smallpox, rabies or viral haemorrhagic fever; or
- (b) an aircraft on which a plague-infected rodent is found on arrival; or
- (c) an aircraft which has had a case of smallpox on board during its voyage;

and which has not before arrival been subjected in respect of such case to appropriate measures equivalent to those provided in these Regulations;

“infected person” means a person who is suffering from plague, cholera, yellow fever smallpox, rabies, or viral haemorrhagic fever or who is considered by the medical officer to be infected with such disease or with some other infectious disease other than venereal disease;

“in flight” means the time elapsing between the closing of the doors of the aircraft before take-off and their opening on arrival;

(a) S.I. 1981/1115 (N.I. 22)

(b) S.I. 1972/1265 (N.I. 14)

(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

(d) 1971 c. 77

“isolation” when applied to a person or group of persons, means the separation of that person or group of persons from other persons, except the health staff on duty, in such a manner as to prevent the spread of infection;

“medical officer” means the medical officer for a Board area or any other medical practitioner appointed by the Board under regulation 5;

“medical practitioner” means a registered medical practitioner;

“National IHR Focal Point” means the body designated by the United Kingdom for communications with the WHO IHR Contact Point under the IHR;

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

“responsible authority”, in relation to an aerodrome, means the authority charged under regulation 4 with the duty of enforcing and executing these Regulations;

“suspected person” means a person (not being an infected person) who is considered by the medical officer as having been exposed to an infectious disease and is considered capable of spreading that disease;

“suspected aircraft” means an aircraft—

- (a) from which a case of cholera occurring on board during the voyage has been removed before the arrival of the aircraft, and which has not before arrival been subjected in respect of such case to appropriate measures equivalent to those provided for in these Regulations or;
- (b) which has on board on arrival a person whom the medical officer considers may have been exposed to infection from lassa fever, rabies, viral haemorrhagic fever or marburg disease ;

“voyage” in relation to an aircraft, means the flight of the aircraft from its point of origin via any intermediate points to its point of termination;

“World Health Assembly” has the meaning set out in the Constitution of the WHO adopted by the International Health Conference held in New York from 19th June 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;

“WHO IHR Contact Point” means the unit within WHO accessible for communications with the National IHR Focal Point;

(2) Any reference, however expressed, in these Regulations to a person leaving an aircraft shall not be construed as a reference to that person leaving an aircraft and continuing his journey in that aircraft.

Regulations not to apply to aircraft of the armed forces

3. Without prejudice to any statutory provision or rule of law which applies in relation to Her Majesty’s armed forces, nothing in these Regulations shall apply to any aircraft 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 such aircraft or to any aerodrome under the control of such forces.

(a) 1952 c. 67

PART II

GENERAL

Enforcement and execution of regulations

4.—(1) Subject to paragraph (2) every Board shall enforce and execute the Regulations and shall exercise its functions through the medical officer and other such officers as it may authorise in that behalf, and shall make such inquiries and take such other steps as seems to it to be necessary for securing the proper exercise of those functions.

(2) Any two Boards may agree that one of them shall undertake the enforcement and execution of the whole or specified provisions of these Regulations in the area of the other provided that they first obtain the approval of the Department to the terms of the agreement.

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

(4) In relation to an aerodrome (as defined by section 105(1) of the Civil Aviation Act 1982) for the time being vested in or under the control of the Secretary of State and in relation to persons and aircraft arriving at any such aerodromes these Regulations shall be enforced and executed by officers designated for that purpose by the Secretary of State.

(5) A Board must provide the National IHR Focal Point with the current contact details of each customs airport within its area.

Appointment and duties of authorised officers and provisions of services by Boards

5. For the purposes of these Regulations, a Board may, and if so required by the Department shall—

- (a) appoint such medical practitioners, in addition to its medical officer as may be necessary for the proper enforcement and execution of these Regulations;
- (b) give directions from time to time as to the duties which are to be performed by any medical practitioner so appointed or any other officer authorised to enforce and execute these Regulations;
- (c) at or in connection with a customs airport, provide or arrange for the provision of—
 - (i) premises or waiting rooms for the medical inspection and examination of persons;
 - (ii) premises for the temporary isolation of persons under these Regulations;
- (d) at or in connection with a customs airport, arrange for the reception into hospital of persons requiring to be removed to a hospital under these Regulations;
- (e) arrange for the provision of means of transport for the conveyance of persons to any premises referred to in paragraph (c), or to a hospital;
- (f) at or in connection with a customs airport where such facilities are likely to be needed, provide or arrange for the provision of—
 - (i) apparatus or other means for cleansing, disinfecting and disinsecting aircraft, persons or clothing and other articles for deratting aircraft;
 - (ii) a laboratory for the examination of suspected material, or equipment for taking and despatching such material for examination in a laboratory;
- (g) do all such things as in its opinion or the opinion of the Department, as the case may be, are necessary to enable the provisions of these Regulations to be complied with.

PART III INCOMING AIRCRAFT

Inspection of aircraft

6.—(1) An authorised officer may, for the purposes of these Regulations, inspect any aircraft at a customs airport.

(2) The medical officer or other authorised officer acting on the medical officer's instructions shall—

- (a) inspect on arrival any aircraft in respect of which the commander has sent a communication under regulation 11; and
- (b) inspect any aircraft when he has reasonable grounds for believing that there is on board an infected person or suspected person.

(3) The medical officer or other authorised officer acting on the medical officer's instructions may require any aircraft which he intends to inspect under this regulation to be taken to some safe and convenient part of the customs airport for such inspection if it cannot otherwise be carried out effectively.

(4) The inspection of an aircraft under paragraph (1) or (2) may include taking from the aircraft of samples of food or water for analysis or examination.

(5) The analysis or examination under paragraph (4) 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 a disease; or
- (b) for preventing other danger to public health.

Examination, etc, of persons on aircraft

7.—(1) The medical officer may, and if so requested by the commander or required by the Department, shall, examine any person on board or leaving an aircraft at a customs airport 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) The authorised officer may—

- (a) detain any such person for such examination at a place 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 28, prohibit any person so examined from leaving the airport, 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 or other danger to public health; and
- (e) require the commander to take or assist in taking such steps as in the opinion of the medical officer are reasonably necessary for preventing the spread of infection, or other danger to public health, for disinsection and the destruction of vermin and for the removal of conditions on the aircraft likely to convey infection, or other danger to public health, including conditions the existence of which might facilitate the harbouring of insects or vermin.

Powers in respect of certain persons leaving aircraft

8.—(1) Where a person intending to leave an aircraft at a customs airport is an infected person or a suspected person, the medical officer may—

- (a) cause such person on leaving the aircraft to be isolated, or to be sent to a hospital or to some other suitable place approved for that purpose by the Board; or

(b) except as provided in regulation 28, the medical officer may, by notice in writing to the commander, prohibit the person from leaving the aircraft without the written consent 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 may, and if the Department so directs, shall require a person leaving an aircraft at a customs airport to state in writing his name and intended destination and address.

Notice to customs officer by authorised officer

9. The authorised officer at a customs airport shall inform the customs officer of any measure applied by him or at his direction, under these Regulations, to an aircraft, any person thereon, or its stores, equipment or cargo.

Supply of information etc, by commanders

10. The commander of a aircraft at a customs airport shall—

- (a) answer all questions as to the health conditions on board which may be put to him by an authorised officer or a customs 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 conditions of the aircraft and the presence of animals or captive birds of any species, mortality or sickness among such animals or birds, on the aircraft;
- (c) comply with these Regulations, and with any directions or requirements of an authorised officer given or made for the purposes of these Regulations.

Notification of infectious disease, etc, on board

11.—(1) Where the commander of an aircraft becomes aware of an event described in paragraph (2), he shall send a communication to the authorised officer, manager or owner of the first customs airport where the aircraft is due to land.

(2) The event referred to in paragraph (1) is that there is on board the aircraft during the flight a person who—

- (a) has died otherwise than as a result of an accident;
- (b) is an infected person; or
- (c) has symptoms which may indicate the presence of an infectious disease, or other danger to public health.

(3) Immediately following a report under paragraph (1) the commander of the aircraft shall send a radio message or other communication about the event to one of the persons mentioned in paragraph (4) at the first customs airport at which the aircraft is due to land.

(4) The persons referred to at paragraph (3) are—

- (a) the authorised officer;
- (b) the manager of the customs airport; or
- (c) the owner of the customs airport.

(5) If such radio message or other communication is sent to the authorised officer, he shall immediately notify the customs officer of its contents.

(6) If such radio message or other communication is sent to the manager or owner of the customs airport he shall immediately notify the authorised officer and the customs officer of its contents.

(7) The owner or manager of an aerodrome or any person deputed to act on his behalf, shall inform the authorised officer of any aircraft arriving at that aerodrome which during its flight last landed at such aerodrome as may be notified by the medical officer.

(8) The information required under paragraph (7) shall be given to the authorised officer before or immediately after the arrival of the aircraft mentioned therein.

(9) The medical officer may require the commander of an aircraft to complete the Health Part of the Aircraft General Declaration in the form set out in Schedule 1.

(10) The Health Part of the Aircraft General Declaration completed in accordance with paragraph (9) shall be delivered to the authorised officer by the commander of the aircraft, or by a member of the crew deputed to act on his behalf.

Deratting and disinfection of aircraft

12.—(1) Where—

(a) the presence of rodents is suspected on board an aircraft, or

(b) an aircraft is infected because a plague-infected rodent is found on board on arrival,

the authorised officer may require the aircraft to be deratted.

(2) The authorised officer may require an aircraft, together with such of its contents as he may specify, to be disinfected where the aircraft is infected because an animal infected or suspected of being infected with plague, lassa fever, viral haemorrhagic fever or marburg disease is found on board on arrival.

(3) The commander of an aircraft which is at an aerodrome or a member of the crew deputed to act on his behalf, or in the absence of the crew the person for the time being in charge of the aircraft shall inform the authorised officer of the presence or suspected presence of rodents on the aircraft.

(4) An authorised officer must ensure that a measure he requires under paragraph (1) or (2) consists of methods or materials advised by WHO, unless the authorised officer determines that other measures are as safe and reliable.

(5) An authorised officer under paragraph (1) or (2) 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 (additional health measures) including isolation of the aircraft.

(6) The responsible authority must report the application of any such additional health measures to the National IHR focal point.

Detention of aircraft

13.—(1) Where on the arrival of an aircraft at a customs airport the medical officer has reasonable grounds for believing that the aircraft may be an infected aircraft or a suspected aircraft, or any other aircraft which has had on board during the voyage a case of plague, cholera, yellow fever or smallpox in respect of which the aircraft has not outside the United Kingdom been subjected to appropriate measures equivalent to those provided for in these Regulations, he may cause the aircraft to be detained for inspection.

(2) If the medical officer has caused an aircraft to be so detained, he shall inform the person in charge of the customs airport of such detention and send a notice in writing of such detention to the customs officer.

14. If a customs officer receives in respect of an aircraft a notice in writing from the medical officer under regulation 13, he shall, if he visits the aircraft before the medical officer, deliver the notice to the commander and take all reasonable steps to secure compliance therewith.

15. Where on the arrival of an aircraft at a customs airport it appears to a customs officer that during the voyage of the aircraft—

(a) there has been on the aircraft an event mentioned in regulation 11(2) ; or

(b) the aircraft has been in an area infected with plague, cholera, yellow fever or smallpox; or

(c) death not attributable to poison or other measures for destruction of rodents has occurred amongst animals or captive birds on the aircraft,

he shall, unless the authorised officer otherwise directs, give such directions as seem necessary to him to secure the detention of the aircraft, the persons carried thereon, and its stores, equipment and cargo.

16. The detention of an aircraft by a customs officer under these Regulations shall cease as soon as the aircraft has been inspected by an authorised officer or, if such inspection has not commenced within 3 hours after the aircraft 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 isolate an aircraft under regulation 6 or of the medical officer to continue the detention of an aircraft under regulation 17.

17.—(1) The medical officer shall inspect any aircraft and the persons carried thereon as soon as possible and in any case within 3 hours after it has been detained under these Regulations.

(2) If the aircraft is one to which the authorised officer is required by these Regulations to apply any further or additional measure, or if after such inspection the medical officer considers it necessary to apply any further or additional measure under these Regulations, the medical officer may continue the detention of the aircraft, if such continued detention is necessary for the application of that further or additional measure.

Release of aircraft

18. When the authorised officer releases an aircraft from detention he shall give notice in writing to the customs officer, to the commander of the aircraft and to the person in charge of the customs airport that, so far as control under these Regulations is concerned, the aircraft is free to proceed at or after a date and time stated in the notice.

Persons from infected areas

19. On the arrival of an aircraft at a customs airport, the medical officer may place under surveillance for the appropriate period specified in regulation 28(1)—

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

Removal of infected persons from aircraft when required by commander

20. The medical officer shall, if so required by a commander of an aircraft on arrival at a customs airport require the medical officer to cause any infected person to be removed from the aircraft.

Removal to airport able to apply measures

21.—(1) Where—

- (a) an authorised officer considers that there should be applied to an aircraft which lands at an aerodrome or to any person carried on such an aircraft measures under these Regulations; and
- (b) that aerodrome is not able to apply the measures;

he may direct that the aircraft or the person proceed to a customs airport that is able to apply the measures.

(2) Where an authorised officer gives a direction under paragraph (1), he shall give the commander of the aircraft concerned notice in writing of the direction which shall include the reasons for the direction.

Additional measures

22. Without prejudice to any other provision in these Regulations, the additional measures in Schedule 2 shall be applicable on the arrival of—

- (a) any infected aircraft or suspected aircraft;
- (b) any aircraft 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 aircraft other than an infected aircraft;
- (d) any other aircraft or person, when the authorised officer is satisfied that, notwithstanding that measures equivalent to such additional measures have been applied to the aircraft or person on board previously 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 measures, or the authorised officer has reasonable grounds for believing that such previous measure was not substantially effective.

Aircraft landing elsewhere than at a customs airport

23.—(1) Where an aircraft lands elsewhere than at a customs airport—

- (a) the commander shall forthwith give notice to that effect to the responsible authority or a customs officer and, if the aircraft has landed at an aerodrome, to the person in charge thereof;
- (b) except for the purpose of sub-paragraph (a), a person carried by the aircraft shall not leave its vicinity unless authorised to do so by the authorised officer, and any person so authorised shall inform such officer of his name and his intended destination and address, but this sub-paragraph shall not be construed as dispensing with the necessity to secure any consent arising under any other enactment;
- (c) these Regulations shall apply as if the aircraft had landed at a customs airport except that—
 - (i) in the case of conflict between any provision of the regulations and the provisions of sub-paragraph (a) or (b), sub-paragraph (b) shall prevail;
 - (ii) an authorised officer or a customs officer may nevertheless require the aircraft, or persons carried on the aircraft, or the stores, equipment or cargo of the aircraft to proceed or to be taken to a customs airport;
 - (iii) the regulations shall be modified as necessary to enable their application in the circumstances described in this regulation.

(2) If any person who has informed an officer under this regulation of his intended destination and address arrives within fourteen days therefore at some other address, he shall forthwith send particulars of that address to the medical officer for the Board area at which he left the aircraft.

Saving for certain aircraft

24. In the case of an aircraft which has commenced its voyage at a place within the excepted area and has not during its voyage landed at any place outside the area—

- (a) the commander shall not be bound to comply with the provisions of regulation 10 or 23(1)(a) unless he has been notified by the medical officer that compliance with those provisions is necessary because of danger to public health;
- (b) no person carried by the aircraft shall be bound by the provisions of regulation (23)(1)(b) or (c) unless he has been notified by the medical officer that those provisions apply to him because of danger to public health;
- (c) the powers and duties conferred or imposed on the medical officer by regulations 6(2), 7(1), 8, 13(1), 17(1) and (2), 19, 20, and 22 shall not be exercised or performed unless the medical officer is satisfied, or the Department has directed, that the exercise of the powers or the performance of the duties conferred or imposed by those provisions is necessary because of danger to public health;
- (d) the powers and duties conferred on a customs officer or authorised officer by regulation 15 shall not be exercised or performed unless the Department has directed, or the medical officer is satisfied and has so informed the customs officer or authorised officer, that the exercise of the powers or the performance of the duties conferred or imposed by that regulation is necessary because of danger to public health.

PART IV OUTGOING AIRCRAFT

Examination, etc, of persons proposing to embark

25.—(1) Where an aircraft is due to depart from an aerodrome for a destination outside the United Kingdom, the medical officer—

- (a) may examine any person who proposes to embark thereon if he has reasonable grounds for believing him to be suffering from plague, cholera, yellow fever, smallpox or viral haemorrhagic fever, and if after examination the medical officer is of the opinion that the person shows symptoms of one of these diseases, shall prohibit embarkation;
- (b) shall prohibit any suspected person from embarking thereon;

Provided that in the case of smallpox a person shall not be prohibited from embarking if he satisfies the medical officer that he is sufficiently protected by vaccination or by previously having had smallpox;

- (c) shall notify by the most expeditious means the commander and the competent authority for the place to which the person is proceeding of any person embarking or proposing to continue his voyage thereon who, in the opinion of the medical officer, should be placed under surveillance;
- (d) notwithstanding the provisions of paragraph (b), may allow a person on an international voyage who, on arrival was placed under surveillance to continue his voyage.

(2) The time and place for an examination mentioned in paragraph (1)(a) shall be arranged so as to take account of other formalities and to avoid delay.

(3) The medical officer shall notify by the most expeditious means the competent authority for the place to which the person is proceeding that such a person should in the opinion of the medical officer, be placed under surveillance.

Infected places in Northern Ireland

26. Where the Department has, by notice published in the Belfast Gazette, declared any place to be infected with a disease which in its opinion constitutes a menace to other countries by reason of its spread or potential spread, then, until the notice is revoked by a subsequent notice published in the Belfast Gazette, every medical officer shall comply with any requirement which may be made by the Department for preventing the spread of the disease, and in particular (but without prejudice to the generality of the foregoing provision) the following provisions of this regulation shall operate in relation to any aircraft departing from the aerodrome specified by the Department for a destination outside the United Kingdom—

- (a) an authorised officer, if so required by the Department, shall require a valid vaccination certificate from departing travellers. In the absence of such a certificate the medical officer may offer vaccination to any such traveller and give notification in accordance with regulation 25(1)(c);
- (b) the medical officer may, and within three hours after receiving a request from the commander so to do, shall medically examine any person who proposes to embark on or is on board the aircraft;
- (c) the authorised officer may require any part of the aircraft which in his opinion may be infected to be cleansed and disinfected to his satisfaction;
- (d) an authorised officer shall inspect any clothing, bedding or other article which is on, or is intended to be taken by any person on the aircraft and which, in the opinion of the officer, may have been exposed to infection and may require the disinfection or destruction of any such clothing, bedding or article, and the commander shall disclose to the authorised officer any relevant circumstances;
- (e) a person shall not take or cause to be taken on board the aircraft any article which, in the opinion of an authorised officer, is capable of carrying infection, unless that officer is satisfied that it has been efficiently disinfected and, where necessary, disinfected;
- (f) if the aerodrome is situated in an area which is included in the said notice in the Belfast Gazette and is therein declared to be infected with plague, and if there is reason to believe

that there are rodents on the aircraft, the authorised officer may, and if so required by the Department, shall take steps to secure the deratting of the aircraft.

PART V MISCELLANEOUS

Compliance with directions, etc, under these Regulations

- 27.**—(1) Every person to whom these Regulations apply shall—
- (a) comply with every direction, requirement or condition given, made or imposed by an authorised officer or customs officer;
 - (b) furnish all such information as that officer may reasonably require (including information as to his name and intended destination and address to which he is going on leaving an aircraft).
- (2) Every person who has for the time being the custody or charge of a child or other person who is under legal disability shall —
- (a) comply with any direction, requirement, or condition so given, made or imposed under paragraph (1), and;
 - (b) furnish all such information in respect of that child or other person as may be reasonably required under that paragraph.

Surveillance

- 28.**—(1) Where these Regulations permit a medical officer to place a person under surveillance, the period of such surveillance shall not exceed such of the following periods as may be appropriate:—
- (a) in respect of plague, six days;
 - (b) in respect of cholera, five days;
 - (c) in respect of yellow fever, six days;
 - (d) in respect of smallpox, fourteen days;
 - (e) in respect of lassa fever, viral haemorrhagic fever, or marburg disease, twenty one days.
- (2) Where a person has been placed under surveillance for plague, cholera, smallpox, or viral haemorrhagic fever under regulation 19 by reason of his having come from an area infected with such a disease, the period shall be reckoned from the date of his leaving the area.
- (3) When a person has been so placed under surveillance under the additional measures in Schedule 2, the period shall be reckoned in the manner therein specified.
- (4) Every person who is placed under surveillance under these Regulations shall—
- (a) give consent to any medical examination required by the medical officer or by the medical officer for any Board area in which he may be during the period of surveillance;
 - (b) furnish all such information as the medical officer may reasonably require with a view to ascertaining the person's state of health;
 - (c) forthwith upon arrival during the period of surveillance at any address other than the one stated as his intended address on leaving the aerodrome at which he arrived in Northern Ireland, send particulars of that address to the medical officer;
 - (d) if so instructed by the medical officer, report immediately to the medical officer for any Board area in which he may be during the period of surveillance, and thereafter during that period report to that officer at such intervals as he may require;

Provided that an instruction shall not be given under this regulation unless the Department has by direction (whether general or special) authorised the giving of instructions thereunder.

Charges for services

29.—(1) The commander of an aircraft may request a responsible authority to cause to be applied measures he is required to apply under these Regulations.

(2) A responsible authority may charge the owner or commander of an aircraft for a service to apply measures described in paragraph (1) in so far as the service is for preventing—

- (a) danger to the public health from an aircraft arriving; or
- (b) the spread of infection from a aircraft leaving an aerodrome where international flights arrive or depart.

(3) A charge for a service under paragraph (2)—

- (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 commander of the aircraft is reasonably informed of the likely amount of the charge; and
- (c) must not be discriminatory, in particular—
 - (i) must not be levied so as to make a distinction based on the nationality, registry or ownership of the aircraft or containers, cargo, baggage, goods or postal parcels concerned; and
 - (ii) must not distinguish between national and foreign aircraft or containers, cargo, baggage, goods or postal parcels.

(4) A responsible authority may require the whole or part of the amount of a charge for a service under paragraph (2) to be paid or deposited with it before the service is performed.

(5) At the commander's request, a responsible authority must provide the commander of the aircraft with particulars in writing free of charge of—

- (a) measures taken for which a charge under paragraph (2) 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 (2) is made.

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

Expenses of a responsible authority

30. Subject to regulation 31, any expenses incurred by a responsible authority in the enforcement and execution of these Regulations shall be defrayed in the same manner as the expenses incurred by them in the execution and discharge of their other powers and duties.

Recovery of Charges

31. Every charge authorised by regulation 30 shall be recoverable either summarily as a civil debt, or as a simple contract debt in any court of competent jurisdiction.

Saving for aircraft unwilling to comply with these Regulations

32.—(1) The commander of an aircraft on arrival, or already at an aerodrome, who is unwilling to comply with, or submit to any provisions of, or requirements made under these Regulations which may be applicable, shall so notify the authorised officer, and the authorised officer may then require the commander to remove the aircraft immediately from the aerodrome.

(2) If before leaving the aerodrome the commander wishes to discharge cargo or disembark passengers or to take on board fuel, water or stores, the authorised officer shall permit him to do so, but may impose such conditions under these Regulations as the authorised officer considers necessary.

(3) When the authorised officer has required the removal of an aircraft from the aerodrome, it shall not, during its voyage, land at any other place in Northern Ireland.

Saving for existing enactments

33. Nothing in these Regulations shall affect the Immigration Act 1971(a) or Article 136 of the Air Navigation Order 2005 (Customs and Excise aerodromes)(b).

Revocation

34. The Public Health (Aircraft) Regulations (Northern Ireland) 1971(c) are revoked.

The Commissioners for Her Majesty's Revenue and Customs consent to the foregoing Regulations, other than regulation 4(4).

4th November 2008

5th November 2008

Mike Eland

Dave Harnett

Two of the Commissioners for Her Majesty's Revenue and Customs.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 5th November 2008.

(L.S.)

Bernie Stewart

A senior officer of the Department

(a) 1971 c. 77
(b) S.I. 2005/1970
(c) S.R. 1971/182

HEALTH PART OF THE AIRCRAFT GENERAL DECLARATION

Persons on board with illnesses other than airsickness or the effects of accidents (including persons with symptoms or signs of illness such as rash, fever, chills, diarrhoea) as well as those cases of illness disembarked during the flight.

.....
.....
.....

Any other conditions on board, which may lead to the spread of disease.

.....
.....
.....

Details of each disinsecting or sanitary treatment) place, date, time, method) during the flight. If disinsection has not been carried out during the flight, give details of most recent disinsecting.

.....
.....
.....

Signature, if required

Date Crew member concerned

Additional Measures with respect to some Diseases

PART I

A. Infected Aircraft

1. The medical officer may—
 - (a) require any suspected person on board to be disinfected and place him under surveillance, the period of surveillance being reckoned from the date of arrival of the aircraft;
 - (b) require the disinfecting and, if necessary, disinfection of the baggage of any infected or suspected person, and of any other article on board and any part of the aircraft which the medical officer considers to be contaminated.

2. If there is any rodent infected with plague on board, the medical officer or other authorised officer shall require to the aircraft to be deratted in a manner to be determined by him, but without prejudice of 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 material unattractive to rodents, of such a nature or so disposed as to make a thorough inspection of the aircraft possible;
 - (b) one or more preliminary derattings of an aircraft with 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, an aircraft shall not be prevented from unloading that part, but the medical officer or other authorised officer may apply any measures which he considers necessary to prevent the escape of infected rodents, including detaining the aircraft.

B. Aircraft which have been in areas infected with plague

3. The medical officer may—
 - (a) place under surveillance any suspected person who disembarks, the period of surveillance being reckoned from the date of the departure of the aircraft from the area infected with plague;
 - (b) carry out measures set out in paragraph 1;
 - (c) require any person on board to be placed in isolation for six days reckoned from the date of the last exposure to infection.

PART II

CHOLERA

A. Infected Aircraft and suspected Aircraft

1. The medical officer—
 - (a) may place under surveillance any person who disembarks from an aircraft, the period of surveillance being reckoned from the date of disembarkation from the aircraft;
 - (b) shall be responsible for the supervision of the removal and safe disposal of any water, food (excluding cargo), human dejecta, waste water, waste matter and any other matter which is considered to be contaminated, and shall be responsible for the disinfection of water tanks and food handling equipment.

2. Foodstuffs carried as cargo on board aircraft in which a case of cholera has occurred during the journey may not be subjected to bacteriological examination except by the health authorities of the country of final destination.

PART III
YELLOW FEVER

Infected Aircraft, suspected Aircraft, and Aircraft which have been in areas infected with yellow fever

The medical officer may require the aircraft to be disinfected.

PART IV
SMALLPOX

A. Infected Aircraft

1. The medical officer shall offer vaccination to any person on board or disembarking from the aircraft who does not show sufficient evidence of protection by previously having had smallpox.
2. The medical officer may either—
 - (a) place under surveillance any person who disembarks, the period of surveillance being reckoned from the date on which the medical officer considers the person was last exposed to infection; or
 - (b) if he considers any such person is not sufficiently protected against smallpox, isolate him for a similar period.
3. The medical officer shall require the disinfection of the baggage of any infected person, and of any other article on board and any part of the aircraft which the medical officer considers to be contaminated.

B. Suspected persons on other Aircraft

4. The medical officer may also apply the provisions of paragraphs 1 and 2 to any suspected person who disembarks from an aircraft which is not an infected aircraft.

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

Infected Aircraft and suspected Aircraft

1. The medical officer may—
 - (a) place any suspected person on board under surveillance, the period of surveillance being reckoned from the date of arrival of the aircraft;
 - (b) require the disinfection of the baggage of any infected or suspected person, and of any other article on board and any part of the aircraft which the medical officer considers to be contaminated.
2. If there is any rodent on board, the authorised officer may require the aircraft to be deratted in a manner determined by him.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations revoke and replace the Public Health (Aircraft) Regulations (Northern Ireland) 1971.

Part I contains definitions of terms used in the Regulations and specifies that they do not apply to the armed forces.

Part II provides for the enforcement and execution of the regulations by Health and Social Services Boards and in specified circumstances by officers designated by the Secretary of State (Regulation 4).

Part III provides for the inspection of aircraft, the examination of persons suspected of suffering from, or having been exposed to an infectious disease or being verminous, and in these and other similar circumstances authorises measures to be taken for preventing danger to public health (Regulations 7 to 9). Regulation 11 requires the commander of an aircraft to notify circumstances likely to lead to the spread of infection. Provision is also made for messages to be by radio, or other appropriate means and for the completion of the Health Part of the Aircraft General Declaration in the form set out in Schedule 1.

Regulations 15-17 provide for detention of aircraft and persons.

Regulation 19 provides that a medical officer may place specified persons under surveillance.

Regulation 21 provides that an authorised officer may direct that an aircraft proceed to a customs airport.

Regulation 22 and Schedule 2 provide for additional measures to be applied to certain aircraft and persons.

Regulations 22 and 23 make provisions in relation to aircraft landing in specified circumstances.

Part IV relates to outgoing aircraft. It provides for the examination, etc, in specified circumstances of persons proposing to embark for a destination outside the United Kingdom (Regulation 25) and, after publication by the Department in the Belfast Gazette (Regulation 26) of a notice declaring any place to be infected with diseases, the spread of which might endanger public health, special measures may be taken to prevent the disease spreading.

Part V contains miscellaneous provisions concerning periods of surveillance, charges for services, and expenses of the health authorities enforcing the Regulations. It also contains removal from an area of any aircraft whose commander is unwilling to comply with the Regulations (Regulation 32). Regulation 33 contains a saving provision and regulation 34 a revocation.

© Crown Copyright 2008

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print the Acts of the Northern Ireland Assembly.

2008 No. 436

PUBLIC HEALTH

The Public Health (Aircraft) Regulations
(Northern Ireland) 2008