

EXPLANATORY MEMORANDUM TO
THE PUBLIC HEALTH (AIRCRAFT AND SHIPS)
(AMENDMENT) (ENGLAND) REGULATIONS 2007

2007 No. 1603

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty. It contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The Regulations amend the Public Health (Aircraft) Regulations 1979, S.I. 1979/1434, and the Public Health (Ships) (Amendment) (England) Regulations 2007, S.I. 2007/1446.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The Regulations will come into force on 15 June 2007, and in the case of regulations 3 and 4, immediately before the Public Health (Ships) (Amendment) (England) Regulations 2007 (the Ships Amendment Regulations) come into force. The Regulations breach the 21 day rule. This timing is necessary because the Regulations correct an error in the Ships Amendment Regulations 2007.

3.2 The Ships Amendment Regulations amend the Public Health (Ships) Regulations 1979, S.I. 1979/1435, (the principal Regulations) which provide for public health control of ships arriving at or leaving ports in England and Wales. The Ships Amendment Regulations implement in England provisions of the International Health Regulations 2005 of the World Health Organization (IHR) on ship sanitation certificates and otherwise amend or update the principal Regulations.

3.3 The Ships Amendment Regulations introduce a new definition of “local authority” in the principal Regulations. They substitute “local authority” for “health authority” in regulation 4(1) (enforcement and execution) and elsewhere in the principal Regulations. If not corrected, the new definition of “local authority” would result in functions that have previously been the responsibility of a district council being given to a county council. The intention is that responsibilities for functions under the principal Regulations should not change. Therefore regulation 3 of the Regulations substitutes a correct definition of “local authority” for that to be inserted by the Ships Amendment Regulations into the principal Regulations.

3.4 The Regulations also amend the Public Health (Aircraft) Regulations 1979 (the Aircraft Regulations) to omit the definition of “local authority” in those Regulations. The definition will become otiose when regulation 4(1)(a) and (3) of the Aircraft Regulations is omitted by regulation 3(1) of the Public Health (Aircraft) (Amendment) (England) Regulations 2007, S.I. 2007/1447.

4. Legislative Background

4.1 The Regulations correct an error in the Public Health (Ships) (Amendment) (England) Regulations 2007 and make a further minor amendment to the Public

Health (Aircraft) Regulations 1979. The Public Health (Ships) (Amendment) (England) Regulations 2007 amend the Public Health (Ships) Regulations 1979. The Public Health (Aircraft) (Amendment) (England) Regulations 2007 which also come into force on 15 June make other amendments to the Public Health (Aircraft) Regulations 1979.

5. Extent

5.1 This instrument applies in relation to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1. Background about the changes that are being made to the Public Health (Ships) Regulations 1979 and the Public Health (Aircraft) Regulations 1979 was provided in the explanatory memoranda on the Public Health (Ships) (Amendment) (England) Regulations 2007, S.I 2007/1446, and the Public Health (Aircraft) (Amendment) (England) Regulations 2007, S.I. 2007/1447.

8. Impact

8.1 The Regulatory Impact Assessments included with the explanatory memoranda on the Public Health (Ships) (Amendment) (England) Regulations 2007 and the Public Health (Aircraft) (Amendment) (England) Regulations 2007 set out the impact on business and the public sector.

9. Contact

Jenny Harper at the Department of Health (020 7972 4048).