

**2013 No. 000**

**PUBLIC HEALTH, ENGLAND**

**Health Protection (Ships and Aircraft) Regulations 2013**

<i>Made</i> - - - -	***
<i>Laid before Parliament</i>	***
<i>Coming into force</i> - -	***

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SCHEDULE 1 - Transitional and Saving Provisions relating to Ships  
SCHEDULE 2- Transitional and Saving Provisions relating to Aircraft

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 13, 45B, 45F and 45P of the Public Health (Control of Disease) Act 1984(a).

The Commissioners for her Majesty's Revenue and Customs have consented to the making of regulation X pursuant to section 45F(4) of that Act.

## PART 1

### Preliminary matters

#### Citation, commencement and application

1.—(1) These Regulations may be cited as the Health Protection (Ships and Aircraft) Regulations 2013 and shall come into force on [ ] 2013.

(2) These Regulations apply in relation to England only.

#### Interpretation

2.—(1) In these Regulations—

“the 1984 Act” means the Public Health (Control of Disease) Act 1984;

“aerodrome”—

- (a) 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
- (b) 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,
- (c) but does not include any area the use of which for affording facilities for landing and departure of aircraft has been abandoned and has not been resumed;

“aerodrome operator” means, in relation to a particular aerodrome, the person who at the relevant time has the management or control of that aerodrome;

“affected area” means

- (a) any area identified for the time being by the World Health Organization under paragraph 1 of Annex 5 to the International Health Regulations, or
- (b) any area declared an “affected area” by the Secretary of State by notice published in the London Gazette provided that that notice has not been revoked by a subsequent notice published in the London Gazette;

“aircraft operator” means, in relation to a particular aircraft, the person who at the relevant time has the management of that aircraft;

“appropriate authority” means a person or body whom the proper officer considers has a role in relation to preventing the spread of infection or contamination;

“authorised port” means a port which is authorised to issue and provide the services for—(a) a Ship Sanitation Control Certificate;

- (b) a Ship Sanitation Control Exemption Certificate following inspection of the ship; or(c) the extension of a ship sanitation certificate for a period of one month;

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(a) 1984 c.22. See section 45T(6) of that Act for the definition of “the appropriate Minister”. Sections 45B, 45F, 45P and Section 45T were inserted into that Act by section 129 of the Health and Social Care Act 2008 (c.14).

“commander” means, in relation to a particular aircraft, the member of the flight crew designated as commander of that aircraft by the aircraft operator, or failing such a person, the person who is for the time being the pilot in command of the aircraft;

“harbour” has the same meaning as in section 313 (definitions) of the Merchant Shipping Act 1995(a);

“harbour authority” means, in relation to a harbour—

(a) the person who is the statutory harbour authority for the harbour; or

(b) if there is no statutory harbour authority for the harbour, the person (if any) who is the proprietor of the harbour or who is entrusted with the function of managing, maintaining or improving the harbour

“harbour master” means any person or body appointed by the harbour authority to manage the port or enforce provisions of these Regulations in relation to the harbour;

“hovercraft” has the same meaning as in section 4 (interpretation) of the Hovercraft Act 1968(b);

“inbound international flight” means an international flight bound for England;

“inbound international voyage” means an international voyage by ship bound for a port in England from a port outside the British Islands;

“international flight” means a flight (whether departing or arriving) between England and any other place outside the British Islands;

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

“international voyage” means a voyage (whether departing or arriving) between England and any other place outside the British Islands;

“master” has the same meaning as in section 313 (definitions) of the Merchant Shipping Act 1995;

“outbound international flight” means an international flight departing England (whether or not the flight makes an intermediate stop within the British Islands);

“outbound international voyage” means an international voyage by ship departing a port in England (whether or not the ship makes an intermediate stop within the British Islands);

“port” has the same meaning as in section 313 (definitions) of the Merchant Shipping Act 1995;

“port health authority” means a port health authority constituted by Order under section 2 (port health authorities and districts) of the 1984 Act, and its district is the district set out in that Order;

“proper officer” means in relation to a purpose, an officer of the responsible authority appointed for that purpose;

“responsible authority” has the meaning given to it in regulation 3;

“Secretary of State” means the Secretary of State for Health;

“ship” means every description of vessel used in navigation including a hovercraft;

“ship sanitation certificate” means a Ship Sanitation Control Certificate or a Ship Sanitation Control Exemption Certificate issued by an authorised port;

“Ship Sanitation Control Certificate” means a certificate that conforms to the model in Annex 3 to the International Health Regulations that is issued in accordance with Article 39 of the International Health Regulations (ship sanitation certificates);

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(a) 1995 c. 21.

(b) 1968 c. 59.

“Ship Sanitation Control Exemption Certificate” means a certificate that conforms to the model in Annex 3 to the International Health Regulations that is issued in accordance with Article 39 of the International Health Regulations; and

“statutory harbour authority” means any person in whom are vested by enactment, order or other instrument (except a provisional order) powers or duties of improving, maintaining or managing a harbour.

(2) In these Regulations—

- (a) any reference to being infected or contaminated includes a reference to carrying the source of an infection or contamination; and
- (b) any reference to infecting or contaminating includes a reference to passing the source of an infection or contamination(a).

### **Responsible authority**

3.—(1) In these Regulations, “responsible authority” has the following meaning.

(2) In relation to a port or aerodrome lying entirely within the district of a port health authority, the responsible authority is that port health authority.

(3) In relation to a port or aerodrome lying entirely within the area of a local authority (the port or aerodrome not being entirely within the district of a port health authority), the responsible authority is that local authority.

(4) In relation to a port or aerodrome which does not lie entirely within a port health district or a local authority area, the responsible authority is the port health authority or local authority as decided by agreement between all of the authorities within whose district or area the port or aerodrome lies.

(5) An agreement under paragraph (4) may make provision for financial arrangements.

(6) Where there is a failure to reach an agreement under paragraph (4), the Secretary of State may direct which authority is to be the responsible authority and what financial contribution must be made to that authority by the other authority or authorities in whose district or area the port lies.

(7) In relation to a ship on an international voyage arriving at a port in England, the responsible authority is the authority responsible for the port where the ship arrives.

(8) In relation to a ship on an international voyage departing from a port in England, the responsible authority is the authority responsible for the port where the ship departs.

(9) In relation to an aircraft on an international flight bound for England, the responsible authority is the authority responsible for the destination aerodrome.

(10) In relation to an aircraft on an international flight departing England, the responsible authority is the authority responsible for the destination aerodrome.

### **Enforcement by responsible authority**

4. It is the duty of the responsible authority to enforce these Regulations.

### **Disapplication of Regulations to armed forces’ ships or aircraft**

5.—(1) These Regulations do not apply in relation to any ship or aircraft forming part of—

- (a) Her Majesty’s armed forces;
- (b) the armed forces of any country within the Commonwealth; or
- (c) the armed forces of any country designated under section 1(2) (countries to which Act applies) of the Visiting Forces Act 1952(b).

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(a) See section 45A of the 1984 Act for the interpretation of “infection” and “contamination”. Section 45A was inserted into that Act by section 129 of the 2008 Act.

(b) 1952 c.67. Section 1(2) has been amended by the Armed Forces Act 1996 (c.46), section 33.

(2) These Regulations do not apply to the officers and crew of a ship or aircraft identified in paragraph (1) or to any port or aerodrome under the control of the forces identified at paragraph (1)(a) to (c).

(3) Notwithstanding paragraphs (1) and (2), an officer holding Her Majesty's commission who has command or charge of a ship forming part of Her Majesty's armed forces may request that the proper officer issue or cause to be issued a ship sanitation certificate in respect of the ship in accordance with the procedures set out at regulation 12.

## PART 2

### Inbound international voyage or flight

#### **Requirement to notify actual or suspected infection or contamination on inbound international voyage or flight**

**6.**—(1) This regulation applies where it is the reasonable view of the master on an inbound international voyage or the commander of an aircraft on an inbound international flight that—

- (a) one or more passengers or crew is or may be suffering from an infectious disease or contamination;
- (b) one or more passengers or crew who have disembarked during a previous stop on the international voyage or flight was or may have been suffering from an infectious disease or contamination;
- (c) one or more passengers or crew has or have died during the international voyage or flight other than as a result of an accident; or
- (d) other circumstances exist which suggest that there is or may be infection or contamination on board(a).

(2) The master or commander must ensure that the proper officer is notified of the actual or suspected incident of infection or contamination as soon as reasonably possible after the master or commander has formed the view mentioned in paragraph (1) (which could be after the ship has arrived or the aircraft has landed).

(3) A passenger or crew member of a ship may be suffering from an infectious disease for the purposes of paragraph (1)(a) or (b) if—

- (a) that person has a fever with a temperature of 38 degrees Celsius or higher which has lasted for over 48 hours; or
- (b) that person has a fever with a temperature of 38 degrees Celsius or higher which is accompanied by one or more of the following signs or symptoms—
  - (i) prostration;
  - (ii) decreased consciousness;
  - (iii) glandular swelling;
  - (iv) jaundice;
  - (v) cough or shortness of breath;
  - (vi) bruising or bleeding without previous injury;
  - (vii) paralysis; or
- (c) that person is suffering from any one or more of the following signs and symptoms—
  - (i) acute skin rash or eruption;
  - (ii) severe vomiting, other than sea sickness;

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(a) See section 45A of the 1984 Act for the interpretation of “infection” and “contamination”. Section 45A was inserted into that Act by section 129 of the Health and Social Care Act 2008 (c.14).

- (iii) severe diarrhoea;
- (iv) recurrent convulsions.

(4) A passenger or crew member of an aircraft may be suffering from an infectious disease for the purposes of paragraph (1)(a) or (b) if that person has a fever with a temperature of 38 degrees Celsius or higher and one or more of the following signs or symptoms—

- (a) appearing obviously unwell;
- (b) persistent coughing;
- (c) impaired breathing;
- (d) persistent diarrhoea;
- (e) persistent vomiting;
- (f) skin rash;
- (g) bruising or bleeding without previous injury;
- (h) confusion of recent onset.

(5) A master or commander who fails to comply with this regulation without reasonable excuse commits an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

#### **Requirement to submit Maritime Declaration of Health**

**7.**—(1) The master of a ship on an inbound international voyage must submit the Maritime Declaration of Health to the proper officer where—

- (a) the master is required to make a notification under regulation 6(2) (whether or not the master has done so); or
- (b) the proper officer has requested its submission.

(2) The proper officer may request the submission of the Maritime Declaration of Health where—

- (a) the ship is arriving or has arrived from an affected area; or
- (b) the proper officer has other reasonable grounds for believing that there is or may be infection or contamination on board the ship.

(3) The submission must be received by the proper officer as soon as practicable after the obligation under paragraph (1) arises (which could be after the ship has arrived).

(4) Failure to comply with this regulation without reasonable excuse is an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

(5) In this regulation “Maritime Declaration of Health” means a written declaration conforming with Annex 8 of the International Health Regulations.

#### **Requirement to submit Health Part of the Aircraft General Declaration**

**8.**—(1) The commander of an aircraft on an inbound international flight must submit the Health Part of the Aircraft General Declaration to the proper officer where—

- (a) the commander is required to make a notification under regulation 6(2) (whether or not the commander has done so); or
- (b) the proper officer has requested its submission.

(2) The proper officer may request the submission of the Health Part of the Aircraft General Declaration where—

- (a) the aircraft is arriving or has arrived from an affected area; or
- (b) the proper officer has other reasonable grounds for believing that there is or may be infection or contamination on board the aircraft.

(3) The submission must be received by the proper officer as soon as practicable after the obligation under paragraph (1) arises (which could be after the aircraft has landed).

(4) Failure to comply with this regulation without reasonable excuse is an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

(5) In this regulation “Health Part of the General Declaration of Health” means a written declaration conforming with Annex 9 of the International Health Regulations.

### **Securing safe and convenient location for inbound ship or aircraft**

**9.**—(1) This regulation applies where—

- (a) submission of-
  - (i) the Maritime Declaration of Health is required in respect of a ship under regulation 7 (whether or not it has been submitted); or
  - (ii) the Health Part of the General Declaration of Health is required in respect of an aircraft under regulation 8 (whether or not it has been submitted); and
- (b) the proper officer reasonably believes that the ship or aircraft (or any person or thing<sup>(a)</sup> on board) presents or may present a risk of spreading infection or contamination.

(2) The proper officer may request that the harbour master or the aerodrome operator ensures that the ship or aircraft on arriving is located in a part of the port or aerodrome which—

- (a) minimises the risk of spreading infection or contamination; and
- (b) allows the proper officer to carry out a risk assessment of—
  - (i) any person on board under regulation 18, or
  - (ii) the ship or aircraft or a thing on board it under regulation 23 (including an inspection of the ship or aircraft or a thing on board it under regulation 24, if required).

(3) The harbour master or aerodrome operator must comply with a request made under paragraph (2) insofar as the harbour master or aerodrome operator is reasonably able to do so.

(4) A harbour master or aerodrome operator who fails to comply with paragraph (3) commits an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

### **Securing of passenger and crew information**

**10.**—(1) This regulation applies where—

- (a) submission of-
  - (i) the Maritime Declaration of Health is required in respect of a ship under regulation 7 (whether or not it has been submitted); or
  - (ii) the Health Part of the Aircraft General Declaration is required in respect of an aircraft under regulation 8 (whether or not it has been submitted); and
- (b) the proper officer reasonably believes that passengers or crew on board the ship or aircraft may need to be contacted after the passengers or crew have left the ship or aircraft for the purposes of preventing the spread of infection or contamination.

(2) The proper officer may request that the master or commander secures from the passengers or crew (or any group of passengers or crew specified by the proper officer) prior to their leaving the ship or aircraft the information specified by the proper officer, insofar as the master or commander is reasonably able to do so.

(3) Information specified by the proper officer under paragraph (2) must be limited to information required by the proper officer for the purposes of—

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(a) See section 45T(5) of the 1984 Act for the meaning of “thing”. Section 45T was inserted into that Act by section 129 of the Health and Social Care Act 2008 (c.14).



- (a) identifying which passengers or crew are or were at risk of being infected or contaminated; and
- (b) contacting those passengers or crew.

(4) A master or commander must use best endeavours to secure that the information requested by the proper officer under paragraph (2) is obtained from the passengers or crew prior to their leaving the ship.

(5) A master or commander who fails to comply with paragraph (4) without reasonable excuse commits an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

#### **Ship or aircraft to be allowed to carry out embarkation or disembarkation of passengers etc.**

**11.** The proper officer must not prevent a ship or aircraft from embarking or disembarking passengers or crew, discharging or loading cargo, or taking on fuel, water and supplies except where—

- (a) the proper officer is conducting or intends to carry out an assessment under regulation 18 or 23;
- (b) a health measure is being or is to be carried out under regulation 25 or 29 in respect of the ship or a thing on board that ship; or
- (c) the proper officer reasonably believes that to do so is necessary in order to prevent the spread of infection or contamination.

#### **Production of ship sanitation certificates**

**12.—(1)** The master of a ship engaged on an international voyage must, at the request of the proper officer, produce a valid ship sanitation certificate.

(2) Where—

- (a) a valid ship sanitation certificate has been produced following a request under paragraph (1); and
- (b) the proper officer has reasonable grounds for believing that health measures may be required to prevent the risk of spreading infection or contamination,

the proper officer may carry out a risk assessment under regulation 23 which may include an inspection under regulation 24 and may require the carrying out of any health measures specified under regulation 25.

(3) Where health measures have been carried out following a risk assessment pursuant to paragraph (2), the proper officer must annotate the ship sanitation certificate stating what health measures have been carried out.

(4) Where the proper office is unable to carry out a risk assessment or any health measures specified by the proper officer have not been carried out at the port, the proper officer must—

- (a) inform the appropriate authority at the ship's next port of call of the evidence of risk of infection or contamination and the proper officer's view as to the health measures required; and
- (b) annotate the ship sanitation certificate accordingly.

(5) Where, following a request under paragraph (1) no valid ship sanitation certificate is produced—

- (a) in the case where the port is an authorised port, the proper officer must take the action set out in paragraph (6), together with the steps set out in paragraph (7) or (8); or
- (b) in the case where the port is not an authorised port, the proper officer may take the action set out in paragraph (6).

(6) The proper officer must carry out a risk assessment under regulation 23 including an inspection under regulation 24 and may require the carrying out of any health measures specified under regulation 25.

(7) Where health measures have been carried out following a risk assessment pursuant to paragraph (6) or no health measures are required, the proper officer must—

- (a) issue or cause to be issued, a ship sanitation certificate; or
- (b) annotate any ship sanitation certificate relating to the ship that is available accordingly.

(8) Where the proper officer is unable for whatever reason to carry out a risk assessment or any health measures specified by the proper officer have not been carried out at the port, the proper officer must—

- (a) inform the appropriate authority at the ship's next port of call of the evidence of risk of infection or contamination and the proper officer's view as to the health measures required; and
- (b) annotate any ship sanitation certificate relating to the ship that is available accordingly.

### **Request for issue of a ship sanitation certificate**

**13.**—(1) Where the proper officer receives a written request from the master to issue a ship sanitation certificate—

- (a) in the case where the port is an authorised port, the proper officer must take the action set out in paragraph (2), together with the steps set out in paragraph (3) or (4); or
- (b) in the case where the port is not an authorised port, the proper officer may take the action set out in paragraph (2).

(2) The proper officer must carry out a risk assessment under regulation 23 including an inspection under regulation 24 and may require the carrying out of any health measures specified under regulation 25.

(3) Where health measures have been carried out following a risk assessment pursuant to paragraph (2) or no health measures are required, the proper officer must issue or cause to be issued, a ship sanitation certificate.

(4) Where the proper officer is unable for whatever reason to carry out a risk assessment or any health measures specified by the proper officer have not been carried out at the port, the proper officer must—

- (a) refer the written request to issue a ship sanitation certificate to an authorised port and inform the master of the ship of this referral;
- (b) inform the appropriate authority at the ship's next port of call of the evidence of risk of infection or contamination and the proper officer's view as to the health measures required; and
- (c) annotate any ship sanitation certificate relating to the ship which is available accordingly.

### **Ship sanitation certificates: extensions**

**14.**—(1) Where—

- (a) a valid ship sanitation certificate has been produced following a request under regulation 12(1);
- (b) the proper officer receives a written request from the master of the ship for the validity of the ship sanitation certificate to be extended; and
- (c) the port is an authorised port,

the proper officer must extend the ship sanitation certificate by one month from the date it is due to cease to be valid unless the proper officer has reasonable grounds for believing that health measures (within the meaning of regulation 25(15)) may be required to prevent the risk of spreading infection or contamination.

(2) The validity of a ship sanitation certificate may only be extended once.

**Ship sanitation certificates: charging**

**15.**—(1) Where the conditions in paragraph (2) are met, a responsible authority may charge the master for—

- (a) an inspection of the ship under regulation 24 where that inspection is carried out pursuant to regulation 12 or 13;
- (b) carrying out or arranging to carry out specified health measures under regulation 25 where those health measures are carried out or are arranged to be carried out pursuant to regulation 12 or 13; or
- (c) dealing with a request to extend the period of validity of a ship sanitation certificate under regulation 14.

(2) The conditions in this paragraph are that—

- (a) the responsible authority has published a tariff of its charges in relation to health measures at least ten days before the charge is levied; and
- (b) subject to paragraph (3), the charge conforms to the tariff.

(3) Any charge levied under paragraph (1) must not exceed the actual costs incurred by the proper officer in carrying out—

- (a) an inspection;
- (b) carrying out or arranging to have carried out specified health measures; or
- (c) dealing with a request for an extension of a ship sanitation certificate.

(4) No charge may be levied in respect of a health measure that relates to a passenger's baggage.

(5) Where a responsible authority levies a charge under paragraph (1), that authority must provide a free written explanation of the work done and the charges levied in respect of that work.

(6) A responsible authority may require the whole or part of any charge levied under paragraph (1) to be paid or deposited with it before the inspection, health measures or extension are carried out or arranged to be carried out.

**Ship sanitation certificates: form, period of validity and retention**

**16.**—(1) A ship sanitation certificate must conform to the model in Annex 3 of the International Health Regulations.

(2) Subject to regulation 14, a ship sanitation certificate is valid for six months beginning with the date of issue.

(3) The responsible authority must retain a copy of any ship sanitation certificate issued by it or produced to it for a period of one year beginning with the date of issue or the date that it is produced to the proper officer

## PART 3

### Outbound international voyages or flights

**Notifying the ship's next port of call or flight's destination aerodrome of risk of spread of infection or contamination**

**17.**—(1) Paragraph (2) applies—

- (a) where-
  - (i) a ship has departed from a port on an outbound international voyage; or

- (ii) an aircraft has departed from an aerodrome on an outbound international flight; and
  - (b) it is the reasonable view of the proper officer that the ship or aircraft (or any person or thing on board) presents a risk of spreading infection or contamination.
- (2) The proper officer must notify the appropriate authority at the ship's next port of call or destination aerodrome of—
- (a) the proper officer's view that the ship or aircraft (or any person or thing on board) presents a risk of spreading infection or contamination;
  - (b) the reason or reasons for the proper officer's view; and
  - (c) the steps that the proper officer considers should be taken in relation to the ship or aircraft (or any person or thing on board).
- (3) Paragraph (4) applies—
- (a) where-
    - (i) a ship has departed from a port on an outbound international voyage; or
    - (ii) an aircraft has departed from an aerodrome on an outbound international flight; and
  - (b) it is the reasonable view of the proper officer that the ship or aircraft (or any person or thing on board) may present a risk of spreading infection or contamination.
- (4) The proper officer may notify the appropriate authority at the ship's next port of call or the destination aerodrome of the proper officer's view that the ship or aircraft (or any person or thing on board) may present a risk of spreading infection or contamination.

## PART 4

### Dealing with risks arising from people

#### **Risk assessment of persons by proper officer**

**18.**—(1) A proper officer may carry out an assessment (a “risk assessment”) of the risk to public health posed by a person (P) where the conditions in paragraph (2) are met.

(2) The conditions in this paragraph are that—

- (a) P is-
  - (i) on an inbound international voyage or at the port having arrived on an inbound international voyage or intending to depart on an outbound international voyage; or
  - (ii) on an inbound international flight or at the aerodrome having arrived on an inbound international flight or intending to depart on an outbound international flight; and
- (b) the proper officer has reasonable grounds for believing that P presents or could present a risk of spreading infection or contamination.

(3) For the purposes of paragraph (2)(b), reasonable grounds for believing that P presents or could present a risk of spreading infection or contamination may include where the proper officer has received a notification under regulation 6(2) which relates to P.

(4) A risk assessment may include a medical examination<sup>(a)</sup> of P where—

- (a) the medical examination is to be conducted by a registered medical practitioner; and
- (b) the proper officer has reasonable grounds for believing that a medical examination of P is necessary for the purpose of assessing the risk posed by P of spreading infection or contamination.

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<sup>(a)</sup> See section 45T(3) of the 1984 Act for the meaning of “medical examination”.

### **Detention for purpose of risk assessment**

**19.**—(1) A proper officer may detain a person (P) for the purpose of carrying out a risk assessment under regulation 18 where the conditions in paragraph (2) are met.

(2) The conditions in this paragraph are that—

- (a) P's detention is necessary for the purpose of carrying out the risk assessment; and
- (b) regulation 20 does not apply.

(3) The proper officer may require P to move to a suitable place of detention where the proper officer is to detain P under paragraph (1).

(4) The proper officer must notify P immediately on commencing P's detention under this regulation of—

- (a) the fact of P's detention;
- (b) the powers under which P is detained;
- (c) the reason for P's detention;
- (d) the next steps that the proper officer proposes to take;
- (e) the obligation to keep the need for P's detention under review; and
- (f) the penalty for absconding from detention.

(5) Subject to paragraph (6), P may be detained under this regulation for a maximum period beginning with the time from which P's detention under this regulation commenced of—

- (a) two hours; or
- (b) six hours if the proper officer considers that a medical examination under regulation 18(4) should be conducted as part of the risk assessment.

(6) P's detention must cease once the risk assessment has been completed irrespective of the time elapsed, subject to regulation 21 (continued detention for purposes of application for Justice of the Peace's Order).

(7) The proper officer must keep the need for P's detention under review.

(8) Whilst P is detained under this regulation, the proper officer must have due regard to P's well-being.

(9) If P fails to comply with a requirement imposed under paragraph (3), P commits an offence punishable on summary conviction by a fine not exceeding level 3 on the standard scale.

(10) If P absconds from detention under this regulation—

- (a) P commits an offence punishable on summary conviction by a fine not exceeding level 3 on the standard scale; and
- (b) a constable may take P into custody and return P to the place of detention (but only insofar as the maximum period for detention under paragraph (5) has not elapsed).

### **Hospitalisation**

**20.**—(1) This regulation applies where a person (P) is—

- (a) at a port or an aerodrome;
- (b) presents or could present a risk of spreading infection or contamination; and
- (c) is to be taken direct to a hospital as soon as practicable by ambulance or other mode of transport agreed with the proper officer.

(2) P may not be detained at the port or aerodrome by the proper officer under regulation 19.

(3) The proper officer must notify the proper officer of the local authority in whose area the hospital referred to in paragraph (1)(c) falls (where that is a different person) of the matters listed in paragraph (4) insofar as they are known to the notifying proper officer.

(4) The matters listed in this paragraph are—

- (a) P's name and address;
- (b) P's medical condition;
- (c) P's travel history;
- (d) the circumstances giving rise to the risk or possible risk of P spreading infection or contamination; and
- (e) the name of the hospital to which P is being taken.

### **Continued detention for purposes of application for Justice of the Peace's Order**

**21.**—(1) This regulation applies where—

- (a) a person (P) is detained under regulation 19 for the purpose of carrying out a risk assessment;
- (b) a medical examination under regulation 18(4) has been carried out as part of the risk assessment; and
- (c) the risk assessment has been completed.

(2) A proper officer may detain P where it is that officer's reasonable view that an application for compulsory hospital admission, detention, isolation or quarantine under section 45G(2)(b) to (d) (power to order health measures in relation to persons) of the 1984 Act in relation to P is immediately required.

(3) The proper officer must notify P immediately on commencing P's detention under paragraph (2) of—

- (a) the fact of P's detention;
- (b) the powers under which P is detained;
- (c) the reason for P's detention;
- (d) the next steps that the proper officer proposes to take; and
- (e) the penalty for absconding from detention.

(4) Subject to paragraph (5), P may be detained under this regulation for a maximum period of three hours beginning with the time from which P's detention under this regulation commenced.

(5) Detention under this regulation must cease as soon as practicable after—

- (a) the application referred to in paragraph (2) is determined; or
- (b) the proper officer has decided not to continue with the application.

(6) Whilst P is detained under this regulation, the proper officer must have due regard to P's well-being.

(7) If P absconds from detention under this regulation—

- (a) P commits an offence punishable on summary conviction by a fine not exceeding level 3 on the standard scale; and
- (b) a constable may take P into custody and return P to the place of detention (but only insofar as the maximum period for detention under paragraph (4) has not elapsed).

### **Provision of information by person subject to risk assessment**

**22.**—(1) A proper officer may request that a person (P) who is the subject of a risk assessment under regulation 18 provides information or answers questions about P's health or other circumstances (including, in particular, information or questions about the identity or whereabouts of a related party or a related thing).

(2) P must comply with a request under paragraph (1) insofar as P is reasonably able to do so.

(3) Where P fails to comply with paragraph (2), P commits an offence punishable on summary conviction by a fine not exceeding level 3 on the standard scale.

(4) In this regulation—

“related party” means—

- (a) a person who has or may have infected or contaminated P; or
- (b) a person whom P has or may have infected or contaminated; and

“related thing” means—

- (a) a thing which has or may have infected or contaminated P; or
- (b) a thing which P has or may have infected or contaminated.

## PART 5

### Dealing with risks arising from ships, aircraft or things on board

#### **Risk assessment by proper officer**

**23.**—(1) A proper officer may carry out an assessment (a “risk assessment”) of the risk that a ship, an aircraft or a thing on board presents or could present of spreading infection or contamination where the conditions in paragraph (2) are met.

(2) The conditions in this paragraph are that —

- (a) the-
  - (i) ship has arrived at the port after an international voyage or is on an inbound international voyage; or
  - (ii) the aircraft is at the aerodrome or is an inbound international flight; and
- (b) the proper officer has reasonable grounds for believing that the ship or aircraft or a thing on board presents or could present a risk of spreading infection or contamination.

(3) For the purposes of paragraph (2)(b), reasonable grounds for believing that the ship or aircraft presents or could present a risk of spreading infection or contamination may include where—

- (a) the proper officer has received a notification under regulation 6(2) in respect of the ship or aircraft; or
- (b) the ship or aircraft has arrived or is arriving from an affected area.

#### **Inspection as part of carrying out a risk assessment**

**24.**—(1) As part of a risk assessment under regulation 23, a proper officer may conduct an inspection of-

- (a) a ship or a thing on board the ship when the ship is at the port; or
- (b) an aircraft or a thing on board that aircraft when the aircraft is at the aerodrome.

(2) Where a proper officer has decided to carry out an inspection under paragraph (1)(a)—

- (a) the proper officer must as soon as reasonably practicable notify the decision to—
  - (i) the harbour master, and
  - (ii) the master of the ship which is the subject of the inspection; and
- (b) the proper officer may request that the harbour master ensures that the ship is located as soon as reasonably practicable in a part of the port where the inspection can be carried out safely and conveniently.

(3) The harbour master must comply with a request made under paragraph (2)(b) insofar as the harbour master is reasonably able to do so.

(4) Where a proper officer has decided to carry out an inspection under paragraph (1)(b)-

- (a) the proper officer must as soon as reasonably practicable notify the decision to-

- (i) the aerodrome operator; and
  - (ii) the commander of the aircraft which is the subject of the inspection; and
- (b) the proper officer may request that the aerodrome operator ensures that the aircraft is located as soon as reasonably practicable in a part of the aerodrome where the inspection can be carried out safely and conveniently.
- (5) The aerodrome operator must comply with a request made under paragraph (4)(b) insofar as that operator is reasonably able to do so.
- (6) Paragraphs (7) to (9) apply where a proper officer boards a ship or aircraft for the purpose of conducting an inspection under paragraph (1).
- (7) Where the proper officer boards by consent, the proper officer may—
- (a) take on board such other persons and such equipment and materials as may be necessary;
  - (b) search the ship or aircraft;
  - (c) carry out measurements and tests of the ship or aircraft or anything found on it;
  - (d) take and retain samples from the ship or aircraft or anything found on it;
  - (e) seize and detain or remove any thing from the ship or aircraft which the proper officer reasonably believes presents or may present a risk of spreading infection or contamination; or
  - (f) seize and detain or remove any thing from the ship or aircraft to carry out a further examination where the proper officer reasonably believes that such further examination might assist in identifying a cause or source of a risk of spreading infection or contamination.
- (8) Where the proper officer enters the ship or aircraft by virtue of section 61 (power to enter premises) of the 1984 Act or by a warrant issued under that section, the officer may (in addition to doing the things set out in section 62 (supplementary provisions as to entry) of that Act)—
- (a) seize and detain or remove any thing from the ship or aircraft which the officer reasonably believes presents or may present a risk of spreading infection or contamination; and
  - (b) seize and detain or remove any thing from the ship or aircraft to carry out a further examination where the proper officer reasonably believes that such further examination might assist in identifying a cause or source of a risk of spreading infection or contamination.
- (9) Where a proper officer detains or removes a thing under paragraph (7)(e) or (f) or (8) of this regulation, the thing must be returned to the owner or person who had custody or control when the thing was detained or removed without delay insofar as it is reasonably practicable when the risk assessment (of which the inspection forms a part) has been concluded.
- (10) The master of the ship or commander of the aircraft must allow the proper officer immediate access to any part of the ship or aircraft that the proper officer reasonably wishes to inspect insofar as the master or commander is reasonably able to do so.
- (11) When an inspection of a ship or thing on board has finished the proper officer must, without delay, inform the harbour master and the master of the ship.
- (12) When an inspection of an aircraft or thing on board has finished the proper officer must, without delay, inform the aerodrome and the commander of the aircraft.
- (13) Failure to comply with an obligation under paragraphs (3), (5) or (10) shall be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

**Power to require master or aircraft operator to carry out health measures**

**25.—**(1) This regulation applies where a proper officer has completed a risk assessment in under regulation 23.



- (2) Where the risk assessment relates to-
- (a) a ship or a thing on board that ship the proper officer may by written notice require the master to carry out, or arrange to have carried out, health measures in respect of the ship or a thing on board that ship; or
  - (b) an aircraft or a thing on board that aircraft the proper officer may by written notice require the aircraft operator to carry out, or arrange to have carried out, health measures in respect of the aircraft or a thing on board that aircraft.
- (3) A notice given under paragraph (2) must specify—
- (a) the measure or measures which the master or aircraft operator is or are required to take;
  - (b) why the measure or measures are believed to be necessary and proportionate;
  - (c) the time and date by which the measure or measures must be completed;
  - (d) the penalty for failing to comply with the notice; and
  - (e) contact details for the proper officer issuing the notice.
- (4) A health measure required under paragraph (2) must be—
- (a) necessary for the purpose of preventing the spread of infection or contamination; and
  - (b) proportionate.
- (5) Where a health measure is required to be carried out under paragraph (2)(a), the proper officer may request that the harbour master ensures the ship is located as soon as reasonably practicable in a place where the measure can be carried out safely and conveniently.
- (6) The harbour master must comply with a request made under paragraph (5) insofar as the harbour master is reasonably able to do so.
- (7) Where a health measure is required to be carried out under paragraph (2)(b), the proper officer may request that the aerodrome operator ensures that the aircraft is located as soon as reasonably practicable in a place where the measure can be carried out safely and conveniently.
- (8) The aerodrome operator must comply with a request made under paragraph (7) insofar as the aerodrome operator is reasonable able to do so.
- (9) A proper officer may carry out, or arrange to have carried out, the health measures specified in the notice if—
- (a) requested to do so by the master or aircraft operator to whom the notice is addressed; or
  - (b) the master or aircraft operator to whom the notice is addressed fails to comply with the notice.
- (10) Where a proper officer is to carry out, or arrange to have carried out, health measures under paragraph (9), the proper officer may do anything which the officer considers is appropriate for facilitating or incidental or conducive to, the carrying out or arranging to have carried out of those health measures.
- (11) A master or aircraft operator who fails to comply with a notice given under paragraph (2) without reasonable excuse commits an offence punishable on summary conviction by a fine not exceeding £20,000.
- (12) Failure of the harbour master to comply with an obligation under paragraph (6) is an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.
- (13) Failure of the aerodrome operator to comply with an obligation under paragraph (8) is an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.
- (14) The proper officer must ensure that a health measure required under this regulation consists of methods or materials advised by the World Health Organisation for these procedures, unless the proper officer determines that other measures are as safe and reliable.
- (15) In this regulation “health measure” means a procedure applied to prevent the spread of infection or contamination and includes disinfection, disinsection and decontamination measures.

### **Power to charge in connection with health measures**

**26.**—(1) A responsible authority may charge the master or aircraft operator if a proper officer carries out, or arranges to have carried out, health measures under regulation 25(9) where the conditions in paragraph (2) are met.

(2) The conditions in this paragraph are that—

- (a) the health measure does not relate to a passenger's baggage;
- (b) the responsible authority has published a tariff of its charges in relation to health measures at least ten days before the charge is levied; and
- (c) subject to paragraph (4), the charge conforms to the tariff.

(3) Where a responsible authority levies a charge under paragraph (1) that authority must provide a free written explanation of the work done and the charges levied in respect of that work.

(4) Any charge levied under paragraph (1) must not exceed the actual costs incurred by the proper officer in carrying out, or arranging to have carried out, the health measures.

(5) A responsible authority may require the whole or part of any charge levied under paragraph (1) to be paid or deposited with it before action under regulation 24 is carried out or is arranged to be carried out.

### **Avoidance of delay**

**27.** When carrying out functions under regulations 23 to 25 in relation to a ship or aircraft, the proper officer must have regard to the need to restore the ship or aircraft to use as quickly as possible.

## **PART 6**

### **General powers and duty of a proper officer**

#### **Power to inform and advise**

**28.**—(1) A proper officer may provide information and advice to passengers, crew and other individuals at a port or aerodrome for the purpose of preventing the spread of infection or contamination.

(2) Information and advice provided under paragraph (1) may include—

- (a) how to protect against infection or contamination;
- (b) the symptoms of infection or contamination;
- (c) the appropriate steps to take to address possible infection or contamination (if any); and
- (d) whether or not there is risk of spread of infection or contamination in relation to a specific incident at the port or aerodrome or on an inbound international voyage or flight.

(3) The information and advice provided under paragraph (2)(a) to (c) may relate to infection or contamination generally or to specific infections or contaminants.

#### **Power to carry out health measures in respect of people, things or premises on request**

**29.**—(1) This regulation applies where a person (P) at a port or aerodrome requests a proper officer to carry out a specified health measure in relation to—

- (a) P at the port or aerodrome;
- (b) a thing which is owned by P or which is under P's custody or control and which is at the port or aerodrome; or
- (c) premises at the port or aerodrome which are owned by P or which are under P's management or control.

(2) The proper officer may carry out, or arrange to have carried out, the health measure requested under paragraph (1).

(3) The responsible authority may charge for any health measure carried out by the proper officer under paragraph (2) in relation to a thing or premises if P is made aware of the charge prior to the health measure being carried out and agrees to pay it.

(4) In this regulation—

“health measure” has the meaning given to it in regulation 25(15); and

“specified health measure” means a health measure specified by P.

### **Power to request information**

**30.**—(1) This regulation applies where the proper officer has reasonable grounds for believing that a person (P), a ship, an aircraft or a thing (whether or not on board a ship or aircraft) at a port or aerodrome presents or could present a risk of spreading infection or contamination.

(2) Subject to paragraph (4), the proper officer may request from any person falling within paragraph (3) such information about P, the ship, the aircraft or the thing as the officer may require for the purposes of—

- (a) assessing the level of the risk presented by P, the ship, the aircraft or the thing; or
- (b) removing or reducing the risk presented by P, the ship, the aircraft or the thing.

(3) A person falls within this paragraph—

- (a) they are present at the port or aerodrome; or
- (b) the proper officer has reasonable grounds for believing that they have or might have information falling within paragraph (2).

(4) The proper officer may not request information about P under paragraph (2) from a person that is not P where P is willing and able to provide the information requested.

(5) The information about P that the proper officer may request under paragraph (2) includes—

- (a) P’s name and address;
- (b) P’s medical condition;
- (c) P’s travel history; and
- (d) the circumstances giving rise to the risk or possible risk of P spreading infection or contamination.

(6) The information about a ship or aircraft that the proper officer may request under paragraph (2) includes—

- (a) where it came from; and
- (b) the circumstances giving rise to the risk or possible risk of the ship or aircraft spreading infection or contamination

(7) The information about a thing that the proper officer may request under paragraph (2) includes—

- (a) what it is;
- (b) what it is made of;
- (c) what it is for;
- (d) where it came from; and
- (e) the circumstances giving rise to the risk or possible risk of the thing spreading infection or contamination.

(8) Any person to whom a request is addressed under paragraph (2) must provide the information requested to the proper officer insofar as it is known to them.

(9) Any person who fails to comply with paragraph (8) without reasonable excuse commits an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

### **Power to request accommodation**

**31.**—(1) A harbour master must comply with any reasonable request made by a proper officer for suitable accommodation within the port to be made available to that proper officer for the purpose of exercising their functions under these Regulations.

(2) An aerodrome operator must comply with any reasonable request made by a proper officer for suitable accommodation within the aerodrome to be made available to that officer for the purposes of exercising that officer's functions under these Regulations.

(3) Accommodation made available to the proper officer under paragraphs (1) or (2) must be made available free of charge.

(4) A harbour master who fails without reasonable excuse to comply with this regulation commits an offence punishable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Duty to inform officer of Revenue and Customs**

**32.**—(1) Paragraph (2) applies where a proper officer exercises a function under regulations 9, 17, 18, 23 to 25 or 29 in relation to a person or thing which affects the exercise of functions by an officer of Revenue and Customs ("a Customs officer") in relation to that person or thing.

(2) The proper officer must inform the Customs officer of the exercise of that function.

## **PART 7**

### **Miscellaneous**

#### **Duty on master to have regard to guidelines**

**33.**—(1) Subject to paragraph (2)-

- (a) a master must have regard to guidelines issued by the Secretary of State or the World Health Organization in relation to the disinsection of ships; and
- (b) an aircraft operator must have regard to guidelines issued by the Secretary of State or the World Health Organization in relation to the disinsection of aircraft.

(2) In the event that guidelines issued by the Secretary of State and guidelines issued by the World Health Organization are inconsistent with each other, a master must have regard only to the guidelines of the Secretary of State in relation to those inconsistent parts.

(3) A master or aircraft operator who fails to comply with this regulation without reasonable excuse commits an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

## **PART 8**

### **Offences**

#### **False or misleading information**

**34.**—(1) Any person who provides false or misleading information intentionally or recklessly to a proper officer carrying out a function under these Regulations commits an offence.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding £20,000.

## **Obstruction**

**35.**—(1) Any person who wilfully obstructs a proper officer carrying out a function under these Regulations commits an offence.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding £20,000.

## **PART 9**

### **Revocations, Transitionals and Savings**

#### **Revocations, transitionals and savings**

**36.** Except to the extent set out in paragraph (3), the following Regulations are revoked—

- (a) the Public Health (Ships) Regulations 1979(**a**) (“the 1979 Ships Regulations”);
- (b) the Public Health (Ships) (Amendment) (England) Regulations 2007(**b**)
- (c) the Public Health (Aircraft) Regulations 1979(**c**) (“the 1979 Aircraft Regulations”); and
- (d) the Public Health (Aircraft) (Amendment) (England) Regulations 2007(**d**)..

(2) The transitional and savings provisions set out in the Schedule shall have effect.

(3) The 1979 Ships Regulations shall continue to have effect for the purposes of Schedule 1.

(4) The 1979 Aircraft Regulations shall continue to have effect for the purposes of Schedule 2.

Signed by authority

Date

*Name*  
Parliamentary Under Secretary of State  
Department of Health

## **SCHEDULE 1**

## **Regulation 36**

### **Transitional and Saving Provisions relating to Ships**

#### **Interpretation**

**1.** In this Schedule—

“the 1979 Ships Regulations” means the Public Health (Ships) Regulations 1979(**e**); and

“the new Regulations” means these Regulations.

#### **Regulation 7 of the 1979 Ships Regulations**

**2.** Where under regulation 7 (inspection of ships) of the 1979 Ships Regulations an inspection is taking place when the new Regulations come into force, that inspection shall continue to take place in accordance with that regulation.

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(a) S.I. 1979/1435.  
(b) S.I. 2007/1446.  
(c) S.I. 1979/1434.  
(d) S.I. 2007/1447.  
(e) S.I. 1979/1435.

### **Regulation 9 of the 1979 Aircraft Regulations**

3.—(1) This paragraph applies where, at the time that the new Regulations come into force, under regulation 9 (examinations, etc, of persons on ships) of the 1979 Ships Regulations—

- (a) a medical officer is examining a person (“P”); or
- (b) a medical officer has been requested to examine a person (“P”) by the master, but that examination has not yet begun.

(2) Where paragraph (1) applies, the examination shall continue to take place in accordance with regulation 9(1) of the 1979 Ships Regulations and the authorised officer may detain P or continue to detain P under regulation 9(2)(a) of the 1979 Ships Regulations for such examination upon the ship or at some place on shore appointed for the purpose.

(3) Subject to paragraph (5), where P is detained under regulation 9(2)(a) of the 1979 Ships Regulations, P may be detained for a maximum period six hours or until the examination has been completed, whichever is the shorter period.

(4) Where P is detained under regulation 9(2)(a) of the 1979 Ships Regulations, the authorised officer must comply with the obligations set out in regulation 19(4), (7) and (8) of the new Regulations and the reference in regulation 19(4) and (8) to “this regulation” shall be construed as a reference to “regulation 9(2)(a) of the 1979 Ships Regulations”.

(5) An authorised officer who is a registered medical practitioner may detain P where it is that officer’s reasonable view following that examination that an application for compulsory hospital admission, detention, isolation or quarantine under section 45G(2)(b) to (d) (power to order health measures in relation to persons) of the 1984 Act in relation to P is immediately required.

(6) Where at the time that the new Regulations come into force the authorised officer is prohibiting a person from leaving a ship under regulation 9(2)(c) of the 1979 Ships Regulations, an authorised officer may continue to detain that person where it is that officer’s reasonable view that an application for compulsory hospital admission, detention, isolation or quarantine under section 45G(2)(b) to (d) (power to order health measures in relation to persons) of the 1984 Act in relation to that person is immediately required.

(7) The provisions of regulation 21(3) to (7) of the new Regulations shall apply to a detention under paragraph (5) or (6) as they apply to a detention under regulation 21(2) of the new Regulations and a reference in that regulation to—

- (a) a “proper officer” shall be construed as a reference to an “authorised officer”;
- (b) “paragraph (2)” shall be construed as a reference to “paragraph 3(5) of the Schedule to the new Regulations” or “paragraph 3(6) of the Schedule to the new Regulations” (as the case may be).

(8) This paragraph applies where at the time that the new Regulations come into force—

- (a) the authorised officer has required a master to take or assist in taking steps under regulation 9(2)(d) of the 1979 Ships Regulations; and
- (b) those steps have not been taken.

(9) Where paragraph (7) applies, the requirement on the master to take or assist in taking the steps shall continue to apply.

(10) Nothing in this regulation shall be deemed to authorise the use of a ship for the isolation of a person who is suffering from, or had been exposed to infection from, an infectious disease unless such isolation can be effected without delaying or unduly interfering with the movements of the ship.

### **Regulations 18A and 18B of the 1979 Ships Regulations**

4.—(1) Subject to paragraph (2), any Ship Sanitation Control Certificate or Ship Sanitation Control Exemption Certificate issued under regulation 18A (application for a Ship Sanitation Control Certificate or Ship Sanitation Control Exemption Certificate) or 18B (production of ship sanitation certificate) of the 1979 Ships Regulations shall remain valid until the end of the period set out in regulation 18D (ship sanitation certificates: form; period of validity and retention) of the

1979 Ships Regulations and the local authority must in accordance with regulation 18(3) of the 1979 Ships Regulations retain a copy of the certificate.

(2) Where the period of validity of a ship sanitation certificate has been extended by one month under regulation 18B(5) of the 1979 Ships Regulations, the certificate shall remain valid until the end of that period.

(3) Any application for a ship sanitation certificate under regulation 18A of the 1979 Ships Regulations that is outstanding on the date of the coming into force of the new Regulations shall be treated as a request for the issue of a ship sanitation certificate under regulation 13 of the new Regulations.

(4) Where under regulation 18B of the 1979 Ships Regulations an inspection is taking place when the new Regulations come into force, that inspection shall continue to take place in accordance with that regulation.

(5) Where an authorised officer was satisfied that a ship was exempt from control measures but had not issued or caused to be issued a Ship Sanitation Control Exemption Certificate under regulation 18B(2) of the 1979 Ships Regulations before the coming into force of the new Regulations, the authorised officer shall immediately issue or cause to be issued a Ship Sanitation Control Exemption Certificate.

### **Regulations 21 to 29 of the 1979 Ships Regulations**

5. Where under regulation 21 to 29 (detention of ships) of the 1979 Ships Regulations a ship is being detained when the new Regulations come into force, that detention shall continue in order to enable a proper officer to carry out an assessment under regulation 23 of the new Regulations which may include an inspection under regulation 24 of the new Regulations.

### **Regulation 35 of the 1979 Ships Regulations**

6. Regulation 35 (compliance with directions, etc, under the regulations) of the 1979 Ships Regulations shall continue to apply for the purposes of this Schedule.

### **Regulation 38 of the 1979 Ships Regulations**

7. Where at the time that the new Regulations come into force—
- (a) an amount has been paid or a deposit has been made under regulation 38(4) (charges for services) of the 1979 Ships Regulations; and
  - (b) the service in respect of which is was paid or deposited has not been performed,
- the responsible authority shall immediately return the amount or deposit unless the service is still going to be performed.

## **SCHEDULE 2**

Regulation 36

### **Transitional and Saving Provisions relating to Aircraft**

#### **Interpretation**

1. In this Schedule—
- “the 1979 Aircraft Regulations” means the Public Health (Aircraft) Regulations 1979(a); and
  - “the new Regulations” means these Regulations.

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(a) S.I. 1979/1434.

### **Regulation 7 of the 1979 Aircraft Regulations**

2. Where under regulation 7 (inspection of aircraft) of the 1979 Aircraft Regulations an inspection is taking place when the new Regulations come into force, that inspection shall continue to take place in accordance with that regulation.

### **Regulation 8 of the 1979 Aircraft Regulations**

3.—(1) This paragraph applies where, at the time that the new Regulations come into force, under regulation 8 (examinations, etc, of persons on aircraft) of the 1979 Aircraft Regulations—

- (a) a medical officer is examining a person (“P”); or
- (b) a medical officer has been requested to examine a person (“P”) by the commander, but that examination has not yet begun.

(2) Where paragraph (1) applies, the examination shall continue to take place in accordance with regulation 8(1) of the 1979 Aircraft Regulations and the authorised officer may detain P or to continue to detain P under regulation 8(2)(a) of the 1979 Aircraft Regulations for such examination at a place appointed for the purpose.

(3) Subject to paragraph (5), where P is detained under regulation 8(2)(a) of the 1979 Aircraft Regulations, P may be detained for a maximum period six hours or until the examination has been completed, whichever is the shorter period.

(4) Where P is detained under regulation 8(2)(a) of the 1979 Aircraft Regulations, the authorised officer must comply with the obligations set out in regulation 19(4) (unless the examination has already begun), (7) and (8) of the new Regulations and the reference in regulation 13(4) and (8) to “this regulation” shall be construed as a reference to “regulation 8(2)(a) of the 1979 Aircraft Regulations”.

(5) An authorised officer who is a registered medical practitioner may detain P where it is that officer’s reasonable view following the examination that an application for compulsory hospital admission, detention, isolation or quarantine under section 45G(2)(b) to (d) (power to order health measures in relation to persons) of the 1984 Act in relation to P is immediately required.

(6) Where at the time that the new Regulations come into force the authorised officer is prohibiting a person from leaving an aircraft or airport under regulation 8(2)(c) of the 1979 Aircraft Regulations, an authorised officer who may continue to detain that person where it is that officer’s reasonable view that an application for compulsory hospital admission, detention, isolation or quarantine under section 45G(2)(b) to (d) (power to order health measures in relation to persons) of the 1984 Act in relation to that person is immediately required.

(7) The provisions of regulation 21(3) to (7) of the new Regulations shall apply to a detention under paragraph (5) or (6) as they apply to a detention under regulation 21(2) of the new Regulations and a reference in that regulation to—

- (a) a “proper officer” shall be construed as a reference to an “authorised officer”;
- (b) “paragraph (2)” shall be construed as a reference to “paragraph 3(5) of the Schedule 2 to the new Regulations” or “paragraph 3(6) of Schedule 2 to the new Regulations” (as the case may be).

(8) This paragraph applies where at the time that the new Regulations come into force—

- (a) the authorised officer has required a commander to take or assist in taking measures under regulation 8(2)(d) of the 1979 Aircraft Regulations; and
- (b) those measures have not been taken.

(9) Where paragraph (8) applies, the requirement on the commander to take or assist in taking the measures shall continue to apply.

### **Regulation 12 of the 1979 Aircraft Regulations**

4. Where under regulation 12(1) (notifications of infectious disease, etc, on board) of the 1979 Aircraft Regulations a report has been made but at the time of the coming into force of the new



Regulations no radio message or communication has been sent in accordance with regulation 12(1B) of the 1979 Aircraft Regulations, the commander shall immediately send a message or communication in accordance with that provision and regulations 12(2) and (3) of the 1979 Aircraft Regulations shall continue to apply in relation to that message or communication.

### **Regulation 13 of the 1979 Aircraft Regulations**

5.—(1) This paragraph applies where, at the time the new Regulations come into force, under regulation 13 (deratting and disinfection of aircraft) of the 1979 Aircraft Regulations—

- (a) there is a requirement that an aircraft be deratted, but it has not been complied with;
- (b) there is a requirement that an aircraft, together with specified contents be disinfected, but it has not been complied with; or
- (c) an aircraft has been deratted, but the authorised officer has not been informed of the arrangements made for the disposal of the rodents.

(2) Where paragraph (1) applies—

- (a) in the case of sub-paragraph (a), the requirement to derat the aircraft shall continue to apply and once the aircraft is deratted the commander shall inform the authorised officer of the arrangements made for the disposal of the rodents;
- (b) in the case of sub-paragraph (b), the requirement to disinfect the aircraft and specified contents shall continue to apply; and
- (c) in the case of sub-paragraph (c), the commander shall immediately inform the authorised officer of the arrangements made for the disposal of the rodents.

(3) This paragraph applies where at the time that the new Regulations come into force—

- (a) the authorised officer has required additional health measures to be applied pursuant to regulation 13(3B) of the 1979 Aircraft Regulations; and
- (b) those measures have not been applied.

(4) Where paragraph (3) applies, the requirement to apply additional health measures shall continue to apply and the responsible authority shall immediately report the application of the measures to the National IHR Focal Point once they have been applied.

(5) Where at the time that the new Regulations come into force—

- (a) additional health measures have been applied pursuant regulation 13(3B) of the 1979 Aircraft Regulations; and
- (b) the application of the additional health measures have not been reported under regulation 13(3C) of the 1979 Aircraft Regulations,

the responsible authority shall immediately report the application of the measures to the National IHR Focal Point.

### **Regulations 14 and 16 of the 1979 Aircraft Regulations**

6. Where under regulation 14 (detention of aircraft) or 16 (detention of aircraft) of the 1979 Aircraft Regulations an aircraft is being detained when the new Regulations come into force, that detention shall continue in order to enable a proper officer to carry out an assessment under regulation 23 of the new Regulations which may include an inspection under regulation 24 of the new Regulations.

### **Regulation 29 of the 1979 Aircraft Regulations**

7. Regulation 29 (compliance with directions, etc, under the regulations) of the 1979 Aircraft Regulations shall continue to apply for the purposes of this Schedule.

**Regulation 32 of the 1979 Aircraft Regulations**

8. Where at the time that the new Regulations come into force—

- (a) an amount has been paid or a deposit has been made under regulation 32(4) (charges for services) of the 1979 Aircraft Regulations; and
- (b) the service in respect of which it was paid or deposited has not been performed,

the responsible authority shall return the amount or deposit immediately unless the service is still going to be performed.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*