L.N. 329 of 2008

PUBLIC HEALTH ACT
(CAP. 465)

Public Health (Ships) Regulations, 2008

IN exercise of the powers conferred by article 26 of the Public Health Act, the Minister for Social Policy has made the following regulations:-

PART I - INTRODUCTION

Citation.

1. The title of these regulations is the Public Health (Ships) Regulations, 2008.

Objective.

2. These regulations implement the International Health Regulations (2005).

Purpose and scope.

3. The purpose and scope of these regulations are to prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade.

Definitions.

4. (1) In these regulations, unless the context otherwise requires:-

"additional measures" means such of the additional measures specified in Schedule 4 with respect to plague, cholera, yellow fever and smallpox;

"affected" means persons, baggage, cargo, containers, conveyances, goods, postal parcels or human remains that are infected or contaminated, or carry sources of infection or contamination, so as to constitute a public health risk;

"affected area" means a geographical location specifically for which health measures have been recommended by the World Health Organisation;

"arrival" of a conveyance means:

(a) in the case of a seagoing vessel, arrival or anchoring in the defined area of a port;

(b) in the case of an inland navigation vessel on an international voyage, arrival at a point of entry;

"authorised officer" means any duly qualified person authorised by the Superintendent to carry out any functions under these regulations and includes any nominated officer;

"authorised port" means a port authorised to offer -

(a) the issuing of a Ship Sanitation Control Certificate and the provision of the services referred to -

(i) in Annex 1 to the IHR, and

(ii) in the form reproduced at Schedule 2 to these regulations;

(b) the issuing of a Ship Sanitation Control Exemption Certificate following inspection of the ship including a thorough inspection of the hold; or

(c) the extension of a ship sanitation certificate for a period of one month;

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

"cargo" means goods carried on a conveyance or in a container;

"container" means an article of transport equipment:

(a) of a permanent character and accordingly strong enough to be suitable for repeated use;

(b) specially designed to facilitate the carriage of goods by one or more modes of transport, without intermediate reloading;

(c) fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another; and

(d) specially designed as to be easy to fill and empty;

"container loading area" means a place or facility set aside for containers used in international traffic;

"contamination" means the presence of an infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including conveyances, that may constitute a public health risk;

"conveyance" means a ship or other means of transport on an international voyage;

"conveyance operator" means a natural or legal person in charge of a conveyance or their agent;

"crew" means persons on board a conveyance who are not passengers;

"customs officer" means any person acting under the authority of the Comptroller of Customs;

"decontamination" means a procedure whereby health measures are taken to eliminate an infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including conveyances, that may constitute a public health risk;

"departure" means, for persons, baggage, cargo, conveyances or goods, the act of leaving a territory;

"deratting" means the procedure whereby health measures are taken to control or kill rodent vectors of human disease present in baggage, cargo, containers, conveyances, facilities, goods and postal parcels at the point of entry;

"disease" means an illness or medical condition, irrespective of origin or source, that presents or could present significant harm to humans;

"disinfection" means the procedure whereby health measures are taken to control or kill infectious agents on a human or animal body surface or in or on baggage, cargo, containers, conveyances, goods and postal parcels by direct exposure to chemical or physical agents;

"disinsection" means the procedure whereby health measures are taken to control or kill the insect vectors of human diseases present in baggage, cargo, containers, conveyances, goods and postal parcels;

"event" means a manifestation of disease or an occurrence that creates a potential for disease;

"free pratique" means permission for a ship to enter a port, embark or disembark, discharge or load cargo or stores and permission for a ground transport vehicle, upon arrival, to embark or disembark, discharge or load cargo or stores;

"goods" mean tangible products, including animals and plants, transported on an international voyage, including for utilisation on board a conveyance;

"health measure" means procedures applied to prevent the spread of disease or contamination; a health measure does not include law enforcement or security measures;

"IHR" means the International Health Regulations (2005) of the WHO adopted by the 58th World Assembly on the 23rd May 2005;

"ill person" means an individual suffering from or affected by a physical ailment that may pose a public health risk;

"immigration officer" means any person appointed by the Commissioner of Police to act as an immigration officer;

"infected person" means a person who is suffering from plague, cholera, yellow fever or small pox or who is considered by the medical officer to be infected with such a disease or with some other infectious or contagious disease other than veneral disease or tuberculosis;

"infected ship" means-

(a) a ship which has on board on arrival a case of plague, cholera, yellow fever, small pox, rabies or viral haemorrhagic fever; or

(b) a ship on which a plague-infected rodent is found on arrival; or

(c) a ship which has had on board during its voyage-

(i) a case of human plague which developed more than six days after the embarkation of the person affected; or

(ii) a case of cholera within five days before arrival; or

(iii) a case of yellow fever or smallpox, and which has not before arrival been subjected in respect of such case to appropriate measures equivalent to those provided for in these regulations;

"infection" means the entry and development or multiplication of an infectious agent in the body of humans and animals that may constitute a public health risk;

"infectious disease" means infectious of contagious disease other than venereal disease or tuberculosis;

"inspection" means the examination, by the competent authority or under its supervision, of areas, baggage, containers, conveyances, facilities, goods or postal parcels, including relevant data and documentation, to determine if a public health risk exists;

"international traffic" means the movement of persons, baggage, cargo, containers, conveyances, goods or postal parcels across an international border, including international trade;

"international voyage" means:

(a) in the case of a conveyance, a voyage between points of entry in the territories of more than one State, or a voyage between points of entry in the territory or territories of the same State if the conveyance has contacts with the territory of any other State on its voyage but only as regards those contacts;

(b) in the case of a traveller, a voyage involving entry into the territory of a State other than the territory of the State in which that traveller commences the voyage;

"intrusive" means possibly provoking discomfort through close or intimate contact or questioning;

"invasive" means the puncture or incision of the skin or insertion of an instrument or foreign material into the body or the examination of a body cavity. For the purposes of these regulations, medical examination of the ear, nose and mouth, temperature assessment using an ear, oral or cutaneous thermometer, or thermal imaging; medical inspection; auscultation; external palpation;

retinoscopy; external collection of urine, faeces or saliva samples; external measurement of blood pressure; and electrocardiography shall be considered to be non-invasive;

"isolation" means separation of ill or contaminated persons or affected baggage, containers, conveyances, goods or postal parcels from others in such a manner as to prevent the spread of infection or contamination;

"local authority" means the authority responsible to enforce and execute these regulations;

"medical examination" means the preliminary assessment of a person by an authorised health worker or by a person under the direct supervision of the competent authority, to determine the person's health status and potential public health risk to others, and may include the scrutiny of health documents, and a physical examination when justified by the circumstances of the individual case;

"the Minister" means the Minister responsible for public health;

"mooring station" means a place, situated within or outside the waters of a port (as the situation may require), which is specified by the local authority, with the consent of the Comptroller of Customs and the harbour master, for the mooring of ships for medical inspection so that they do not come into contact with other ships or the shore;

"National IHR Focal Point" means the national centre, which shall be accessible at all times for communications with WHO IHR Contact Points;

"the Organisation" means the World Health Organisation;

"personal data" means any information relating to an identified or identifiable natural person;

"point of entry" means a passage for international entry or exit of travellers, baggage, cargo, containers, conveyances, goods and postal parcels as well as agencies and areas providing services to them on entry or exit;

"port" means a seaport or a port on an inland body of water where ships on an international voyage arrive or depart;

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

"public health emergency of international concern" means an extraordinary event which is determined:

(a) to constitute a public health risk to other States through the international spread of disease; and

(b) to potentially require a coordinated international response;

"public health observation" means the monitoring of the health status of a traveller over time for the purpose of determining the risk of disease transmission;

"public health risk" means a likelihood of an event that may affect adversely the health of human populations, with an emphasis on one which may spread internationally or may present a serious and direct danger;

"quarantine" means the restriction of activities and, or separation from others of suspect persons who are not ill or of suspect baggage, containers, conveyances or goods in such a manner as to prevent the possible spread of infection or contamination;

"recommendation" and "recommended" refer to temporary or standing recommendations issued under these regulations or IHR;

"reservoir" means an animal, plant or substance in which an infectious agent normally lives and whose presence may constitute a public health risk;

"scientific evidence" means information furnishing a level of proof based on the established and accepted methods of science;

"scientific principles" means the accepted fundamental laws and facts of nature known through the methods of science;

"ship" means a seagoing or inland navigation vessel on an international voyage;

"ship sanitation certificate" means a Ship Sanitation Control Certificate or a Ship Sanitation Control Exemption Certificate;

"the Superintendent" means the Superintendent of Public Health as defined in the Public Health Act;

"surveillance" means the systematic ongoing collection, collation and analysis of data for public health purposes and the timely dissemination of public health information for assessment and public health response as necessary;

"suspect" means those persons, baggage, cargo, containers, conveyances, goods or postal parcels considered by a State as having been exposed, or possibly exposed, to a public health risk and that could be a possible source of spread of disease;

"traveller" means a natural person undertaking an international voyage;

"vector" means an insect or other animal which normally transports an infectious agent that constitutes a public health risk;

"verification" means the provision of information by a State to WHO confirming the status of an event within the territory or territories of that State;

"WHO" means the World Health Organisation;

"WHO IHR Contact Point" means the unit within WHO which shall be accessible at all times for communications with the National IHR Focal Point.

PART II - GENERAL

Enforcement and execution.

5. (1) It shall be the duty of the Superintendent to enforce and execute these regulations.

(2) The Superintendent may attach such terms and conditions as he thinks fit to any direction given by him under these regulations.

(3) The Superintendent shall exercise his functions as a responsible authority through such officers as may be designated for the purpose by him or by the Minister.

Appointment and duties of authorised officers.

6. For the purpose of these regulations, the Superintendent may, and if so required by the Minister shall:

(a) appoint such medical practitioners in addition to the medical officers, 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 as appointed or any other officer authorised to enforce and execute these regulations;

(c) provide or arrange for the provision of -

(i) premises or waiting rooms for the medical examination of persons;

(ii) premises for the temporary isolation of persons in accordance with these regulations;

(iii) apparatus or other means for cleansing, disinfecting and disinsecting ships, persons, clothes and other articles;

(d) arrange for the reception into a hospital of persons requiring to be removed thereto under these regulations;

(e) arrange for the provision of means of transport for the conveyance of persons to any premises as referred to in sub-regulation (3) hereof, or to a hospital;

(f) do all such things as in his opinion or the opinion of the Minister, as the case may be, are necessary to enable the provisions of these regulations to be complied with;

(g) shall develop, strengthen and maintain the capacity to detect, assess, notify and report events in accordance with Annex 1 of the IHR.

Provision of services by the Superintendent.

7. For the purpose of these regulations, the Superintendent may, and if so required by the Minister, shall:

(a) provide to the WHO IHR Contact Point, the National IHR Focal point, with the current details and the authorities responsible within his respective jurisdiction for the implementation of these regulations;

(b) ensure that no ship sanitation certificate is issued without prior inspection by an authorised officer;

(c) ensure that any control measures required under these regulations are carried out by or under the supervision of an authorised officer.

PART III - INCOMING SHIPS

Duty of authorised officer.

8. (1) An authorised officer may, for the purposes of these regulations, inspect any ship on arrival or already in port.

(2) The authorised officer shall-

(a) inspect on arrival any ship in respect of which the master has sent to the local authority a message or notification under regulation 14(1)(a)(ii) and (iii), (b) or (c), and

(b) inspect any ship already at the port when he has reasonable grounds for believing that there is on board a case or suspected case of infectious disease.

(3) The inspection of a ship under sub-regulations (1) and (2) may include taking from the ship samples of food and water for of analysis or examination.

(4) The analysis and examination under sub-regulation (3) shall be made -

(a) with a view to the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of diseases; or

(b) for preventing any other danger to public health.

Inspection of ships.

9. Any authorised officer may, for the purposes of these regulations, require a ship on arrival or already in port to be brought to, and if necessary moored or anchored at, some safe and convenient place for the purpose of medical inspection.

Examination of persons on ships.

10. (1) The medical officer may, and if so requested by the master or required by the Superintendent, examine any person on board a ship on arrival or already in port, when there are reasonable grounds for suspecting that-

(a) the person is suffering from an infectious disease;

(b) the person has been exposed to infection from an infectious disease;

(c) the person is verminous.

(2) The authorised officer may-

(a) detain any such person for such examination either upon the ship or at some place on shore established for the purpose;

(b) require the clothing and other articles belonging to any person so examined to be disinfected and, where necessary, disinsected and any person found to be verminous to be disinsected;

(c) except as provided in regulation 30, prohibit any person so examined from leaving the ship, or permit him to leave it on such conditions and subject to the taking of such measures, under these regulations, as the authorised officer considers reasonably necessary for preventing the spread of infection; and

(d) require the master to take or assist in taking such steps as in the opinion of the authorised officer are reasonably necessary for preventing the spread of infection, for disinsection and the destruction of vermin, and for the removal of conditions on the ship likely to convey infection, including the existence of which might facilitate the harbouring of insects or vermin.

Powers in respect of certain persons on ships.

11. (1) Where there is, or the medical officer suspects that there is, on board a ship on arrival or already in port, a person suffering from an infectious disease or tuberculosis, the medical officer may-

(a) in the case of an infectious disease -

(i) cause the person to be removed from the ship and isolated or sent to hospital or to some other suitable place approved for that purpose by the local authority;

(ii) in the case of cholera, smallpox or viral haemorrhagic fever, place such person under surveillance for the appropriate period specified in regulation 36(1); or

(iii) except as provided in regulation 31, the medical officer may, by notice in writing to the master, prohibit the removal of the person or his disembarking from the ship without the consent in writing of the medical officer;

(b) in the case of tuberculosis, if the person disembarks, send information to that effect to the medical officer of the area in which the intended destination and address of the person are situated.

(2) Where the Superintendent is satisfied that a serious danger to public health exists by reason of infectious disease and notifies medical officers accordingly, the medical officer may, and if the Superintendent of Public Health so directs shall, require a person disembarking from a ship state in writing his name and intended destination and address.

Duty of master of a ship.

12. The master of a ship on arrival or on approaching Malta from abroad 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 purpose of these regulations;

(b) notify the authorised officer immediately of any circumstances on board which are likely to cause the spread of infectious disease or tuberculosis, including in his notification particulars as to the sanitary condition of the ship and the presence of animals or captive birds (including poultry) of any species, or mortality or sickness among such animals or birds, on the ship;

(c) comply with these regulations, and with any directions or requirements of an authorised officer or customs officer given or made for the purposes of these regulations.

Permission to enter port.

13. (1) An authorised officer, if so required, may transmit free pratique to the master by an appropriate means when he is satisfied that the arrival of the ship will not result in or contribute towards the spread of infectious disease or tuberculosis.

(2) The ship shall transmit to the authorised officer from a foreign port before arrival by radio, fax, e-mail or other appropriate means, any information relevant under sub-regulation (1).

(3) The authorised officer or a customs officer authorised on his behalf shall grant pratique to a ship as soon as the following conditions shall have been complied with:

(a) questions in the form prescribed must be accurately and completely answered in writing by the master of the ship, and any other questions which the medical officer or customs officer may deem it necessary to put to the master or any other person on board in regard to the sanitary condition of the ship, the health of the passengers and crew, or of any ship with which there has been

direct intercourse during the voyage, shall be accurately and completely answered by the person to whom the questions are addressed;

(b) the answers must clearly indicate the absence of any infectious disease on board during the voyage or on arrival of the ship and that the ship has not called at any infected place or had direct intercourse during the voyage with any ship from any infected place or having on board infectious disease and must satisfy the medical officer or customs officer that the granting of pratique will not be attended by any danger to the public health;

(4) Pilots will be allowed to board ships before pratique is granted for the purpose of taking the ship into, or out of harbour. The pilots shall comply with any instructions given to them by the medical officer.

Notification of infectious disease, etc. on board.

14. (1) The master of a ship shall, in accordance with sub-regulation (2) of this regulation, report -

(a) the occurrence of any event on board ship before arrival relating to -

(i) the death of a person otherwise than as a result of an accident, or

(ii) illness where the person who is ill has a temperature of 38^0C or greater which was accompanied by rash, glandular swelling or jaundice, or where such temperature persisted for more than 48 hours, or

(iii) illness where the person has or had diarrhoea severe enough to interfere with work or normal activities;

(b) the presence on board of a person who is suffering from an infectious disease or who has symptoms which may indicate the presence of an infectious disease;

(c) any other circumstance on board likely to cause the spread of infectious disease;

(d) the presence of animals or captive birds, and the occurrence of mortality or sickness amongst such animals or birds.

(2) For the purposes of sub-regulation (1), the master shall-

(a) send by appropriate means before arrival, either directly to the local authority or through an agent approved by the local authority, a radio message, fax, e-mail or other communication complying with sub-regulation (3) of this regulation; or

(b) where it is not possible to comply with paragraph (a) hereof before arrival, notify the local authority immediately on arrival of the presence on board of such infectious disease or tuberculosis, symptoms or other similar circumstances.

(3) Any radio message, fax, e-mail or other communication sent for the purpose of this regulation shall be sent so as to reach the local authority not more than twelve hours, and whenever practicable not less than four hours, before the expected arrival of the ship.

Maritime declaration of health.

15. (1) Subject to the provisions of this regulation, where on the arrival of a ship, the master -

(a) makes a report in accordance with regulation 14(1)(a), (b) or (c), or

(b) is directed by the medical officer to complete a Maritime Declaration of Health, he shall complete a Maritime Declaration of Health in the form set out in Schedule 1 to these regulations, which shall be countersigned by the ship's medical officer.

(2) The master shall deliver such Declaration to the local authority.

No person to board ship unless having permission.

16. (1) Where the medical officer so directs, or where the master is required to make a report in accordance with regulation 14(1)(a), (b) or (c), no person, other than the pilot, a customs officer or an immigration officer, shall, without the permission of the medical officer, board or leave a ship until free pratique has been granted, and the master shall take all reasonable steps to secure compliance with this provision.

(2) Before granting permission to a person to leave the ship, the authorised officer may require him to state his name and his intended destination and address, and to give any other information which the authorised officer may think necessary for transmission to the local authority for the area in which the intended destination of the person is situated.

(3) If such a person cannot state his intended destination and address or arrives, within a period, not exceeding fourteen days after

landing, to be specified to him by the authorised officer, at an address other than that which he has so stated, he shall immediately after his arrival at that address send particulars thereof to the authorised officer of the port where he left the ship

Application for a ship sanitation certificate

17. (1) Upon receipt by an authorised officer of an application for a ship sanitation certificate in respect of the ship, made in writing by the owner of a ship or by the master acting for or on behalf of the owner -

(a) if the ship is within the area of an authorised port, he shall -

(i) inspect the ship to prevent danger to public health or the spread of infection with a view to issuing a ship sanitation certificate; and

(ii) either carry out or cause to be carried out under the supervision of an authorised officer control measures necessary for the control of danger to public health or the spread of infection with a view to issuing a ship sanitation certificate, or otherwise take or cause to be taken any steps which he considers necessary to satisfy himself that the ship does not present a danger to public health and is free of infection;

(b) if the ship is not within the area of an authorised port, an authorised officer shall -

(i) consult with a customs officer, and

(ii) direct the ship to proceed at the risk of the owner of the ship to an area of an authorised port which is both convenient to the ship and to the customs officer.

(2) If an authorised officer after he has inspected a ship under sub-regulation (1)(a) is satisfied -

(a) that the ship is exempt from control measures, he shall issue or cause to be issued a Ship Sanitation Control Exemption Certificate, provided he has complied with sub-regulation (3) hereof; or

(b) that control measures have been completed to his satisfaction, he shall -

(i) issue or cause to be issued a Ship Sanitation Control Certificate; and

(ii) note or cause to be noted on the certificate the evidence found and the control measures taken.

(3) An authorised officer shall, wherever possible, issue or cause to be issued a Ship Sanitation Control Exemption Certificate only if the inspection of the ship was carried out when the ship and the holds -

(a) were empty, or

(b) contained only ballast or other material of such a nature or so disposed as to make a thorough inspection of the holds possible.

Production of a ship sanitation certificate.

18. (1) If the master of a ship which during its voyage has been in a foreign port cannot produce to an authorised officer a valid ship sanitation certificate in respect of the ship -

(a) if the ship is within the area of an authorised port, an authorised officer may inspect the ship for evidence of danger to public health or infection with a view to issuing a ship sanitation certificate;

(b) if the ship is not within such an area, an authorised officer shall -

(i) consult with a customs officer; and

(ii) direct the ship to proceed at the risk of the master of the ship to an area of an authorised port convenient to the ship and the customs officer.

(2) An authorised officer must issue or cause to be issued a Ship Sanitation Control Exemption Certificate if, after he has inspected a ship under sub-regulation (1)(a) hereof, the authorised officer is satisfied that the ship is exempt from control measures, provided he has complied with regulation 17(3) hereof.

(3) If, after a ship has been inspected by an authorised officer, the authorised officer is not satisfied that the ship is exempt from control measures he shall -

(a)(i) carry out or require to be carried out, under the supervision of an authorised officer, control measures necessary for the control of danger to public health or the spread of infection; or

(ii) otherwise take or cause to be taken any steps which he considers necessary to satisfy himself that the ship does not present a danger to public health and is free of infection.

(4) If the master produces a ship sanitation certificate but the authorised officer has evidence of danger to public health or infection, notwithstanding such certificate the authorised officer shall -

(a)(i) carry out or require to be carried out under the supervision of an authorised officer control measures necessary for the control of danger to public health or the spread of infection; or

(ii) otherwise take or cause to be taken any steps which he considers necessary to satisfy himself that the ship does not present a danger to public health and is free of infection.

(5) An authorised officer may extend the period of validity of a ship sanitation certificate by one month if-

(a) any inspection or control measures required cannot be carried out at the port;

(b) there is no evidence of danger to public health or infection; and

(c) the port is authorised to extend the validity of a ship sanitation certificate.

(6) The master of a ship shall immediately make arrangements to carry out any control measures required by an authorised officer under sub-regulations (3)(a) or (4)(a) hereof.

(7) When control measures referred to in sub-regulations (3)(a) or (4)(a) have been completed to the satisfaction of an authorised officer, such authorised officer shall -

(a) issue or cause to be issued a Ship Sanitation Control Certificate; and

(b) note or cause to be noted on the certificate the evidence found and the control measures taken.

19. (1) An authorised officer shall ensure that a control measure he requires under regulations 17(1)(a)(ii) or 18(3)(a) or (4)(a) consists of methods or materials advised by WHO for these procedures, unless

Control measures require WHO authorisation.

the authorised officer determines that other measures are equally safe and reliable.

(2) An authorised officer under regulations 17(1)(a)(ii) or 18(3)(a) or 18(4)(a) 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, including isolation of the ship at a mooring station or otherwise.

(3) The local authority must report the application of any such additional health measures required under paragraph (2) to the National IHR Focal Point.

(4) An authorised officer of a port where control measures are applied must note or cause to be noted on the ship sanitation certificate in relation to any case where he is of the view that the conditions under which the measures were carried out were such that a satisfactory result could not be obtained as regards such case.

Ship sanitation certificate: form, period, retention and charge.

20. (1) A Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate must conform to the form in Schedule 2 to these regulations.

(2) A ship sanitation certificate issued under regulations 17 or 18 hereof shall be valid for six months from the date of issue.

(3) A copy of every ship sanitation certificate issued shall be retained at the Port Health Office.

(4) For an inspection relating to the issue of a Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate, as the case may be, in respect of ships of the net tonnage specified in the First Column of Schedule 3 to these regulations, there shall be leviable by the Superintendent the appropriate fee specified in the Second Column of the said Schedule.

Detention of ships and ships to be taken to mooring station.

21. (1) On the arrival of an infected ship or a suspected ship, or any other ship on which there has been, during its current voyage and within the last four weeks before arrival, a case of plague, cholera, yellow fever or small pox in respect of which the ship has not, outside the Maltese waters, been subjected to appropriate measures equivalent to those provided for in these regulations, the master shall take it to a mooring station unless the medical officer allows or directs otherwise.

(2) When the medical officer has cause to believe that a ship on arrival may be one to which sub-regulation (1) hereof applies, he

may direct the master to take the ship to a mooring station or to such other place as he considers desirable.

Ship may be taken to mooring station for medical inspection.

22. The medical officer may for the purposes of these regulations direct that any ship from a foreign port shall, on arrival, be taken to a mooring station for medical inspection and such medical officer may, if a customs officer is to be the first officer to board the ship, give notice in writing of such direction to the customs officer, who shall deliver the notice to the master.

Ship falling under regulation 21(1).

23. Where on the arrival of a ship from a foreign port it appears to a customs officer, from information in the Maritime Declaration of Health or otherwise, that the ship is one to which regulation 21 (1) applies, he shall direct the master to take it to a mooring station for detention thereat, unless a medical officer otherwise allows or directs.

Plague, etc. discovered after arrival of a ship.

24. If after the arrival of a ship a case of plague, cholera, yellow fever, smallpox, rabies or viral haemorrhagic fever occurs on board, or an animal infected with any such disease is discovered or suspected of being on board, the authorised officer may direct the master to take the ship to a mooring station.

Ship to remain at mooring station until inspected.

25. A ship which has been taken to a mooring station or directed there by a medical officer shall remain there until it has been inspected to the satisfaction of said officer.

Medical officer may detain a ship.

26. A medical officer may detain, or give notice in writing to a customs officer to detain any ship for medical inspection at its place of mooring, not being a mooring station, or at its place of discharge or loading.

Duration of detention.

27. The detention of a ship by a customs officer under these regulations shall cease as soon as the ship has been inspected by the medical officer or, if such inspection has not commenced within twelve hours after the ship has been detained, on the expiration of that period:

Provided that nothing in this regulation shall affect the power of the medical officer to continue the detention of a ship under regulation 28.

Persons from infected areas.

28. (1) The medical officer shall inspect any ship and the persons on board as soon as possible after it has been taken or directed to a mooring station or after it has been detained under these regulations.

(2) If the ship is one to which the medical officer is required to apply any further measures under these regulations or the additional measures referred to in Schedule 4, or if after such inspection he considers it necessary to apply any such additional measures, he may detain the ship at the mooring station or at such other place as he considers desirable, or continue the detention, as the case may be, if such detention or continued detention is necessary for the application of such further or additional measures.

Prevention of escape of rodents from the ship.

29. The authorised officer may require the master of a ship which, under these regulations, has been taken or directed to a mooring station or detained because rodents have been discovered or there are reasonable grounds for suspecting that rodents are on board to take all practicable measures to prevent the escape of rodents from the ship.

Placing of persons under surveillance.

30. On arrival of a ship the medical officer may place under surveillance for the appropriate period specified in regulation 36(1)-

(a) any person disembarking from the ship who has come from an infected area with cholera, small pox or viral haemorrhagic fever; and

(b) any suspect disembarking from the ship who has come from an area infected with yellow fever, plague, lassa fever, viral haemorrhagic fever or marburg disease.

Removal of infected person from the ship.

31. The medical officer shall, if so required by the master of the ship on arrival, cause any infected person to be removed from the ship.

Applicability of additional measures.

32. Without prejudice to any other provision in these regulations, the additional measures referred to in Schedule 4 shall be applicable on the arrival of-

(a) any infected ship or suspected ship;

(b) any ship 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 suspect for smallpox on a ship other than an infected ship;

(d) any other ship when the medical officer is satisfied that, notwithstanding that measures equivalent to such additional measures have been applied to the ship or any person on board since such previous application of an infected person or suspect

and that it is necessary again to apply any such measure, or the medical officer has evidence that a previous application was not effective.

PART IV - OUTGOING SHIPS

Examination, etc., of persons proposing to embark.

33. Where a ship is due to depart for a destination, whether final or intermediate, outside Malta, the medical officer -

(a) may examine any person who proposes to embark on the ship if he has reasonable grounds for believing him to be suffering from plague, cholera, yellow fever, smallpox or viral haemorrhagic fever; and-

(i) if after an examination the medical officer is of the opinion that the person shows symptoms of one of the diseases, the medical officer shall prohibit the embarkation of the person;

(ii) the time and place of an examination shall be arranged -

(1) to take into account any other formalities; and

(2) to avoid delay;

(b) shall prohibit any suspect from embarking thereon:

Provided that, in the case of smallpox, a person shall not be prohibited from embarkation if he satisfies the medical officer that he is sufficiently protected by vaccination or by a previous attack of smallpox;

(c) shall notify by the most expeditious means the master and, also, the local authority of 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 (a)(ii) hereof, a person on an international voyage who on arrival was placed under surveillance may be allowed to continue his voyage. The medical officer shall notify by the most expeditious means the local 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 Malta.

34. (1) Where the Minister has, by notice published in the Gazette, declared any place to be infected with a disease subject to the International Health Regulations, or with any other disease which, in his 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 Gazette, every medical officer shall comply with any requirement which may be made by the Superintendent for preventing the spread of the disease, and in particular, but without prejudice to the generality of the foregoing provisions, the following provisions of this regulation shall operate in relation to any ship departing from any port specified by the Superintendent for a destination outside Malta -

(2) (a) an authorised officer, if so required by the Minister, shall require a valid vaccination certificate from departing travellers. In the absence of such a certificate the medical officer may offer vaccination to any traveller and apply the provisions of regulation 33(c).

(b) the medical officer may, and within three hours after receiving a request from the master so to do shall, medically examine any person who proposes to embark on or is on board the ship.

(c) the medical officer may require any part of the ship 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 a person on, the ship 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 master shall disclose to the authorised officer any relevant circumstances.

(e) no person shall take or cause to be taken on board the ship any article which, in the opinion of an authorised officer, is capable of carrying infection, unless that officer is satisfied that the ship has been efficiently disinfected and, where necessary, disinsected.

(f) if the port is situated in an area which is included in such notice in the Gazette as aforesaid and is therein declared to be infected with plague, and if there is reason to believe that there are rodents on the ship, the authorised officer may, and if so required by the Superintendent shall, take steps to secure the deratting of the ship.

PART V - MISCELLANEOUS

Persons to comply with regulations.

35. Every person to whom these regulations apply shall comply with every direction, requirement or condition given, made or imposed by an authorised officer or customs officer under these regulations, and shall furnish all such information as any such officer may reasonably require, including information as to his name, destination, and address to which he is going on leaving a ship; and every person who has for the time being the custody or charge of a child or other person who is under disability shall comply with any direction, requirement or condition so given, made or imposed, and shall furnish all such information as aforesaid, in respect of such child or other person.

Time of surveillance.

36. (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 typhus, fourteen days;

(f) in respect of lassa fever, viral haemorrhagic fever or marburg disease, twenty one days.

(2) When a person has been so placed under surveillance for plague, cholera, smallpox or viral haemorrhagic fever under regulation 30 by reason of his having come from an infected area, the period shall be reckoned from the date of his leaving the infected area.

(3) When a person has been so placed under surveillance pursuant to the additional measures referred to in Schedule 4, the period shall be reckoned in the manner therein specified.

Duties of persons placed under surveillance.

37. Every person who is placed under surveillance under these regulations shall-

(a) give facilities for any medical examination required by the medical officer or by the medical officer of health for any area in which he may be during the period of surveillance;

(b) furnish all such information as the medical officer or any such medical officer of health 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 destination when placed under surveillance, send particulars of that address to the medical officer;

(d) if so instructed by the medical officer, report immediately to the medical officer of health for any 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 sub-paragraph unless the Superintendent has by direction, whether general or special, authorised the giving of instructions thereunder.

Charges for services.

38. (1) The local authority may charge the owner or master of a ship for a service described in sub-regulation (2) in so far as the service is for preventing-

(a) danger to public health from a ship arriving in any port, or

(b) the spread of infection from a ship leaving any port.

(2) The services mentioned in sub-regulation (1) are-

(a) the inspection of the ship, or the application of measures required to be applied to the ship, in connection with the issue of a ship sanitation certificate in respect of the ship;

(b) the extension of the period of validity of a ship sanitation certificate; or

(c) the application, at the master's request, of any other measure that the master of a ship is required by these regulations to carry out.

(3) A charge for a service under sub-regulation (1) -

(a) shall not exceed the actual cost of the service rendered;

(b) shall be-

(i) published at least ten days in advance of being levied;

(ii) described sufficiently in such manner that the owner or master of the ship is reasonably informed of the likely amount of the charge; and

(c) shall not be discriminatory, in particular that -

(i) it shall not be levied so as to make a distinction based on the nationality, registry or ownership of the ship or containers, cargo, baggage, goods or postal parcels concerned; and

(ii) it shall not distinguish between national and foreign ships or containers, cargo, baggage, goods or postal parcels.

(4) The local authority may require the whole or part of the amount of a charge for a service under sub-regulation (1) to be paid or deposited with it before the service is performed.

(5) At the master's request, a local authority shall provide the master of a ship with particulars in writing and free of charge in relation to -

(a) the measures for which a charge under paragraph (1) 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 and for which a charge under sub-regulation (1) is made.

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

Charges to be recovered as civil debt.

39. Every charge authorised by regulation 20 or 38 shall be recoverable summarily as a civil debt, or as a simple contract debt in any court of competent jurisdiction.

Savings in respect of mail.

40. Nothing in these regulations shall render liable to detention, disinfection or destruction any article forming part of any mail conveyed under the authority of the Post Office, or of the postal administration, or shall prejudicially affect the receipt on board and delivery in due course at the place of destination, of any such mail.

Master unwilling to comply with regulations.

41. (1) The master of a ship, on arrival or already at port, who is unwilling to comply with or submit to any provision or requirement made under any applicable regulation, shall notify the medical officer. The medical officer may then require the master to remove the ship immediately from the port.

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

(3) When the medical officer has so required the removal of a ship from port, such ship shall not during its voyage call at any other port in Malta.

Functions of health guards.

42. (1) Health Guards may assist the authorised officer in the execution of these regulations.

(2) The function of Health Guards is to perform monitoring or surveillance duties as directed by the authorised officer.

Recommendations issued by WHO.

43. Any recommendation issued by WHO for specific ongoing public health risks pursuant to IHR regarding appropriate health measures for routine or periodic application needed to prevent or reduce the international spread of disease and to minimise interference with international traffic, shall be regarded to have been issued under these regulations and shall come into force on their date of issue.

Schedule 1

Public Health (Ships) Regulations, 2008

MARITIME DECLARATION OF HEALTH

To be completed and submitted to the competent authorities by the masters of ships arriving from foreign ports.

Submitted at the port of ..... Date.....
Name of ship .....Registration / IMO No. .....
Nationality .....arriving from ..... sailing to .....
(Flag of ship) Master's Name .....
Gross Tonnage .....
Valid Sanitation Control Exemption / Control Certificate carried on board? Yes / No
Issued at ..... date .....
Re-inspection required? Yes / No
Has ship visited an affected area identified by the World Health Organization? Yes / No
Port and date of visit .....
List ports of call from commencement of voyage with dates of departure, or within past thirty days, whichever is shorter:
.....
Upon request of the competent authority at the port of arrival, list crew members, passengers or other persons who have joined ship/vessel since international voyage began or within past thirty days, whichever is shorter, including all ports/countries visited in this period (add additional names to the attached schedule):
(1) Name .....joined from: (1).....(2)..... (3).....
(2) Name .....joined from: (1).....(2)..... (3).....
(3) Name.....joined from: (1).....(2).....(3).....
Number of crew members on board.....
Number of passengers on board.....

Health Questions

(1) Has any person died on board during the voyage otherwise than as a result of accident? Yes / No
If yes, state particulars in attached schedule. Total no. of deaths .....
(2) Is there on board or has there been during the international voyage any case of disease which you suspect to be of an infectious nature Yes / No
If yes, state particulars in attached schedule.
(3) Has the total number of ill passengers during the voyage been greater than normal/expected? Yes / No
How many ill persons? .....
(4) Is there any ill person on board now? Yes / No
If yes, state particulars in attached schedule.
(5) Was a medical practitioner consulted? Yes / No
If yes, state particulars of medical treatment or advice provided in attached schedule.
(6) Are you aware of any condition on board which may lead to infection or spread of disease? Yes / No
If yes, state particulars in attached schedule.
(7) Has any sanitary measure (e.g. quarantine, isolation, disinfection or decontamination) been applied on board? Yes / No
If yes, specify type, place and date.....
(8) Have any stowaways been found on board? Yes / No
If yes, where did they join the ship (if known)? .....
(9) Is there a sick animal or pet on board? Yes / No

Note: In the absence of a surgeon, the master should regard the following symptoms as grounds for suspecting the existence of a disease of an infectious nature:

(a) fever, persisting for several days or accompanied by (i) prostration; (ii) decreased consciousness; (iii) glandular swelling;(iv) jaundice; (v) cough or shortness of breath; (vi) unusual bleeding; or (vii) paralysis;
(b) with or without fever: (i) any acute skin rash or eruption; (ii) severe vomiting (other than sea sickness); (iii) severe diarrhoea; or (iv) recurrent convulsions.

I hereby declare that the particulars and answers to the questions given in this Declaration of Health (including the schedule) are true and correct to the best of my knowledge and belief.

Signed .....
Master
Countersigned .....
Ship's Surgeon (if carried)
Date.....

ATTACHMENT TO MARITIME DECLARATION OF HEALTH

Name	Class or rating	Age	Sex	Nationality	Port, date joined ship / vessel	Nature of Illness	Date of onset of symptoms	Reported to a port medical officer?	Disposal of case*	Drugs medicines or other treatment given to patient	Comments

* State: (1) whether the person recovered, is still ill or died; and (2) whether the person is still on board, was evacuated (including the name of the port or airport), or was buried at sea.

SHIP SANITATION CONTROL EXEMPTION CERTIFICATE / SHIP SANITATION CONTROL CERTIFICATE

Port of..... Date: .....

This Certificate records the inspection and 1) exemption from control or 2) control measures applied

Name of ship or inland navigation vessel.....Flag..... Registration/IMO No. .....

At the time of inspection the holds were unladen/laden with ..... tonnes of ..... cargo

Name and address of inspecting officer.....

Ship Sanitation Control Exemption Certificate				Ship Sanitation Control Certificate		
Areas, (systems and services) inspected	**Evidence found[1]**	**Sample results[2]**	**Documents reviewed**	**Control measures applied**	**Re-inspection date**	**Comments regarding conditions found**
Galley						
Pantry						
Stores						
Hold(s) / cargo						
Quarters:						
- crew						
- officers						
- passengers						
- deck						
Potable water						
Sewage						
Ballast tanks						
Solid and medical waste						
Standing water						
Engine room						
Medical facilities						
Other areas specified – see attached						
Note areas not applicable, by marking N/A						
No evidence found. Ship/vessel is exempted from control measures.				**Control measures indicated were applied on the date below.**		

Name and designation of inspecting officer	**Signature and seal**	**Date**

[1] (a) Evidence of infection or contamination, including: vectors in all stages of growth; animal reservoirs for vectors; rodents or other species that could carry human disease, microbiological, chemical and other risks to human health; signs of inadequate sanitary measures. (b) Information concerning any human cases (to be included in the Maritime Declaration of Health).

[2] Results from samples taken on board. Analysis to be provided to ship's master by most expedient means and, if re-inspection is required, to the next appropriate port of call coinciding with the re-inspection date specified in this certificate.

Sanitation Control Exemption Certificates and Sanitation Control Certificates are valid for a maximum of six months, but the validity period may be extended by one month if inspection cannot be carried out at the port and there is no evidence of infection or contamination.

ATTACHMENT TO SHIP SANITATION CONTROL EXEMPTION CERTIFICATE / SHIP SANITATION CONTROL CERTIFICATE

Ship Sanitation Control Exemption Certificate				Ship Sanitation Control Certificate		
Areas /facilities / systems inspected	Evidence found[1]	Sample results[2]	Documents reviewed	Control measures applied	Re-inspection date	Comments regarding conditions found
Food						
Source						
Storage						
Preparation						
Service						
Water						
Source						
Storage						
Distribution						
Waste						
Holding						
Treatment						
Disposal						
Swimming pools / spas						
Equipment						
Operation						
Medical facilities						
Equipment and medical devices						
Operation						
Medicines						
Other areas inspected						

Indicate when the areas listed are not applicable by marking N/A

Schedule 3

Fees payable for net tonnage

Net Tonnage	Fees
Up to 1,000 tons	€50
Over 1,000 to 3,000 tons	€70
Over 3,000 to 10,000 tons	€90
Over 10,000 to 20,000 tons	€110
Over 20,000 to 50,000 tons	€130
Over 50,000 tons	€150

Schedule 4

PART 1 – PLAGUE

A. Infected ships and suspected ships

(1) The medical officer may –

(a) require any suspect on board to be disinsected and may place under surveillance, the period of surveillance being reckoned from the date of arrival of the ship;

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

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

(a) the deratting shall be carried out as soon as the holds have been emptied or when they contain only ballast or other material, unattractive to rodents, of such a nature or so disposed as to make a thorough inspection of the holds possible. A Ship Sanitation Control Exemption Certificate may be issued for an oil tanker with full holds;

(b) one or more preliminary derattings of a ship with the cargo in situ, or during its unloading, may be carried out to prevent the escape of infected rodents;

(c) if the complete destruction of rodents cannot be secured because only part of the cargo is due to be unloaded, a ship shall not be prevented from unloading that part, but the medical officer or other authorised officer may apply any measure which he considers necessary to prevent the escape of infected rodents, including placing the ship in quarantine.

(3) On arrival of a ship having on board a person suffering from pulmonary plague, or if there has been a case of pulmonary plague on board a ship within the period of six days before its arrival, the medical officer may-

(a) carry out the measures set out in paragraph 1 of Part 1 of this schedule;

(b) require any person on board to be placed in isolation for six days reckoned from the date of the last exposure to infection.

B. Ships which have been in infected areas

(4) The medical officer may -

(a) place under surveillance any suspect who disembarks; the period of surveillance being reckoned from the date of the departure of the ship from the infected area;

(b) regard as suspect any person not isolated for six days before departure from an area with an epidemic of pulmonary plague;
(c) require, in exceptional circumstances and for well founded reasons, the destruction of rodents on the ship and disinsecting, but he shall give the master notice in writing of the reasons for the requirement.

PART II – CHOLERA

Infected ships and suspected ships

(1) The medical officer -

(a) may place under surveillance any person who disembarks from a ship, the period of surveillance being reckoned from the date of disembarkation from the ship;
(b) shall be responsible for the supervision of the removal and safe disposal of any water, food (excluding cargo), human dejecta, waste water, including bilge 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 ships 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 ships, suspected ships, and ships which have been in infected areas

The medical officer may require the ship to be disinsected for the destruction of vectors of yellow fever which may be on board.

PART IV – SMALLPOX

A. Infected Ships

(1) The medical officer shall offer vaccination to any person on board or disembarking from the ship who does not show sufficient evidence of protection by a previous attack of smallpox or who does not satisfy the medical officer that he possesses a valid International Vaccination Certificate.

(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 ship which the medical officer considers to be contaminated.

B. Suspects on other Ships

(4) The medical officer may also apply the provisions of paragraphs (1) and (2) of this part to any suspect who disembarks from a ship which is not an infected ship.

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

Infected ships and suspected ships

(1) The medical officer may –

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

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

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

(a) the deratting shall be carried out as soon as the holds have been emptied or when they contain only ballast or other material, unattractive to rodents of such a nature or so disposed as to make a thorough inspection of the holds possible. A Ship Sanitation Control Exemption Certificate may be issued for an oil tanker with full loads;

(b) one or more preliminary derattings of a ship with the cargo in situ, or during its unloading, may be carried out to prevent the escape of infected rodents;

(c) if the complete destruction of rodents cannot be secured because only part of the cargo is due to be unloaded, a ship shall not be prevented from unloading that part, but the authorised officer may apply any measure which he considers necessary to prevent the escape of infected rodents, including placing the ship in quarantine.

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