



ST. HELENA

## CHAPTER 62

### **PORT (HEALTH) ORDINANCE and Subsidiary Legislation**

#### **Non-authoritative Consolidated Text**

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email [pa.lawofficers@legalandlands.gov.sh](mailto:pa.lawofficers@legalandlands.gov.sh)]<sup>1</sup>

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

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**CHAPTER 62****PORT (HEALTH) ORDINANCE**

*(Ordinance 7 of 1905)*

AN ORDINANCE FOR THE PREVENTION OF DISEASE IN PORTS.

**Commencement**

*[1 January 1906]*

**Short title**

1. This Ordinance may be cited as the Port (Health) Ordinance.

**Interpretation**

2. In this Ordinance, unless the context otherwise requires—  
“**Health Officer**” means any duly qualified medical practitioner appointed or employed to act in the execution of his duties under the terms of this Ordinance;  
“**master**” means the master, officer or other person for the time being in charge of any ship;  
“**ship**” includes vessel, boat or other floating craft.

**Ships arriving from infected places to be placed under observation**

3. All ships infected or being otherwise liable to sanitary restrictions under the regulations of this Ordinance; and all persons and things, whether coming or brought in such ships, or going or put on board the same either before or after the arrival of such ships, shall be subject to observation in such places and in such manner as shall be directed by the Governor, and shall be subject to all the provisions contained in this Ordinance or in any regulations made under the authority of this Ordinance concerning sanitary measures.

**Masters and others under observation to be subject to regulations made by competent officer**

4. All masters of vessels and other persons who may have been placed under observation by a competent officer as aforesaid, and all persons having had any intercourse or communication with them, shall be subject, in respect to such observation during the period they are detained therein, to such orders as they may receive from the Health Officer or Harbour-master or other competent officer acting for them; and the said officers are hereby authorised and required to enforce all due obedience to the said orders and, in case of necessity, to call in others to their assistance; and any person, who is liable to or is under observation, refusing or neglecting to obey or attempting to evade the performance of such orders shall, upon conviction, be liable to a penalty not exceeding £100, and, in default of payment, to imprisonment for a period not exceeding twelve months.

**Signal to be hoisted on ship when placed under observation**

5. The master of any ship placed under observation shall immediately hoist and keep hoisted at the fore-top gallant mast head a yellow flag and remain outside the limits of the port of Jamestown or if already in the port forthwith remove his vessel to the sanitary anchorage.

**Regulations**

6. The Governor in Council may from time to time make and alter regulations—
- (a) respecting port sanitary measures and all matters connected therewith, and the loading and landing of goods or articles by vessels under observation;
  - (b) respecting the remuneration to be paid to the Health Guard by the master of a ship under observation;
  - (c) fixing the penalties for the breach of any regulation made under this Ordinance, not exceeding £100, and prescribing a term of imprisonment in default of payment not exceeding twelve months;
  - (d) respecting the destruction of rats or other animals on board ship;
  - (e) respecting ships of war.
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**PORT (HEALTH) REGULATIONS**

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## REGULATION

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**PORT (HEALTH) REGULATIONS – SECTION 6**

*(Legal Notices 1 of 1932, 1 of 1937, 1 of 1938, 1 of 1955  
and Ordinance 2 of 1967)*

**Short title, Interpretation**

1. These regulations shall be cited as the Port (Health) Regulations and in these regulations, unless the context otherwise requires—

“**Health Officer**” means any duly qualified medical practitioner appointed or employed to act in the execution of these regulations, or authorised to act for or assist him;

“**healthy ship**” means a ship which, although having come from an infected place, has had on board no death from, nor any case of, infectious or contagious disease, either before leaving the port of departure, or during the voyage, or on arrival;

“**infected place**” means any place where any infectious or contagious disease exists:

Provided that a place shall not be regarded as an infected place because of the existence thereof of imported cases of such disease or because of the occurrence of a single non-imported case;

“**infected ship**” means a ship on board of which a case or cases of infectious or contagious disease are present or have occurred within a period of seven days previous to the date of the arrival of the ship, except in the case of smallpox, when such period shall be twelve days;

“**infectious or contagious disease**” means cholera, plague, yellow fever, typhus, diphtheria and smallpox, and such other diseases as the Governor in Council may from time to time proclaim;

“**master**” means the master, officer, or other person for the time being in charge of any ship;

“**observation**” means isolation of passengers, either in a proper station provided for that purpose or on board ship, prior to their obtaining free pratique;

“**place**” means any clearly defined portion of territory such as an island, a port, a district, a parish, a town or a village;

“**ship**” includes vessel, boat, or other floating craft;

“**surveillance**” means that passengers are not isolated; they receive free pratique at once and are allowed to proceed to their place of destination (the proper authority of which must be informed of their arrival), there to undergo medical supervision;

“**suspected ship**” means a ship on board of which a case or cases of infectious or contagious disease have occurred during the voyage, or during the stay of such ship in the port of departure but on board of which no fresh case has occurred within the period embraced by the incubation period of that disease.

**Hours of pratique**

2. All ships arriving at St. Helena will be granted pratique between the hours of 6.30 a.m. and 9 p.m. by the Health Officer or in his absence by the Harbour-master. In exceptional cases the Governor will allow pratique to be given after 9 p.m.

**Application of regulations**

3. With a view to restricting the range of application of these regulations the measures therein specified shall be applied in respect, not of a whole Country, but only of the infected place, but this limitation shall apply only if the Health Officer is satisfied that the Country in

which the infected place is situate takes the measures necessary to prevent export of rags, clothing and bedding from that place unless they shall have been previously disinfected, and also takes measures necessary to check the spread of the disease.

### **Infected place**

4. A place shall cease to be regarded as infected if the Health Officer is satisfied that—

- (a) there has been no new case of plague or yellow fever within six days, cholera within five days, smallpox within fourteen days, or of typhus within twelve days of the isolation, or of the death or recovery of the last case;
- (b) infected things have been disinfected or destroyed, and that in the case of plague measures have been taken with a view to the destruction of rats in the infected locality, and in the case of yellow fever, of mosquitoes on and near the infected premises.

### **Inspection of infected or suspected ships**

5. Every infected or suspected ship shall be inspected as soon as possible after arrival by the Health Officer. The Health Officer may board any ship arriving in the waters of St. Helena and inspect every person in the ship. He may, if he thinks proper, call for inspection of the ship's books and papers, and he shall use every lawful means which may seem to him expedient for ascertaining the state of health of the persons on board and the sanitary condition of the ship.

The master of any ship, or any other person shall answer truly and, if required, in writing and on oath, all such questions put to him by, and give all such information to, the Health Officer as may be necessary for any purpose of these Regulations.

### **Treatment of infected ships**

6. Infected ships shall be dealt with as follows—
- (a) the sick if passengers for St. Helena (but not otherwise except by special authority of the Governor in Council on the recommendation of the Health Officer) shall as soon as possible be removed from the ship and isolated;
  - (b) the other persons on board if passengers for St. Helena (but not otherwise except by special authority of the Governor in Council on the recommendation of the Health Officer) shall be permitted to land and be kept under observation or subjected to surveillance. When observation is resorted to, the period shall be—plague or yellow fever six days, cholera five days, smallpox fourteen days and twelve days in the case of typhus. In applying these measures the date of the last case and the condition of the ship should be taken into account;
  - (c) clothing and articles belonging to the passengers or crew which, in the opinion of the Health Officer, are infected shall be disinfected or destroyed at the expense of the owner and such expense may be recovered by summary process;
  - (d) those parts of the ship that have been occupied by the sick shall be disinfected, and also such other parts of the ship as the Health Officer may regard as infected;
  - (e) in the case of plague, measures shall be taken either before or after discharge of cargo to secure the destruction of rats on board as far as practicable. This operation shall be commenced as soon, and carried out with as little delay, as possible, and its duration shall not in any case exceed forty-eight hours;

- (f) in the case of yellow fever measures shall be taken to secure the destruction of mosquitoes and their larvae on board;
- (g) in the case of cholera the bilge water, after preliminary disinfection, shall be pumped out, and the drinking water on board be replaced by a fresh supply of wholesome water.

When such measures as the Health Officer may have deemed necessary, in accordance with the provisions of this regulation, have been carried out, such ship shall immediately thereupon be admitted to free pratique.

### **Treatment of suspected ships**

7. Suspected ships shall be dealt with as follows—
- (a) the passengers and crew may be subjected to surveillance during a period which shall not exceed five days in the case of plague and cholera, six days in the case of yellow fever, and sixteen days in the case of smallpox. The period of surveillance shall date from the arrival of the ship;
  - (b) paragraphs (c), (d) and (g) of regulation 6 shall also apply to suspected ships; and the measures specified in paragraphs (e) and (f) should also be applied.

When such measures as the Health Officer may have deemed necessary, in accordance with the provisions of this Regulation, have been carried out, such ship shall immediately thereupon be admitted to free pratique.

### **Treatment of healthy ships**

8. Healthy ships shall be admitted to free pratique immediately on arrival, irrespective of the nature of their bill of health. They may, however, at the discretion of the Health Officer, be subjected to the measures specified in paragraphs (c), (e), (f) and (g) of regulation 6; and the passengers and crew may be subjected to surveillance which shall not exceed six days in the case of plague or yellow fever, five days in the case of cholera, fourteen days in the case of smallpox, and twelve days in the case of typhus. The period of surveillance shall date from the departure of the ship from the infected place. It is to be understood that the application of the measures specified in paragraph (c) of regulation 6 can be justified only by special reasons and that those of paragraph (e) of regulation 6 are not to be applied as a general rule. In those cases where the provisions of paragraph (e) of regulation 6 are applied, the operation shall not in any case exceed twenty-four hours, and shall not interfere with the free circulation of passengers and crew between ship and shore.

### **Rats in healthy ships**

9. If in a healthy ship the rats on board are found to be suffering from plague, the Health Officer shall visit the ship and measures shall be taken as in paragraphs (c) and (e) of regulation 6; the parts of the ship that the Health Officer may regard as infected shall be disinfected; and the passengers and crew may be subjected to observation or surveillance as the Health Officer may deem fit which shall not exceed a period of five days after arrival, unless in exceptional cases when such period may be extended to ten days. If it is thought necessary to resort to measures of rat destruction these shall be carried out as specified in paragraph (e) of regulation 6.

### **Disinfection of ships previously disinfected**

10. Ships from an infected place which have been disinfected shall not again be subjected to sanitary measures on their arrival in another port, if in the opinion of the Health Officer of such port the measures applied were effective, unless a fresh case of infectious or contagious disease has occurred on board since disinfection or unless they have again called at an infected place. A ship shall not be regarded as having called at a place if it has merely disembarked passengers and their baggage or mails, without having been in communication with the shore.

### **Landing of passengers**

11. Where a ship has passengers on board who are in a filthy or otherwise unwholesome condition, or is overcrowded with passengers, emigrants, or otherwise, or has a case of illness of doubtful nature aboard, the Health Officer may, if it is in his opinion desirable, with a view to preventing the introduction of any infectious or contagious disease, have the power to prevent the landing of any or all such passengers or emigrants during the time of the vessel's stay.

### **Exemption from observation or surveillance**

12. Where measures of observation or surveillance are prescribed the Health Officer may exempt from their application any person who is, in his opinion, immune to the infectious or contagious disease on account of which these measures are applied.

### **Observation of ships whose health is unsatisfactory**

13. Whenever a ship comes from an infected port or place, or it shall appear from the answers or declaration made by the master that the health of the ship is not wholly satisfactory, the Harbour-master shall place such ship under observation until released by the Health Officer.

### **Treatment of persons under surveillance**

14. (1) Where these regulations provide that a person may be permitted to proceed to his place of destination subject to surveillance, the Health Officer, before granting such permission, must be satisfied that it is reasonably probable that the person to whom it is granted will duly comply with the conditions of surveillance, and permission if granted, shall be upon the following conditions—

- (a) he must satisfy the Health Officer as to his name, intended place of destination, and his place of residence thereat;
- (b) he must agree to present himself and shall present himself for medical supervision during the prescribed period, and he may be required by the Health Officer to deposit a sum not exceeding £2, which may be forfeited if he fails to so present himself;
- (c) the place must, in the opinion of the Health Officer, be conveniently situated for the medical supervision.

(2) If the Health Officer is not satisfied as herein required, or if the person fails to comply with paragraphs (1)(a) and (b), the Health Officer may detain him under observation,



or direct him to proceed to a specified place and there remain under medical supervision during the prescribed period. In the latter case the provisions of paragraph (1)(b) may, at the discretion of the Health Officer, be applied to such person:

Provided always that in the case of smallpox a person may be required to produce to the Health Officer satisfactory evidence of having been successfully vaccinated or re-vaccinated within the ten years immediately preceding, or of his being otherwise immune to the disease, and such persons may in the absence of such evidence be detained under observation for the prescribed period.

### **Disinfection of merchandise**

**15.** Merchandise shall be disinfected only when, in the opinion of the Health Officer, it is infected:

Provided always that, in the case of plague, cholera and smallpox, rags, clothing, and bedding may, when imported from an infected place as merchandise, be subjected to disinfection even in the absence of evidence that they are infected or their introduction into St. Helena may be prohibited:

Provided further that in the case of yellow fever, merchandise shall under no circumstances be liable to disinfection or prohibition.

### **Exemption for mails**

**16. (1)** Nothing in these regulations shall render liable to detention, disinfection, or destruction any article forming part of any mail (other than a parcel mail) conveyed under the authority of the postal administration of any Government, or shall prejudicially affect the delivery in due course of any such mail (other than a parcel mail) to the Post Office.

**(2)** The only measures to which parcel mails may be subjected shall be disinfection or destruction of articles which are in the opinion of the Health Officer infected.

### **Measures when St. Helena an infected place**

**17.** When St. Helena is an infected place, measures shall be taken to prevent the embarkation of any persons showing symptoms of infectious or contagious disease. To this end, every person taking passage on a ship leaving St. Helena shall be examined by the Health Officer immediately before the departure of the vessel. Such examinations shall, as far as practicable, be made by day and on shore. Measures shall be taken to prevent the exportation of merchandise or articles which the Health Officer may consider infected, unless such merchandise or articles shall, in the first instance, have been disinfected on shore under his supervision. Measures shall be taken to prevent rats in the case of plague from gaining access to ships. In the case of cholera, care shall be exercised that drinking water taken on board is wholesome. The Health Officer shall give to the master of the ship a certificate stating in detail the measures taken.

### **Healthy ship from infected port**

**18.** When, in the case of a healthy ship from a port which is an infected place, the Health Officer at the port of arrival is satisfied that the measures specified in regulation 17 have been efficiently carried out, such ship shall be exempted from the measures specified in regulation 8:

Provided always that if the period specified in that regulation, and dating from departure of the ship from the infected place, shall not have been completed, the passengers and crew may be subjected to surveillance of such duration as is necessary to complete the period.

### **Measures in respect of ships with certain diseases**

**19.**<sup>2</sup> No measures shall be taken against any ship merely because it has come from or called at any place where enteric fever, cerebro-spinal fever, scarlet fever, measles, whooping cough, chicken-pox, dengue, anterior poliomyelitis or severe epidemic influenza exists. If a case or cases of any of these diseases have occurred on board a ship before leaving the port of departure, during the voyage, or on arrival, the measures that may be applied shall be limited to isolation of the sick, disinfection of infected clothing, bedding, and effects, and of the compartment of the vessel occupied by the sick and of such other parts of the ship as the Health Officer considers infected, and observation or surveillance of those who have been in contact with the sick person or persons.

### **Sanitary Anchorage and station**

**20.** The following is hereby declared to be the Sanitary Anchorage—  
ABREAST OF BREAK NECK VALLEY

The Sanitary Station is—

THAT PART OF LEMON VALLEY WHICH IS SET APART FOR A SANITARY STATION.

### **Identification of ships at Anchorage**

**21.** All ships ordered to the Sanitary Anchorage shall have displayed by day a yellow flag at the foremast head, and by night at the foremast two lighted lanterns, one over the other, at not more than six or less than four feet apart.

### **Identification of guard boats**

**22.** All guard boats shall display a similar yellow flag at the stern by day, and from sunset to sunrise a light at bow and stern.

### **Removal of ships from Anchorage**

**23.** Ships shall not be removed from the Sanitary Anchorage without the written permission of the Health Officer unless they are about to depart from St. Helena.

### **Isolation of ships at Anchorage**

**24.** No boatmen except the boatmen of the Observation Guard shall come within 200 yards of any ship flying the signals laid down in regulation 21.

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<sup>2</sup> Regulation 19 amended by L.N. 1/1955

### **Communication with ships at Anchorage**

25. No person except the Health Officer, the Harbour-master or persons authorised by him shall communicate with or approach within 200 yards of any ship flying the yellow flag and the persons on board shall not communicate with the shore except through the observation guard boat.

### **Detention of persons at Sanitary Station**

26. Whenever any persons are detained at the Sanitary Station a yellow flag shall be kept hoisted by day at a conspicuous place on the station, and by night the lights required by regulation 21 in the case of ships shall be displayed.

### **Communication with Sanitary Station**

27. No person except the Health Officer or persons authorised by him, shall land at the Sanitary Station when the yellow flag is flying or the prescribed lights are shown.

### **Guards at Sanitary Station**

28. The Inspector of Police shall, on the requisition of the Harbour-master, supply the necessary guards required to enforce these regulations in respect of the Sanitary Station.

### **Pratique from Sanitary Station**

29. No person who has been detained at the Sanitary Station shall, on any pretext whatsoever, leave such Station till he has been admitted to pratique by the Health Officer.

### **Boats for landing of passengers and crew at the Sanitary Station**

30. The master of a ship ordered to Sanitary Anchorage shall, if required by the Harbour-master, furnish the necessary boats and appliances for the landing of the passengers and crew at the Sanitary Station.

### **Reporting of passengers under observation**

31. The Harbour-master shall report without delay to the Government Secretary all cases in which it is found necessary to place the passengers of a ship arriving at St. Helena under observation.

### **Fee for Bill of Health**

32. For all Bills of Health granted by the Health Officer a fee of £1 shall be paid by the master or agent of the vessel.

### **Responsibility of Harbour-master**

33. The Harbour-master is personally responsible that the orders of the Health Officer are rigidly carried out.

**Visit of Harbour-master to observation stations**

34. The Observation Stations shall be visited daily by the Harbour-master or his Coxswain, who will provide water and provisions as required.

**Exemption of H.M. ships**

35. Her Majesty's Ships of War are exempted from these regulations.

**Penalty for non-compliance with regulations**

36. Whoever acts in contravention of these regulations shall be liable to a penalty not exceeding £100, and, in default of payment, to imprisonment for a period not exceeding twelve months.

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