



TRISTAN DA CUNHA

REVISED EDITION OF THE LAWS, 2017

MARITIME AND AVIATION LAW

PORTS (HEALTH) (TRISTAN DA CUNHA) ORDINANCE, 1905¹

*Ordinance SH 7 of 1905
In force 1 January 1906*

Amended by Ordinance 14 of 2017

*Applied to Tristan da Cunha by Ordinance SH 12 of 1966 (See Cap. 62 of the Revised Laws of St Helena) with modifications which have been incorporated in the text below.
The text also modifies the St Helena Ordinance to the circumstances of Tristan da Cunha as required by section 2(2) of the Application of St Helena Law (Tristan da Cunha) Ordinance, 1987².*

SH subsidiary legislation:

PORTS (HEALTH) REGULATIONS, 1932

*Legal Notices 1 of 1932, 1 of 1937 and 1 of 1938
Amended by L.N. 1/1955, Ordinance 2 of 1967*

PORTS (HEALTH) (TRISTAN DA CUNHA) ORDINANCE, 1905

ARRANGEMENT OF SECTIONS

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AN ORDINANCE for the prevention of disease in ports.

¹ *This text is not authoritative but was prepared by the Law Revision Commissioner under section 14 of the Revised Edition of the Laws Ordinance, 1999 as stating the law at 1 November 2017.*

² “(2) The said law of St Helena applies to Tristan da Cunha only in so far as it is applicable and suitable to local circumstances, and subject to such modifications, adaptations, qualifications, and exemptions as local circumstances render necessary.”

Short title

1. This Ordinance may be cited as the Ports (Health)(Tristan da Cunha) Ordinance, 1905.

Interpretation

2. In this Ordinance, unless the context otherwise requires—
“Health Officer” means any medical practitioner appointed or employed by the Administrator to act in the execution of this Ordinance, or authorised by the Administrator to act for or assist a Health Officer;
“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;
“ship” includes vessel, boat or other floating craft.

Ships arriving from infected places to be placed under observation

3. All ships infected or otherwise liable to sanitary restrictions under the regulations made under 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 are subject to -

- (a) observation in places and in a manner directed by the Administrator; and
- (b) all the provisions of this Ordinance or any regulations made under it concerning sanitary measures.

Masters and others under observation subject to orders of competent officer

4. (1) All masters of vessels and other persons who have been placed under observation by a competent officer by virtue of section 3, and all persons having had any intercourse or communication with them, are subject, in respect to such observation during the period they are detained in it, to any orders they receive from the Health Officer or Harbour Master or other competent officer acting for them.

(2) The officers mentioned in subsection (1) are authorised and required to enforce all due obedience to the orders there mentioned 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 commits an offence.

Penalty: A fine of £100.

Signal to be hoisted on ship when placed under observation

5. The master of any ship placed under observation must immediately hoist and keep hoisted at the foremast head a yellow flag.

Regulations

6. The Governor may from time to time make regulations—

- (a) respecting port sanitary measures and all matters connected with them, 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;
- (d) respecting the destruction of rats or other animals on board ship;
- (e) respecting ships of war.

PORTS (HEALTH) ORDINANCE, 1905

PORTS (HEALTH) REGULATIONS, 1932

(Section 6)

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PORTS (HEALTH) REGULATIONS, 1932

Citation and definitions

1. These Regulations may be cited as the Ports (Health) Regulations, 1932 and in these regulations, unless the context otherwise requires—

“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: but a place is not to be regarded as an infected place only because of the existence there 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 7 days previous to the date of the arrival of the ship, except in the case of smallpox, when the period is 12 days;

“infectious or contagious disease” means cholera, plague, yellow fever, typhus, diphtheria and smallpox, and any other disease the Governor from time to time proclaims;

“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;

“sanitary anchorage” *Omitted*

“sanitary station” *Omitted*

“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 Tristan da Cunha will be granted pratique between the hours of 6.30 a.m. and 9.00 p.m. by the Health Officer or in his or her absence by the Harbour Master. In exceptional cases the Administrator will allow pratique to be given after 9.00 p.m.

Application of Regulations

3. With a view to restricting the range of application of these Regulations the measures specified in them apply in respect, not of a whole country, but only of the infected place, if the Health Officer is satisfied that the country in which the infected place is situated -

- (a) takes the measures necessary to prevent export of rags, clothing and bedding from that place unless they have been previously disinfected; and
- (b) takes measures necessary to check the spread of the disease.

Infected place

4. A place ceases 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 6 days, cholera within 5 days, smallpox within 14 days, or of typhus within 12 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. (1) Every infected or suspected ship must be inspected as soon as possible after arrival by the Health Officer, who may -

- (a) board any ship arriving in the waters of Tristan da Cunha;
- (b) inspect every person in the ship;
- (c) if he or she thinks proper, call for inspection of the ship's books and papers.

(2) The Health Officer may use every lawful means which seems to him or her expedient for ascertaining the state of health of the persons on board and the sanitary condition of the ship.

(3) The master of any ship, or any other person must answer truly and, if required, in writing and on oath, all such questions put to him or her 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. (1) Every infected ship must be dealt with as follows:

- (a) the sick, if passengers for Tristan da Cunha (but not otherwise except by special authority of the Administrator on the recommendation of the Health Officer) must as soon as possible be removed from the ship and isolated;
- (b) the other persons on board, if passengers for Tristan da Cunha (but not otherwise except by special authority of the Administrator on the recommendation of the Health Officer) must be permitted to land and be kept under observation or subjected to surveillance;
- (c) clothing and articles belonging to the passengers or crew which, in the opinion of the Health Officer, are infected must 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 must be disinfected, and also any other parts of the ship the Health Officer regards as infected;
- (e) in the case of plague - measures must be taken either before or after discharge of cargo to secure the destruction of rats on board as far as practicable. This operation must be commenced as soon, and carried out with as little delay, as possible, and its duration must not in any case exceed 48 hours;
- (f) in the case of yellow fever - measures must 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, must be pumped out, and the drinking water on board be replaced by a fresh supply of wholesome water.

(2) When observation is resorted to under paragraph (b), the period must be—

- (a) plague or yellow fever - 6 days;
- (b) cholera - 5 days;
- (c) smallpox - 14 days;

(d) typhus - 12 days.

In applying these measures the date of the last case and the condition of the ship should be taken into account.

(3) When any measures the Health Officer considers necessary, in accordance with this regulation, have been carried out, the ship must immediately be admitted to free pratique.

Treatment of suspected ships

7. (1) Suspected ships must be dealt with as follows—

- (a) the passengers and crew may be subjected to surveillance during a period which must not exceed 5 days in the case of plague and cholera, 6 days in the case of yellow fever, and 16 days in the case of smallpox. The period of surveillance dates from the arrival of the ship;
- (b) paragraphs (c), (d) and (g) of regulation 6 also apply to suspected ships; and the measures specified in paragraphs (e) and (f) should also be applied.

(2) When any measures the Health Officer considers necessary, in accordance with this regulation, have been carried out, the ship must immediately be admitted to free pratique.

Treatment of healthy ships

8. (1) Healthy ships must 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 must not exceed 6 days in the case of plague or yellow fever, 5 days in the case of cholera, 14 days in the case of smallpox, and 12 days in the case of typhus.

(2) The period of surveillance dates from the departure of the ship from the infected place.

(3) The application of the measures specified in paragraph (c) of regulation 6 can be justified only by special reasons and those of paragraph (e) of regulation 6 are not to be applied as a general rule.

(4) In those cases where the provisions of paragraph (e) of regulation 6 are applied, the operation must not in any case exceed 24 hours, and must not interfere with the free circulation of passengers and crew between ship and shore.

Rats in healthy ships

9. (1) If in a healthy ship the rats on board are found to be suffering from plague -

- (a) the Health Officer must visit the ship;
- (b) measures must be taken as in paragraphs (c) and (e) of regulation 6;
- (c) the parts of the ship that the Health Officer may regard as infected must be disinfected; and

- (d) the passengers and crew may be subjected to observation or surveillance as the Health Officer thinks fit, not exceeding a period of 5 days after arrival, unless in exceptional cases when the period may be extended to 10 days.

(2) If it is thought necessary to resort to measures of rat destruction these must be carried out as specified in paragraph (e) of regulation 6.

Disinfection of ships previously disinfected

10. (1) Ships from an infected place which have been disinfected must not again be subjected to sanitary measures on their arrival in another port, if in the opinion of the Health Officer of that 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.

(2) A ship is not to 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. If 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 or her opinion desirable, with a view to preventing the introduction of any infectious or contagious disease, 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. If measures of observation or surveillance are prescribed, the Health Officer may exempt from their application any person who is, in the opinion of the Health Officer, 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 appears from the answers or declaration made by the master that the health of the ship is not wholly satisfactory, the Harbour Master must place the 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 or her 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, must be upon the following conditions—

- (a) the person must satisfy the Health Officer as to his or her name, intended place of

- destination, and place of residence there;
- (b) the person must agree to, and must, present himself or herself for medical supervision during the prescribed period, and may be required by the Health Officer to deposit a sum not exceeding £2, which may be forfeited if the person fails to so present himself or herself;
 - (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 required by sub-regulation (1), or if a person under surveillance fails to comply with paragraphs (a) and (b) of that sub-regulation, the Health Officer may detain the person under observation, or direct him or her to proceed to a specified place and there remain under medical supervision during the prescribed period. In the latter case sub-regulation (1)(b) may, at the discretion of the Health Officer, be applied to the person.

(3) 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 10 years immediately preceding, or of 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. (1) Subject to sub-regulation (2), all merchandise must be disinfected if, in the opinion of the Health Officer, it is infected.

- (2) In the case of -
 - (a) 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 Tristan da Cunha may be prohibited;
 - (b) yellow fever - merchandise is under no circumstances liable to disinfection or prohibition.

Exemption for mails

16. (1) Nothing in these regulations renders 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 prejudicially affects 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 are disinfection or destruction of articles which are in the opinion of the Health Officer infected.

Measures when Tristan da Cunha an infected place

17. (1) If Tristan da Cunha is an infected place -
- (a) measures must be taken to prevent the embarkation of any persons showing symptoms of infectious or contagious disease, and to this end, every person

taking passage on a ship leaving Tristan da Cunha must be examined by the Health Officer immediately before the departure of the vessel. Such examinations must, as far as practicable, be made by day and on shore;

- (b) measures must be taken to prevent the exportation of merchandise or articles which the Health Officer considers infected, unless such merchandise or articles have, in the first instance, been disinfected on shore under his or her supervision;
- (c) in the case of plague - measures must be taken to prevent rats from gaining access to ships;
- (d) in the case of cholera - care must be exercised that drinking water taken on board is wholesome.

(2) The Health Officer must give to the master of the ship a certificate stating in detail the measures taken pursuant to sub-regulation (1).

Healthy ship from infected port

18. (1) 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, she ship must, subject to sub-regulation (2), be exempted from the measures specified in regulation 8.

(2) If the period specified in regulation 8, dating from departure of the ship from the infected place, has not 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. (1) No measures are to 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.

(2) If a case of any of these diseases has occurred on board a ship before leaving the port of departure, during the voyage, or on arrival, the measures that may be applied are 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 sanitary station

20. *Omitted*

Identification of ships at the sanitary anchorage

21. *Omitted*

Identification of guard boats

22. *Omitted*

Removal of ships from sanitary anchorage

23. *Omitted*

Isolation of ships at the sanitary anchorage

24. *Omitted*

Communication with ships at the sanitary anchorage

25. *Omitted*

Detention of persons at the sanitary station

26. *Omitted*

Communication with the sanitary station

27. *Omitted*

Guards at the sanitary station

28. *Omitted*

Pratique from the sanitary station

29. *Omitted*

Boats for landing of passengers and crew at the sanitary station

30. *Omitted*

Reporting of passengers under observation

31. The Harbour Master must report without delay to the Administrator all cases in which it is found necessary to place the passengers of a ship arriving at Tristan da Cunha under observation.

Fee for Bill of Health

32. For all Bills of Health granted by the Health Officer a fee of £1 is payable by the master or agent of the vessel.

Responsibility of Harbour Master

33. The Harbour Master is personally responsible to ensure that the orders of the Health Officer are strictly carried out.

Visit of Harbour Master to observation stations

34. *Omitted*

Exemption of H.M. ships

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

Penalty for non-compliance with regulations

36. **(1)** It is an offence for a person to contravene any of regulations 14(2), 21, or 22.

Penalty: A fine of £500.

(2) It is an offence for a person to contravene any of regulations 5(3), 24, 25, 27, 29 or 30.

Penalty: A fine of £5,000.
