

ST HELENA



PORT AND AERODROME (HEALTH) ORDINANCE, 2018

PORT AND AERODROME (HEALTH) REGULATIONS, 2018

In exercise of the powers conferred by section 32 of the Port and Aerodrome (Health) Ordinance, 2018, the Governor in Council makes the following Regulations:

Part I
Preliminary

Citation and commencement

1. These Regulations may be cited as the Port and Aerodrome (Health) Regulations, 2018, and come into force on ...

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.

Infectious or communicable disease

3. (1) A passenger or crew member of a ship may be suffering from an infectious or communicable disease for the purposes of section 5(1)(a) of the Ordinance, if—

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

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

(2) A passenger or crew member of an aircraft may be suffering from an infectious or communicable disease for the purposes of section 5(1)(a) of the Ordinance if that person has a fever with a temperature of 38 degrees Celsius or higher which is accompanied by one or more of the following signs or symptoms:

- (a) appearing obviously unwell;
- (b) persistent coughing;
- (c) impaired breathing;
- (d) persistent diarrhoea;
- (e) persistent vomiting;
- (f) skin rash;
- (g) bruising or bleeding without previous injury;
- (h) confusion of recent onset
- (i) any other signs or symptoms as may from time to time be listed in Annex 9 of the International Convention on Civil Aviation.

Production of maritime declaration of health

4. (1) The master of a ship engaged on an international voyage must, at the request of the proper officer, produce a maritime declaration of health.

(2) Where the proper officer has reasonable grounds for believing that health measures may be required to prevent the risk of spreading infection or contamination, the proper officer may carry out a risk assessment under section 18 of the Ordinance which may include an inspection under section 19 and may require the carrying out of any health measures specified under section 22 thereof.

(3) Where the proper office is unable to carry out a risk assessment or any health measures specified by the proper officer have not been carried out at the port, the proper officer must inform the appropriate authority at the ship's next port of call of the evidence of risk of infection or contamination and the proper officer's view as to the health measures required.

Evidence required for health measures order

5. (1) For purposes of section 16 of the Ordinance, the following evidence must be available to the Chief Magistrate before the Chief Magistrate makes an order under that section:

- (a) a report which gives details (insofar as known and relevant), or gives reasons for the omission of details, of—
 - (i) the signs and symptoms of the infection or contamination in the person (P) who is the subject of the application;
 - (ii) P's diagnosis;
 - (iii) the outcome of clinical or laboratory tests; and
 - (iv) P's recent contacts with, or proximity to, a source or sources of infection or contamination;
- (b) a summary of the characteristics and effects of the infection or contamination which P has or may have which includes an explanation of—
 - (i) the mechanism by which the infection or contamination spreads;
 - (ii) how easily the infection or contamination spreads amongst humans; and

- (iii) the impact of the infection or contamination on human health (by reference to pain, disability and the likelihood of death);
- (c) in relation to applications seeking an order under section 16(2) of the Ordinance, an assessment of—
 - (i) the risk to human health that P presents, including a description of any acts or omissions, or anticipated acts or omissions, of P which affect that risk; and
 - (ii) the options available to deal with the risk that P presents;
- (d) in relation to applications seeking an order under section 16(3) of the Ordinance, an assessment of—
 - (i) the risk to human health that the related party presents, including any acts or omissions, or anticipated acts or omissions, of the related party which affect that risk; and
 - (ii) the options available to deal with the risk that the related party presents;

(2) A report under sub-regulation (1)(a) must include the details mentioned in at least one of paragraphs (i) to (iv) thereof.

(3) The evidence, which may be given orally or in writing, must be given by persons who are suitably qualified to give the evidence.

Charges

6. The tariff for the charges payable under the Ordinance are set out in the Schedule.

Made by the Governor in Council this day of

2018.

Clerk of Councils

EXPLANATORY NOTE

(This note is not part of the Regulations)

The purpose of these regulations is to regulate port and aerodrome health and prevent the spread of infection or contamination which may potentially be introduced by ships or aircraft arriving in or departing from St Helena.