



STATUTORY INSTRUMENTS.

S.I. No. 411 of 2009



INFECTIOUS DISEASES (AIRCRAFT) REGULATIONS 2009

(Prn. A9/1424)

INFECTIOUS DISEASES (AIRCRAFT) REGULATIONS 2009

I, MARY HARNEY, Minister for Health and Children, in exercise of the powers conferred on me by sections 5, 29 and 31 (as amended by section 34 of the Health Act 1953 (No. 26 of 1953)) of the Health Act 1947 (No. 28 of 1947) (as adapted by the Health (Alteration of Name of Department and Title of Minister) Order 1997 (S.I. No. 308 of 1997)) with the consent of the Minister for Finance after consultation with the Minister for Transport, hereby make the following regulations:

PART 1

PRELIMINARY AND GENERAL

Citation

1. These Regulations may be cited as the Infectious Diseases (Aircraft) Regulations 2009.

Definitions

2. In these Regulations—

“affected area” means a geographical location specifically for which health measures have been recommended by the World Health Organisation under the International Health Regulations;

“aircraft declaration of health” means a declaration in the form set out in Schedule 2 or in such other form as may be approved by the Minister;

“airport” means an airport within the meaning of the Air Navigation and Transport (Amendment) Act 1998 (No. 24 of 1998);

“arriving aircraft” means an aircraft which has come from outside the jurisdiction and arrived at an airport in the State;

“commander” includes any person for the time being in charge of or in command of an aircraft;

“crew” includes any person having duties on board an aircraft in connection with the flying or the safety of the flight of the aircraft or employed on board in any way in the service of the aircraft, the passengers or the cargo, and includes the commander;

“designated airport” means Cork Airport, Dublin Airport or Shannon Airport;

“health officer” means a person appointed under Regulation 4;

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 16th October, 2009.

“HSE” means the Health Service Executive;

“infected” in relation to an aircraft means an aircraft that has on board a case or a suspected case of an infectious disease;

“infectious disease” means any of the diseases to which Schedule 1 relates;

“International Health Regulations” means the International Health Regulations as adopted by the Fifty-eighth World Health Assembly on 23 May 2005;

“medical officer of health” has the same meaning as it has in paragraph 4 of Schedule 5 to the Health Act 2004 (No. 42 of 2004);

“placed under surveillance” means that the person in relation to whom the expression is used is required to submit to medical examination and such enquiries as are necessary to ascertain his or her state of health and may include a requirement to report to a medical officer of health on arrival in his or her functional area and periodically thereafter;

Enforcement of Regulations

3. These Regulations shall be enforced by the HSE in its functional areas.

Appointment of health officers

4. (1) The HSE may appoint in writing such and so many of its officers to be health officers for the purposes of these Regulations.

(2) A person appointed a health officer under paragraph (1) shall cease to be a health officer-

- (a) upon ceasing to be an officer of the HSE,
- (b) where the person is appointed for a specified or determinable period, at the end of the period concerned or upon ceasing to be an officer of the HSE, whichever first occurs, or
- (c) where the appointment is terminated by the HSE.

PART 2

AIRCRAFT ARRIVING

Duties of crew and commander

5. (1) (a) A crew member of an aircraft, who becomes aware of a person on board the aircraft who is suffering from an infectious disease or who has symptoms which may indicate the presence of an infectious disease, shall report the details to the commander.

- (b) On receipt of a report under subparagraph (1) the commander shall report the details promptly by radio via Air Traffic Control who in turn shall report immediately to the designated airport officer.

- (c) Once the details have been reported to the designated airport officer, no person shall be allowed to disembark or board the aircraft unless cleared to do so by the medical officer of health.
- (d) Where appropriate, the medical officer of health may give such clearance verbally.

(2) The commander of an arriving aircraft on arriving at an airport in the State shall—

- (a) if required by the medical officer of health, deliver to the medical officer of health or to a health officer or an officer of Customs and Excise, for delivery to the medical officer of health a duly completed aircraft declaration of health in the form set out in Schedule 2 and record the delivery in the journey log-book of the aircraft,
- (b) if required by the medical officer of health, produce certificates concerning any health measures mentioned in the declaration,
- (c) answer all questions as to the health conditions on board which may be put to him or her by the medical officer of health, health officer, officer of Customs and Excise or person in charge of the airport,
- (d) produce to any of the persons specified in subparagraph (c) on request the journey log-book of the aircraft and furnish any of those persons with all such information and assistance as he or she may reasonably require for the purposes of these Regulations,
- (e) notify as soon as practicable the medical officer of health, health officer or officer of Customs and Excise (whichever shall first visit the aircraft after its arrival) of any—
 - (i) death on board the aircraft during the voyage caused by any case or suspected case of infectious disease,
 - (ii) case or suspected case of infectious disease on board the aircraft,
 - (iii) person on board the aircraft who is known to him or her to be liable to be placed under surveillance, and
 - (iv) circumstances on board the aircraft which are likely to lead to infection or to the spread of infectious disease, and
- (f) comply with these Regulations and any directions or requirements given to or made of him or her in pursuance of these Regulations.

(3) Paragraph (2) shall not apply in a case where—

- (a) no member of the crew or any other person leaves the aircraft, and
- (b) no cargo is discharged.

Exemption from submission to requirements of Regulations in certain cases.

6. (1) Where the commander of an arriving aircraft which arrives at an airport otherwise than at the termination of its voyage satisfies the medical officer of health that it is not intended that the aircraft shall land elsewhere in the State except for the purpose of taking in supplies and informs such medical officer of health that he or she does not desire to submit to any of the requirements of these Regulations which may be applicable he or she shall subject to the provisions of paragraph (3) be at liberty to continue the voyage without such submission after notifying the medical officer of health of his or her intention to do so.

(2) Where the commander notifies the medical officer of health pursuant to paragraph (1), he or she shall not disembark any person or discharge cargo except subject to such conditions as the medical officer of health may impose.

(3) Notwithstanding Regulation 7(1), if such an arriving aircraft has on board a case of yellow fever or comes from a locality included by reason of yellow fever in the list kept at that airport in pursuance of Regulation 25, the medical officer of health may require that it shall be subjected to the prescribed measures.

Powers and duties of health officers.

7. (1) Where on the arrival of an aircraft it appears to a health officer or an officer of Customs and Excise from information given to him or her by the commander or from answers to inquiries made by him or her or otherwise that—

- (a) during the voyage there has been on the aircraft a death as a result of an infectious illness or suspected infectious illness, or a case of illness which is or is suspected to an infectious illness,
- (b) the aircraft is an aircraft coming from an affected area, or
- (c) during the voyage death not attributable to poison or other measures for destruction has occurred among rats or mice on the aircraft,

he or she shall detain the aircraft, its stores equipment and cargo, passengers and crew and shall report the matter as soon as practicable to the person in charge of the airport, the medical officer of health and an officer of Customs and Excise.

(2) If a health officer or an officer of Customs and Excise receives a notice in writing from the medical officer of health under Regulation 11 he or she shall, if he or she visits the aircraft before the medical officer of health, deliver the notice to the commander and take all reasonable steps to secure compliance with the notice.

Cessation of detention of aircraft.

8. (1) The detention of an aircraft by a health officer or an officer of Customs and Excise under these Regulations shall cease as soon as the medical officer of health has—

- (a) duly inspected the aircraft or caused it to be inspected,
- (b) has given notice in writing to the health officer or an officer of Customs and Excise that he or she does not propose to do so, or
- (c) if the inspection has not been begun within 3 hours after the health officer gave the direction for its detention, on the expiration of that period.

(2) The medical officer of health may, where sufficient information has been provided to determine that a reported illness does not constitute a public health threat of international importance, without personally attending the aircraft, issue verbal clearance to the aircraft.

(3) Nothing in this Regulation shall affect the exercise of any powers of the medical officer of health in regard to the detention of aircraft or authorise an infected aircraft or an aircraft coming from an affected area to depart before the prescribed measures are completed.

Duty of person in charge of airport

9. Where the person in charge of an airport receives information before the arrival of an aircraft that a person on the aircraft has symptoms of an infectious disease or that there are circumstances in relation to the aircraft requiring the attention of the medical officer of health, he or she shall as soon as practicable notify the medical officer of health and the appropriate health officer to that effect.

Detention of aircraft

10. (1) The medical officer of health may direct that an arriving aircraft shall be detained for medical examination and may deliver a notice in writing to that effect to a health officer or an officer of Customs and Excise.

(2) The medical officer of health shall inform the person in charge of the airport of any directions given by him or her under this Regulation.

Inspection of aircraft.

11. A medical officer of health—

- (a) may, and if required by the Minister shall, inspect or cause to be inspected as soon as practicable after its arrival—
 - (i) any infected aircraft,
 - (ii) any aircraft on which rodent plague has occurred or been suspected during the voyage, or
 - (iii) any aircraft coming from an affected area,
- (b) shall as soon as possible, and in any case within 3 hours after a health officer or an officer of Customs and Excise has directed the detention of an aircraft under Regulation 7, inspect the aircraft, or cause it to be

inspected, or give notice in writing to the health officer or an officer of Customs and Excise that he or she does not propose to do so and if the aircraft is liable to be subjected to further measures under these Regulations, give notice in writing to the commander directing that the aircraft shall be detained for a further period.

Inspection of persons, etc

12. (1) The medical officer of health may, and if required by the Minister, shall—

- (a) examine or cause to be examined any person on an arriving aircraft where there are reasonable grounds for believing or suspecting that infectious disease is present on the aircraft or that persons on board the aircraft have been exposed to infection from infectious disease during the voyage of the aircraft or during a period of 3 weeks immediately preceding the arrival of the aircraft,
- (b) detain for the purpose of examination any person whom he or she is empowered or required under these Regulations to examine,
- (c) isolate any such person, or prohibit him or her from leaving the airport save upon such specified conditions as appear to the medical officer of health to be reasonably necessary to prevent the spread of infection,
- (d) require the commander to take or assist in taking such steps as, in the opinion of the medical officer of health, are reasonably necessary for preventing the spread of infection by any such person, for the destruction of insects, rats or mice, and for the removal of conditions on the aircraft likely to convey infection.

(2) The medical officer of health may examine any person on an arriving aircraft who is reasonably believed to be harbouring vermin and if the airport is a designated airport may as soon as practicable cause such person and his or her clothing and any other articles in his or her possession to be cleansed and disinfested.

Measures in relation to tuberculosis

13. Where a medical officer of health suspects that a person on an arriving aircraft is suffering from infective tuberculosis, he or she may—

- (a) send information to that effect to the medical officer of health of the functional area to which the person is immediately proceeding, and
- (b) require the commander to take or assist in taking such precautions as in the opinion of the medical officer of health are reasonably necessary to prevent the spread of infection on the aircraft.

Direction of aircraft to designated airport.

14. (1) If the medical officer of health considers that there should be applied to an arriving aircraft which arrives elsewhere than at a designated airport, or

to its passengers and crew, any measures which can be applied only at a designated airport, he or she may direct that the aircraft together with the passengers and crew shall proceed to a designated airport, provided that the aircraft can safely divert.

(2) A medical officer of health shall give the commander notice in writing of any such direction and of the reasons for the direction and shall also as soon as practicable inform the person in charge of the designated airport of the direction given

(3) A medical officer of health may divert an aircraft and passengers and crew from an airport without adequate facilities for the control of infectious diseases to an airport with such facilities provided always that the aircraft can safely divert.

Restriction on application of preventive measures

15. (1) In deciding what preventive measures should be applied to an arriving aircraft or to the passengers and crew, the medical officer of health shall take into account any preventive measures which have been applied at another airport, whether in the State or elsewhere, as noted in the journey log-book of the aircraft or in the aircraft declaration of health delivered in pursuance of Regulation 5(2)(a), and he or she shall not require the application of any preventive measures if since their previous application no incident has occurred calling for their renewed application and the aircraft has not visited, except for the purpose of refuelling, a locality included in the list kept by such medical officer of health pursuant to Regulation 25.

(2) In applying preventive measures to an aircraft or the passengers or crew, the medical officer of health shall detain the aircraft for as short a time as possible.

Measures to be taken by medical officer of health on release of aircraft from detention

16. (1) The medical officer of health shall as soon as practicable inform the appropriate health officer or an officer of Customs and Excise in writing of any measures taken by him or her or at his or her direction with reference to an arriving aircraft, its stores, equipment or cargo, passengers or crew, in pursuance of these Regulations, unless he or she has already given him or her notice in writing of the measures proposed to be taken.

(2) The medical officer of health when he or she releases an aircraft from detention shall give notice in writing to the appropriate health officer to the appropriate officer of Customs and Excise to the commander, and to the person in charge of the airport, that, so far as control under these Regulations is concerned, the aircraft is free to proceed at or after a date and time stated in the notice.

Requirements concerning passengers

17. Every passenger on an arriving aircraft who (whether at the termination of his or her journey or not) leaves the aircraft at an airport in the State shall,

where so required by the medical officer of health, complete a declaration in the form set out in Schedule 2 and deliver it to the medical officer of health or other health officer at the airport.

Compliance with directions, etc

18. (1) Every person on an arriving aircraft shall comply with all directions, requirements or conditions given, made or imposed by the medical officer of health, health officer, or officer of Customs and Excise in pursuance of these Regulations, and shall furnish all such information as may reasonably be required (including information as to his or her name, address and destination) and every person who has for the time being the custody or charge of a child or other person who is under a disability, shall comply with any directions, requirements or conditions so given, made or imposed, and shall furnish all such information in respect of such child or person under a disability.

(2) A person who is placed under surveillance in pursuance of these Regulations shall—

- (a) facilitate any medical examination required by the medical officer of health of any functional area in which he or she is located during the period of surveillance,
- (b) furnish all such information as any such medical officer of health may reasonably require with a view to ascertaining the person's state of health,
- (c) as soon as practicable upon arrival during the period of surveillance at any address other than that stated as his or her intended destination in the declaration delivered under Regulation 17, send particulars of that address to the medical officer of health of the airport at which he or she disembarked,
- (d) if so instructed by the medical officer of health at the airport report to the medical officer of health of the functional area in which he or she is for the time being during the period of surveillance and thereafter during that period report to the medical officer of health (or to such health officer as he or she may direct) at such intervals as he or she may require.

Infected aircraft or aircraft coming from an affected area

19. The medical officer of health as soon as practicable after the arrival of an infected aircraft or an aircraft coming from an affected area, shall, if any person disembarks or any cargo is discharged from the aircraft, carry out or cause to be carried out the prescribed measures in relation thereto, and the aircraft shall remain subject to control under these Regulations until it has been examined by the medical officer of health or other health officer and those measures (other than measures in relation to any person who has disembarked from the aircraft) have been completed.

Aircraft arriving elsewhere than at an airport

20. Where an arriving aircraft arrives elsewhere than at an airport, the provisions of these Regulations shall, with any necessary modifications, apply as if the aircraft had arrived at an airport.

PART 3

AIRCRAFT DEPARTING

Examination and detention of person proposing to depart.

21. (1) Where an aircraft is due or about to depart to a destination outside the jurisdiction, the medical officer of health—

- (a) may examine or cause to be examined at an airport any person who proposes to embark thereon whom he or she suspects to be suffering from an infectious disease, and if, after examination the medical officer of health is of the opinion that the person shows symptoms of an infectious disease, shall, in the case of a person suffering or suspected to be suffering from an infectious disease which is potentially a significant threat to international public health, and may in any other case prohibit his or her embarkation,
- (b) shall notify the commander of any person who embarks on or who proposes to continue his or her voyage and who, in the opinion of the medical officer of health, should be placed under surveillance, and shall certify an entry to that effect to be made by the commander in the journey log-book.

Infected areas

22. (1) The Minister may by declaration, a notice of which is published in the *Iris Oifigiúil*, declare for the purpose of these Regulations an area in the State to be infected with an infectious disease (in this Regulation referred to as an infected area).

(2) The following shall apply to an aircraft departing from an infected area—

- (a) the medical officer of health may prohibit the embarkation of a person coming from an infected area or permit his or her embarkation subject to specified conditions;
- (b) the medical officer of health may, and shall within 3 hours after receiving a request from the commander to do so do, medically examine or cause to be examined any person coming from an infected area who proposes to embark on or is on board an aircraft,
- (c) the medical officer of health, or other health officer shall inspect any clothing, bedding or other article which is intended to be worn by or taken by any person coming from an infected area on the aircraft and which, in the opinion of such medical officer of health or other health officer may have been exposed to infection, and he or she may require

the disinfection or destruction of any such clothing, bedding or article of personal use,

- (d) a person shall not take or cause to be taken on board an aircraft any article which, in the opinion of the medical officer of health, or other health officer is capable of carrying infection, unless that officer is satisfied that the article has been effectively disinfected,
- (e) if the area in which the airport is situated is declared to be infected with plague, and there is reason to believe that there are rats on the aircraft, the medical officer of health may, and if so required by the Minister, shall take steps to secure the deratisation of the aircraft,
- (f) if typhus is declared to exist in an epidemic form in an infected area, the medical officer of health may require the disinfection and disinfection of—
 - (i) any person coming from that area who proposes to embark on or is on board an aircraft and who in the opinion of the medical officer of health is likely to convey infection, and
 - (ii) any article on or proposed to be carried on the aircraft likely to convey infection.

PART 4

MISCELLANEOUS

Charges for services, etc

23. (1) Where a commander is required by or in pursuance of these Regulations to carry out any measures for reducing the danger or preventing the spread of infection, the HSE may at the request of the commander, and, if it thinks fit, at the commander's cost, cause any such requirement to be complied with instead of enforcing the requirement against the commander.

(2) The amount of the charge for any work undertaken by the HSE under paragraph (1) shall be such reasonable sum as to the exclusion of any charge or claim in respect of profit represents the actual or estimated cost to be incurred by the HSE in undertaking the work.

(3) Where, under this Regulation the HSE cause any requirement to be complied with at the cost of the commander it may, where appropriate, require the amount of the charge for the work or part of the work to be paid to or deposited with it before the work is undertaken.

(4) Where any preventive measures have been taken with regard to an aircraft pursuant to these Regulations, the HSE or a medical officer of health shall, at the request of the commander furnish him or her with particulars in writing of those measures and the reasons why they were taken.

(5) Where any preventive measures have been taken with regard to any person or to any articles in his or her possession in pursuance of these Regulations the medical officer of health shall on request by such person furnish him or her with particulars in writing of those measures including the reasons they were taken and the date on which such measures were taken.

Recovery of charges

24. A charge made under Regulation 23 may be recovered as a simple contract debt in any court of competent jurisdiction.

List of Affected Areas

25. (1) The Health Protection Surveillance Centre, as the National International Health Regulations focal point for Ireland shall from time to time prepare and keep up to date a list of areas outside the jurisdiction that are infected or believed to be infected with an infectious disease. Such lists shall be distributed to all medical officers of health. The medical officer of health, in whose functional area an airport is located shall in turn copy every list and amendments thereto to the health officer at the airport and to the person in charge of the airport and to the appropriate office of Customs and Excise.

(2) In the preparation and amendment of the said list, the Health Protection Surveillance Centre shall take into account all information sent to it from time to time by the Minister and all other relevant information which shall come to its knowledge.

Revocations

26. The Infectious Diseases (Aircraft) Regulations 1948 (S.I. No. 136 of 1948) and the Infectious Disease (Aircraft) Regulations 1948 (Specified Areas) Order 1948 (S.I. No. 232 of 1948) are revoked.

SCHEDULE 1
INFECTIOUS DISEASES

Cholera.

Pneumonic Plague.

Yellow fever.

Viral haemorrhagic fevers.

West Nile fever.

Smallpox.

Polio myelitis due to wild type poliovirus.

Human influenza caused by a new sub-type.

Severe acute respiratory syndrome (SARS)

Dengue fever, Rift Valley fever and meningococcal disease and any other infectious disease in respect of a person on board an aircraft originating in, coming from, or having passed through an area where any of those infectious diseases are of special national or regional concern.

Any other infectious disease which is of public health concern and of international importance.

SCHEDULE 2

GENERAL DECLARATION

(Outward/Inward)

Operator

Marks of Nationality and Registration* Flight No.

Date.....

Departure from..... Arrival

at.....

(Place)

(Place)

FLIGHT ROUTING

(“Place” Column always to list origin, every en-route stop and destination)

PLACE	NAMES OF CREW*	NUMBER OF PASSENGERS
-------	----------------	----------------------

ON THIS STAGE**

Departure Place:

Embarking.....

Through on same flight.....

Arrival Place:

Disembarking.....

Through on same flight.....

For official use only

*Declaration of Health**

Name and seat number or function of persons on board with illnesses other than airsickness or the effects of accidents, who may be suffering from a communicable disease (a fever-temperature 38°C/100°F or greater-associated with one or more of the following signs or symptoms, e.g. appearing obviously unwell; persistent coughing; impaired breathing; persistent diarrhoea; persistent vomiting; skin rash; bruising or bleeding without previous injury; or confusion of recent onset, increases the likelihood that the person is suffering a communicable disease) as well as such cases of illness disembarked during a previous stop.....

Details of each disinsecting or sanitary treatment (place, date, time, method) during the flight. If no disinsecting has been carried out during the flight, give details of most recent disinsecting

.....

Signed, if required, with time and date

Crew member concerned

I declare that all statements and particulars contained in this General Declaration, and in any supplementary forms required to be presented with this General Declaration, are complete, exact and true to the best of my knowledge and that all through passengers will continue/have continued on the flight.

SIGNATURE _____

Authorised Agent or Pilot-in-command

Size of document to be 210 mm x 297 mm (or 8 1/4 x 11 3/4 inches)

** To be completed only when required by the State.

** Not to be completed when passenger manifests are presented and to be completed only when required by the State.

Personal Declaration of Origin and Health (Aircraft)

Airport of arrival: _____	Airline: _____
Flight Number: _____	Seat Number _____
Date ___/___/___	Time (24hrs) — . —
From: _____	To: _____
Forename: _____	Surname: _____
Date of Birth: ___/___/___	Male Female
Nationality: _____	Passport number: _____
Permanent (home) address:	

Address (es) to which immediately proceeding over the next 7 days	
1. _____	
Date of departure from address if applicable ___/___/___	
2. _____	

Date of departure from address if applicable ___/___/___	
3. _____	

Date of departure from address if applicable ___/___/___	
Contact phone number(s) for the next 7 days:	
Telephone (s): _____	Mobile _____

Are you part of an organised tour?	Yes No
If yes, please give details:	

In the past 14 days, I have experienced:

Vomiting	Yes	No
Diarrhoea	Yes	No
Fever	Yes	No
Cough	Yes	No
Rash	Yes	No

I declare that I have had no other illness during the past 14 days except as follows:

I declare that I have not been in contact with any person who has been acutely ill over the past 14 days except as follows:

Any additional relevant information:

I declare that the information given above is correct to the best of my knowledge

Signature: _____

Date: _____

The Minister for Finance consents to the making of the foregoing Regulations.



GIVEN under my Official Seal of the Minister for Finance,
12 October 2009.

BRIAN LENIHAN,
Minister for Finance.



GIVEN under my Official Seal,
12 October 2009.

MARY HARNEY,
Minister for Health and Children.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations replace

The Infectious Diseases (Aircraft) Regulations 1948 (S.I. No. 136 of 1948) and the Infectious Disease (Aircraft) Regulations 1948 (Specified Areas) Order 1948 (S.I. No. 232 of 1948)

These Regulations make amendments which conform to the standards set down by the International Health Regulations as adopted by the World Health Assembly on 23 May 2005. These Regulations authorise measures to be taken with a view to the prevention of danger to public health in relation to incoming or outgoing aircraft, its passengers; and or crew; and or conditions on board; they lay down the form of Declaration of Health to be completed by the Commander of an aircraft in certain circumstances; they impose restrictions on boarding or leaving an aircraft in certain circumstances.

Provision is made for the detention and inspection of an infected or suspected aircraft; the placing under surveillance of a person(s) from an affected area; the removal of an infected person(s) from an aircraft; and the application of such additional measures applicable to infectious diseases that are of public health concern subject to the International Health Regulations.

Provision is made also for charges for certain services and for expenses of the Health Service Executive enforcing the Regulations.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
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