

GUERNSEY STATUTORY INSTRUMENT

ENTITLED

The Public Health (Aircraft) (Guernsey) Order, 1974 *

[CONSOLIDATED TEXT]

NOTE

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* G.S.I. No. 47 of 1974; as amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Public Health (Aircraft) (Amendment) (Guernsey) Order, 1975 (G.S.I. No. 10 of 1975); the Public Health (Aircraft) (Guernsey) (Amendment) Order, 2009 (G.S.I. No. 26 of 2009). See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207).

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The Public Health (Aircraft) (Guernsey) Order, 1974

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(Made on 10th December, 1974.)

The Public Health (Aircraft) (Guernsey) Order, 1974

THE STATES BOARD OF HEALTH, in consultation with the States Board of Administration and in pursuance of the powers conferred upon it by section two of the Public Health (Vessels and Aircraft) (Guernsey) Law, 1950^a, and of all other powers enabling it in that behalf, hereby orders: –

PART I

General Provisions

Interpretation.

1. (1) The Interpretation (Guernsey) Law, 1948^b, shall apply to the interpretation of this Order as it applies to the interpretation of an enactment.

(2) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"additional measures" means such of the additional measures specified in the Second Schedule to this Order with respect to the diseases subject to the International Health Regulations as are appropriate,

"aerodrome" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the take-off and landing of aircraft, not being an area the use of which for those purposes has been abandoned, and includes any area or space, whether on the ground, on the roof

^a Ordres en Conseil Vol. XIV, p. 402.

^b Ordres en Conseil Vol. XIII, p. 355.

of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the take-off and landing of aircraft capable of descending or climbing vertically,

"Aircraft Declaration of Health" means a declaration containing the information specified in the First Schedule to this Order, being either a separate document or a part of the Aircraft General Declaration delivered in accordance with Appendix 5 of the International Health Regulations,

"authorised officer" means the States Medical Officer of Health or any other officer authorised by [the Committee] to perform the duties of an authorised officer under this Order,

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

"[the Committee]" means the States [Committee for Health & Social Care],

[**"Chief Revenue Officer"** means the Chief Officer of Customs and Excise and shall include any officer of Customs and Excise acting by or under his authority,]

"commander" means the person for the time being in command of an aircraft,

"crew" means the personnel of an aircraft who are employed for duties on board,

"customs airport" means an aerodrome for the time being appointed by the States [Committee for Home Affairs] under the provisions of section

seven of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972,

"day" means an interval of twenty-four hours,

[...]

"disinsecting" means the operation in which measures are taken to kill the insect vectors of human disease,

"epidemic" means an extension of a disease subject to the International Health Regulations by a multiplication of cases in an area,

[**"examination"**, in relation to a person or group of persons, includes such medical tests as the medical officer considers to be appropriate and proportionate in the circumstances,]

"excepted airport" means any airport in the excepted area,

"excepted area" means all the territory of Belgium, Metropolitan France, Greece, the Republic of Ireland, Italy, Luxembourg, the Netherlands, Spain, the United Kingdom, the Channel Islands and the Isle of Man,

"immigration officer" means any person for the time being appointed by the States [Policy & Resources Committee] to act as an immigration officer,

"infected aircraft" means –

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- (a) an aircraft which has on board on arrival a case of a disease subject to the International Health Regulations[, or any other infectious disease], or
- (b) an aircraft on which a plague-infected rodent is found on arrival, or
- (c) an aircraft which has had a case of smallpox on board during its voyage and which has not before arrival been subjected in respect of such case to appropriate measures equivalent to those provided in this Order,

"[affected area]" means an area notified as such to health administrations by the World Health Organisation under Article 11 of the International Health Regulations and which has not been subsequently notified by that organisation as being free from infection,

"infected person" means a person who is suffering from a disease subject to the International Health Regulations[, or any other infectious disease] or who is considered by the medical officer to be infected with such a disease,

"infectious disease" means a disease subject to the International Health Regulations or any other infectious or contagious disease other than venereal disease or tuberculosis,

"in flight" means the time elapsing between the closing of the doors of the aircraft before take-off and their opening on arrival,

"International Health Regulations" means the International Health Regulations adopted by the 22nd World Health Assembly in 1969 as amended

by the 26th World Health Assembly in 1973 as may from time to time be amended by regulations adopted by any subsequent World Health Assembly,

"the Island" includes the Islands of Alderney, Herm and Jethou,

"isolation", when applied to a person or group of persons, means the separation of that person or group of persons from other persons, except the health staff on duty, in such a manner as to prevent the spread of infection[, and **"isolated"** shall be construed accordingly],

"medical officer" means the States Medical Officer of Health or any other medical practitioner appointed by [the Committee] to perform the duties of a medical officer under this Order,

"medical practitioner" means –

- (a) in relation to the Islands of Guernsey, Herm and Jethou, a person authorised to practise in those Islands as a medical practitioner according to the law for the time being in force,
- (b) in relation to the Island of Alderney a person practising in that Island as a medical practitioner and approved by [the Committee],

"police officer" means –

- (a) in relation to the Islands of Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a

member of the special constabulary of the Island of Guernsey,

- (b) in relation to Alderney, a member of the said salaried police force and a member of any police force which may be established by the States of Alderney,

"sanitary airport" means a customs airport which has been designated in accordance with Article 19 of the International Health Regulations,

"suspect" means a person (not being an infected person) who is considered by the medical officer as having been exposed to infection by a disease subject to the International Health Regulations and is considered capable of spreading that disease,

"suspected aircraft" means an aircraft from which a case of cholera occurring on board during the voyage has been removed before the arrival of the aircraft, and which has not before arrival been subjected in respect of such case to appropriate measures equivalent to those provided for in this Order,

"valid International Vaccination Certificate" means a certificate of vaccination or revaccination against smallpox which is in the form laid down, and conforms with the rules as to validity contained, in Appendix 2 or Appendix 4, as the case may be, to the International Health Regulations,

"voyage", in relation to an aircraft, means the flight of the aircraft from its point of origin via any international points to its point of termination.

- (3) Any reference in this Order to any other enactment shall, except where the context otherwise requires, be construed as including a reference to

that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Order.

(4) Any reference, however expressed, in this Order to a person leaving an aircraft shall not be construed as a reference to that person leaving an aircraft and continuing his journey in that aircraft.

NOTES

In section 1,

the words in, first, the first and, second, the second pairs of square brackets in the definition of the expression "the Committee" in subsection (2), and, third, the words "the Committee" in square brackets wherever else occurring were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 6, section 2, Schedule 1, paragraph 5 and section 4, and section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016;¹

in subsection (2), first, the definition of the expression "Chief Revenue Officer" was substituted, second, the words omitted in square brackets immediately following the definition of the expression "day" were revoked, third, the definition of the expression "examination" was inserted, fourth, the words in square brackets in the definition of the expression "infected aircraft" were inserted, fifth, the words in square brackets in the definition of the expression "infected person" were inserted and, sixth, the words in square brackets in the definition of the expression "isolation" were inserted by the Public Health (Aircraft) (Guernsey) (Amendment) Order, 2009, section 2(3), respectively paragraph (a), paragraph (b), paragraph (c), paragraph (d), paragraph (e) and paragraph (f), with effect from 15th May, 2009;²

the words in square brackets in the definition of the expression "customs airport" in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a) and section 4, with effect from 1st May, 2016;³

the words in square brackets in the definition of the expression "immigration officer" in subsection (2), were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a) and section 4, with effect from 1st May, 2016;⁴

the words in square brackets in the definition of the expression "affected area" in subsection (2) were substituted by the Public Health (Aircraft) (Guernsey) (Amendment) Order, 2009, section 2(2), with effect

from 15th May, 2009.

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Order were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5 and section 4, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁵

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of the provisions of section seven of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a) and section 4, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁶

The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of this Order were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a) and section 4, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁷

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the references herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

List of [affected area]s.

2. (1) The medical officer shall from time to time prepare and keep up to date a list of aerodromes and other areas which are infected or believed to be infected with a disease subject to the International Health Regulations or which may serve other places or areas so infected or believed to be so infected.

(2) The medical officer shall supply copies of every such list and any amendment thereof to the Chief Revenue Officer at the airport and to the person in charge of the airport.

(3) In preparing and amending such list the medical officer shall take into account all information sent to him from time to time by the Secretary of State for Social Services or issued by the World Health Organisation.

NOTE

In section 2, the words in square brackets in the marginal note thereto were substituted by the Public Health (Aircraft) (Guernsey) (Amendment) Order, 2009, section 2(2), with effect from 15th May, 2009.

PART II

Incoming Aircraft

Inspection of aircraft.

3. (1) The medical officer may, for the purposes of this Order, inspect any aircraft at a customs airport.

(2) The medical officer shall –

- (a) inspect on arrival any aircraft in respect of which the commander has sent a message under section eight of this Order,
- (b) inspect any aircraft at the airport when he has reasonable grounds for believing that there is on board a case or suspected case of infectious disease.

(3) The medical officer may require any aircraft which he intends to inspect under the foregoing provisions of this section to be taken to some safe and convenient part of the airport for such inspection if it cannot otherwise be carried out effectively.

Examination etc. of persons on aircraft.

4. (1) The medical officer may, and if so requested by the commander or required by [the Committee] shall, examine any person on board or leaving an aircraft at a customs airport, when there are reasonable grounds for suspecting that –

- (a) the person is suffering from an infections disease,
- (b) the person has been exposed to infection from an infections disease,
- (c) the person is verminous.

(2) The medical officer may –

- (a) detain any such person for examination at a place appointed for the purpose,
- (b) require the clothing and other articles belonging to any person so examined to be disinfected and, where necessary, disinfected [or destroyed] and any person found to be verminous to be disinfected,
- (c) except as provided in section seventeen of this Order, prohibit any person so examined from leaving the aircraft or airport, or permit him to leave it on such conditions and subject to the taking of such measures, under this Order, as the medical officer considers reasonably necessary for preventing the spread of infection, and

- (d) require the commander to take or assist in taking such steps as in the opinion of the medical 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 aircraft likely to convey infection, including conditions the existence of which might facilitate the harbouring of insects or vermin.

(3) The medical officer or an authorised officer or the Chief Revenue Officer may, and if so required by [the Committee] shall, require any person on board or leaving an aircraft at a customs airport to produce a valid International Vaccination Certificate.

(4) The Chief Revenue Officer or an authorised officer may detain until the arrival of the medical officer or for three hours, whichever is the shorter period, any such person as aforesaid who has been required to produce such a certificate and is unable to do so.

(5) Where any such person fails to satisfy the medical officer that he possesses such a certificate, the medical officer may detain him for examination at a place appointed for that purpose, and may apply in his case the additional measures mentioned in Part II of the Second Schedule to this Order and in paragraphs (1) and (2) of Part IV of that Schedule.

NOTES

In section 4,

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with

effect from 1st May, 2016;

the words in square brackets in subsection (2)(b) were inserted by the Public Health (Aircraft) (Guernsey) (Amendment) Order, 2009, section 2(4), with effect from 15th May, 2009.

Powers in respect of persons leaving aircraft.

5. (1) Where a person intending to leave an aircraft at a customs airport is suffering, or the medical officer suspects that he is suffering from an infectious disease or tuberculosis, the medical officer may –

- (a) in the case of an infectious disease, [place such person under surveillance for the appropriate period specified in section 26(1), or] cause such person on leaving the aircraft to be isolated, or to be sent to a hospital or to some other suitable place approved for that purpose by [the Committee], as may be appropriate; or, except as provided in section seventeen of this Order, the medical officer may, by notice in writing to the commander, prohibit the person from leaving the aircraft without the consent in writing of the medical officer,
- (b) in the case of tuberculosis, if the person leaves the aircraft, send information to that effect to the medical officer for the area in which the intended destination and address of the person is situated.

[(2) Where [the Committee] is satisfied that a danger to public health exists by reason of infectious disease and has notified the medical officer accordingly, an authorised officer may require a person leaving an aircraft to state in writing his name, his intended address in the Island, and such other contact details, such as his mobile telephone number and email address (if any), as the authorised

officer may specify.]

[(3) An authorised officer may give such directions to persons leaving an aircraft as the medical officer considers necessary and proportionate in the interests of protecting public health.]

NOTES

In section 5,

the words in the first pair of square brackets in subsection (1)(a) were inserted, subsection (2) was substituted and subsection (3) was inserted by the Public Health (Aircraft) (Guernsey) (Amendment) Order, 2009, section 2, respectively paragraph (5), paragraph (6) and paragraph (7), with effect from 15th May, 2009;⁸

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Notice to customs officer by medical officer.

6. The medical officer at a customs airport shall inform the Chief Revenue Officer of any measure applied by him or at his discretion, under this Order, to an aircraft, any person thereon, or its stores, equipment or cargo.

Supply of information etc. by commanders.

7. The commander of an aircraft at a customs airport shall –

- (a) answer all questions as to the health conditions on board which may be put to him by an authorised officer or the Chief Revenue Officer visiting the aircraft and furnish any such officer with all such information and assistance as he may reasonably require for the purposes of this Order,

- (b) in addition to any message sent under section eight of this Order notify immediately on arrival to the medical officer any death on the aircraft during its voyage caused otherwise than by accident, any case of infectious disease on the aircraft, or any circumstances on board which are likely to cause the spread of infectious disease, including in his notification particulars as to the presence of rodents on the aircraft,
- (c) comply with this Order, and with any directions or requirements of an authorised officer given or made for the purposes of this Order.

Notification of infectious disease, etc. on board.

8. (1) When there is on board an aircraft during its voyage a person [who] is suffering from an infectious disease or who has symptoms which may indicate the presence of infectious disease, or when there are on board the aircraft any other similar circumstances requiring the attention of the medical officer, the commander shall, immediately he is aware of the presence of such disease, symptoms or other circumstances, send a radio message to that effect to the medical officer at the first customs airport at which the aircraft is due to arrive, or to the person in charge of such airport.

(2) If such radio message is sent to the medical officer, he shall immediately notify the Chief Revenue Officer of its contents.

(3) If such radio message is sent to the person in charge of the customs airport, he shall immediately notify the medical officer and the Chief Revenue Officer of its contents.

NOTE

In section 8, the word in square brackets in subsection (1) was inserted by the Public Health (Aircraft) (Amendment) (Guernsey) Order, 1975, section 1(a), with effect from 4th March, 1975.

Aircraft Declaration of Health.

9. (1) Except where [the Committee] otherwise directs, on the arrival of an aircraft at a customs airport, the commander or a member of the crew deputed to act on his behalf shall complete an Aircraft Declaration of Health and deliver it to the Chief Revenue Officer or medical officer, whoever first boards the aircraft.

(2) If the Chief Revenue Officer detains the aircraft under this Order and he requires a copy of the Declaration, the medical officer shall furnish him with such copy.

NOTE

In section 9, the words in square brackets in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Detention of aircraft.

10. (1) When on the arrival of an aircraft at a customs airport the medical officer has reasonable grounds for believing that the aircraft may be an infected aircraft or a suspected aircraft, or an aircraft which, although not falling within either of such categories, has had on board during the voyage a case of a disease subject to the International Health Regulations in respect of which the aircraft has not outside the Island been subjected to appropriate measures equivalent to those provided for in this Order, he may cause the aircraft to be detained for medical inspection.

(2) If the medical officer has caused an aircraft to be so detained, he shall inform the person in charge of the customs airport of such detention and send a notice in writing of such detention to the Chief Revenue Officer.

11. If the Chief Revenue Officer receives in respect of an aircraft a notice in writing from the medical officer under section ten of this Order, he shall, if he visits the aircraft before the medical officer, deliver the notice to the commander and take all reasonable steps to secure compliance therewith.

12. Where on the arrival of an aircraft at a customs airport it appears to the Chief Revenue Officer, from information in the Aircraft Declaration of Health delivered pursuant to section nine of this Order, or from information otherwise obtained, that during the voyage of the aircraft –

- (a) there has been on the aircraft a death caused otherwise than by accident, or a case of illness which is or is suspected to be of an infectious nature, or
- (b) the aircraft has been in an [affected area], or
- (c) death not attributable to poison or other measures for destruction has occurred amongst rodents on the aircraft,

he shall, unless the medical officer otherwise directs, give such directions as to him seem necessary to secure the detention of the aircraft, the persons carried thereon, and its stores, equipment and cargo.

13. The detention of an aircraft by the Chief Revenue Officer under this Order shall cease as soon as the aircraft has been inspected by the medical officer or, if such inspection has not commenced within three hours after the aircraft has been so

detained, on the expiration of that period:

PROVIDED that nothing in this section shall affect the power of the medical officer to continue the detention of an aircraft under section fourteen of this Order.

14. (1) The medical officer shall inspect any aircraft and the persons carried thereon as soon as possible and in any case within three hours after it has been detained under this Order.

(2) If the aircraft is one to which the medical officer is required by this Order to apply any further or additional measures, or if after such inspection he considers it necessary to apply any further or additional measures under this Order, he may continue the detention of the aircraft, if such continued detention is necessary for the application of such further or additional measures.

NOTE

In section 12, the words in square brackets in paragraph (b) were substituted by the Public Health (Aircraft) (Guernsey) (Amendment) Order, 2009, section 2(2), with effect from 15th May, 2009.

Release of aircraft.

15. When the medical officer releases an aircraft from detention he shall give notice in writing to the Chief Revenue Officer, to the commander of the aircraft, and to the person in charge of the customs airport that, so far as control of this order is concerned, the aircraft is free to proceed at or after a date and time stated in the notice.

Persons from [affected area]s.

16. On the arrival of an aircraft at a customs airport, the medical officer may place under surveillance for the appropriate period specified in subsection (1) of section twenty-six of this Order –

- (a) any person disembarking from the aircraft who has come from an [affected area] other than an area infected with yellow fever or plague, and
- (b) any suspect disembarking from an aircraft who has come from an area infected with yellow fever or plague.

NOTE

In section 16, and the marginal note thereto, the words in square brackets were substituted by the Public Health (Aircraft) (Guernsey) (Amendment) Order, 2009, section 2(2), with effect from 15th May, 2009.

Removal of infected persons from aircraft when required by commander.

17. The medical officer shall, if so required by the commander of an aircraft on arrival at a customs airport, cause any infected person to be removed from the aircraft.

Removal to sanitary airport.

18. If the medical officer considers that there should be applied to an aircraft which alights elsewhere than at a sanitary airport, or to any person carried thereon, measures under this Order which can be applied only at a sanitary airport, he may direct that the aircraft or any such person shall proceed to a sanitary airport and he shall give the commander notice in writing of the direction and of the reasons for the direction.

Additional measures.

19. Without prejudice to any other provision in this Order, the additional measures set out in the Second Schedule to this Order shall be applicable on the arrival at a customs airport of –

- (a) any infected aircraft or suspected aircraft,
- (b) any aircraft which has during its voyage been in an area infected with plague, cholera or yellow fever,
- (c) any suspect for smallpox on an aircraft other than in infected aircraft,
- (d) any other aircraft or person, when the medical officer is satisfied that, notwithstanding that measures equivalent to such additional measures have been applied to the aircraft or person previously during its voyage, there is on board or has been on board since such previous application an infected person or suspect and that it is necessary again to apply any such measure, or the medical officer has reasonable grounds for believing that such previous application was not substantially effective.

Avoidance of delay.

20. In applying any measures under this Order, the medical officer shall have regard to the need for freeing the aircraft from control under this Order as quickly as possible.

Aircraft alighting elsewhere than at a customs airport.

21. (1) Where an aircraft alights elsewhere than at a customs airport –
- (a) the commander shall forthwith give notice to that effect to the medical officer or the Chief Revenue Officer or an immigration officer or a police officer and, if the

aircraft has alighted at an aerodrome, to the person in charge thereof,

- (b) except for the purpose of the last preceding paragraph, no person carried by the aircraft shall leave its vicinity unless authorised so to do by the medical officer, and any person so authorised shall inform such officer of his name and his intended destination and address, but this paragraph shall not be construed as dispensing with the necessity to secure any consent arising under any other enactment,
- (c) subject as aforesaid, this Order shall apply, with any necessary modifications, in relation to the aircraft, the persons carried thereon, and its stores, equipment and cargo, to the extent to which they are not required by a police officer or Chief Revenue Officer to proceed or, as the case may be, to be taken to a customs airport, as if the aircraft had alighted at a customs airport and for the purposes of such application the list of [affected area]s kept pursuant to section two of this Order shall be the list so kept by the medical officer.

(2) If any person who has informed an officer pursuant to this section of his intended destination and address arrives within fourteen days thereafter at some other address, he shall forthwith send particulars of that address to the medical officer.

NOTE

In section 21, the words in square brackets in paragraph (c) of subsection (1)

were substituted by the Public Health (Aircraft) (Guernsey) (Amendment) Order, 2009, section 2(2), with effect from 15th May, 2009.

Saving for certain aircraft.

22. In the case of an aircraft which has commenced its voyage at a place within the excepted area and has not during its voyage alighted at any place outside that area –

- (a) the commander shall not be bound to comply with the provisions of section seven, subsection (1) of section nine or paragraph (a) of subsection (1) of section twenty-one of this Order unless he has been notified by the medical officer that compliance with those provisions is necessary on account of danger to public health,
- (b) no person carried by the aircraft shall be bound by the provisions of paragraphs (b) or (c) of subsection (1) of section twenty-one of this Order unless he has been notified by the medical officer that the said provisions apply to him on account of danger to public health,
- (c) the powers and duties conferred or imposed on the medical officer by section three, subsections (1), (2), (3) and (5) of section four, section five, subsection (1) of section ten, subsection (2) of section fourteen, and sections sixteen, seventeen, eighteen and nineteen of this Order shall not be exercised or performed unless the medical officer is satisfied, or [the Committee] has directed, that the exercise of the powers or the performance of the duties conferred or imposed by

those provisions is necessary on account of danger to public health,

- (d) the powers and duties imposed on the Chief Revenue Officer or authorised officer by subsections (3) and (4) of section four and on the Chief Revenue Officer by section twelve of this Order shall not be exercised or performed unless [the Committee] has directed, or the medical officer is satisfied and has so informed the Chief Revenue Officer or authorised officer, that the exercise of the powers or the performance of the duties conferred or imposed by those provisions is necessary on account of danger to public health.

NOTE

In section 22, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

PART III

Outgoing Aircraft

Examination etc. of persons proposing to embark.

23. Where an aircraft is due to depart from an aerodrome for a destination outside the Island, the medical officer –

- (a) may examine any person who proposes to embark thereon if he has reasonable grounds for believing him to be suffering from a disease subject to the International Health Regulations, and, if after

examination the medical officer is of the opinion that he shows symptoms of such a disease, shall prohibit his embarkation and the time and place of this examination shall be arranged so as to take account of any other formalities and 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 embarking 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 commander and the health authority for 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) may notwithstanding the provisions of paragraph (b) of this section, allow a person on an international voyage who, on arrival, was placed under surveillance to continue his voyage, in which case, the medical officer shall notify by the most expeditious means the health 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 the Bailiwick.

24. Where [the Committee] has, by notice published in "La Gazette

Officielle", declared any place within the Bailiwick of Guernsey to be infected with a disease subject to the International Health Regulations or with any other disease which in its opinion constitutes a menace to other countries or to any other place within the Bailiwick of Guernsey by reason of its spread or potential spread, then, until the notice is revoked by a subsequent notice published in "La Gazette Officielle", the medical officer shall comply with any requirement which may be made by [the Committee] for preventing the spread of the disease, and in particular (but without prejudice to the generality of the foregoing provision) the following provisions of this section shall operate in relation to any aircraft departing from any place in the Island for a destination outside the Island –

- (a) an authorised officer, if so required by [the Committee], shall require a valid vaccination certificate from departing travellers; and in the absence of such a certificate the medical officer may offer vaccination to any such traveller and apply the provisions of paragraph (c) of section twenty-three of this Order,
- (b) the medical officer may, and within three hours after receiving a request from the commander so to do shall, medically examine any person who proposes to embark on or is on board the aircraft,
- (c) the medical officer may require any part of the aircraft 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 any person on the aircraft 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 commander shall disclose to the authorised officer any relevant circumstances,

- (e) no person shall take or cause to be taken on board the aircraft any article which, in the opinion of an authorised officer, is capable of carrying infection, unless that officer is satisfied that it has been efficiently disinfected and, where necessary, disinfected,
- (f) if the aerodrome is situated in an area which is included in the said notice in "La Gazette Officielle" and is therein declared to be infected with plague, and if there is reason to believe that there are rodents on the aircraft, the medical officer may, and if so required by [the Committee] shall, take steps to secure the deratting of the aircraft.

NOTE

In section 24, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

[PART V]

Miscellaneous Provisions

Compliance with directions, etc. under this Order.

25. Every person to whom this Order applies shall comply with every

direction, requirement or condition given, made or imposed by an authorised officer or the Chief Revenue Officer pursuant to this Order, and shall furnish all such information as any such officer may reasonably require (including information as to his name and intended destination and address to which he is going on leaving an aerodrome); 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 that child or other person.

NOTE

The word and numerals in square brackets shown, incorrectly, in the printed version of the heading to this Part as "Part V" should read "Part IV".

Review of isolation.

25A. (1) Where, under this Order, the medical officer causes a person to be isolated, or to be sent to a hospital or to some other suitable place, he shall review that person's case after not more than fourteen days, and shall direct that the person shall be no longer be isolated, or shall be free to leave the hospital or other place (as the case may be) (together, "**released from isolation**") unless he is satisfied that the person remains an infected person and a danger to public health.

(2) The medical officer shall review every seven days the case of a person whom he has directed not to be released from isolation on a review under subsection (1), and on a subsequent review the medical officer shall direct that he be released from isolation unless he remains satisfied that the person remains an infected person and a danger to public health.]

NOTE

Section 25A was inserted by the Public Health (Aircraft) (Guernsey) (Amendment) Order, 2009, section 2(8), with effect from 15th May, 2009.

[Right of appeal.

25B. (1) A person aggrieved by a decision of the medical officer that he be isolated, or sent to a hospital or to some other suitable place, or by a decision of the medical officer not to direct on a review under section 25A that he be released from isolation, may appeal against the decision to the Royal Court on one or more of the grounds in subsection (3).

(2) A person making an appeal under subsection (1) shall remain in isolation, or the hospital or other place where he has been sent, pending the outcome of his appeal.

(3) The grounds of an appeal under this section are that –

- (a) the decision was *ultra vires* or there was some other error of law,
- (b) the decision was unreasonable,
- (c) the decision was made in bad faith,
- (d) there was a lack of proportionality, or
- (e) there was a material error as to the facts or as to the procedure.

(4) An appeal under this section shall be instituted by summons served on the medical officer stating the grounds and material facts on which the appellant relies; and the address for service on the medical officer under this section shall be St James Chambers, St Peter Port, Guernsey GY1 4BY.

(5) The Royal Court may dispense with a hearing of an appeal under this section, and may instead determine the appeal on considering the appellant's summons and any representations in response submitted on behalf of the medical officer.

(6) On an appeal under this section, the Royal Court may –

- (a) dismiss the appeal,
- (b) order that the medical officer review the appellant's case, or
- (c) order that the appellant be released from isolation.

(7) For the purposes of determining an appeal under this section, the Royal Court –

- (a) may appoint a medical practitioner to assist it, and
- (b) is properly constituted by the Bailiff sitting unaccompanied by the Jurats,

and in this section "**Bailiff**" includes Deputy-Bailiff and Lieutenant-Bailiff.]

NOTE

Section 25B was inserted by the Public Health (Aircraft) (Guernsey) (Amendment) Order, 2009, section 2(8), with effect from 15th May, 2009.

Surveillance.

26. (1) Where this Order permits the 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 any other infectious disease, fourteen days, or such other period as the medical officer may prescribe in respect of that disease].

(2) When a person has been so placed under surveillance for plague, cholera or smallpox under section sixteen of this Order by reason of his having come from an [affected area], the period shall be reckoned from the date of his leaving the [affected area].

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

27. Every person who is placed under surveillance pursuant to this Order shall –

- (a) give facilities for any medical examination required by the medical officer during the period of surveillance,

- (b) furnish all such information as the medical officer 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 address on leaving the aerodrome at which he arrived in the Island, send particulars of that address to the medical officer,
- (d) if so instructed by the medical officer, report during the period of surveillance to that officer at such intervals as he may require:

PROVIDED that an instruction shall not be given under this paragraph unless [the Committee] has by direction (whether general or special) authorised the giving of instructions thereunder.

NOTES

In section 26,

paragraph (e) of subsection (1) was inserted by the Public Health (Aircraft) (Guernsey) (Amendment) Order, 2009, section 2(9), with effect from 15th May, 2009;

the words in square brackets in subsection (2) were substituted by the Public Health (Aircraft) (Guernsey) (Amendment) Order, 2009, section 2(2), with effect from 15th May, 2009.

In section 27, the words in square brackets in the Proviso to paragraph (d) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Charges for services.

28. (1) Where the commander of an aircraft is required by or under this Order to carry out any measures with a view to reducing the danger or preventing the spread of infection, [the Committee] may itself at the request of the commander, and, if it thinks fit, cause any such requirement to be complied with at his cost, instead of enforcing the requirement against the commander.

(2) The amount of the charge for any measures or requirement undertaken by [the Committee] shall be such reasonable sum as represents the actual or estimated cost to be incurred in undertaking the work excluding any charge or claim on the part of [the Committee] in respect of profit, but shall not exceed the sum of two hundred pounds unless notice of the proposed charge has been given to the commander before the work is undertaken.

(3) Where under this section [the Committee] causes any requirement to be complied with at the cost of the commander, it may, if it thinks fit, require the amount of the charge for the work or a part thereof to be paid to, or deposited with, [the Committee] before the work is undertaken.

(4) Where under this Order any measures have been taken with regard to an aircraft, [the Committee] or the medical officer shall, on request by the commander, furnish him free of charge with particulars in writing of those measures and the reasons why they were taken.

(5) Where, under this Order, any measures have been taken with regard to any person or to any articles in his possession, the medical officer shall, on the request of such a person, furnish him free of charge with particulars in writing of those measures, including the date on which they were taken.

NOTE

In section 28, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Recovery of charges.

29. Every charge authorised by section twenty-eight of this Order shall be recoverable as a civil debt due to the States of Guernsey.

Saving for mails.

30. Except to the extent permitted by [Part II] of the Second Schedule to this Order, nothing in this Order shall render liable to detention, disinfection or destruction any article forming part of any mail conveyed under the authority of the States Post Office Board, or of the postal administration of any other Government, or shall prejudicially affect the receipt on board and delivery in due course at the place of destination of any such mail in accordance with the provisions of the Post Office (Guernsey) Law, 1969^d.

NOTES

In section 30, the word and numerals in square brackets were substituted by the Public Health (Aircraft) (Amendment) (Guernsey) Order, 1975, section 1(b), with effect from 4th March, 1975.

The Post Office (Guernsey) Law, 1969 has since been repealed by the Post Office (Bailiwick of Guernsey) Law, 2001, section 47, Schedule 2, Part I, paragraph 1, with effect from 1st October, 2001, subject to the transitional provisions in section 46 of, and Schedule 1 to, the 2001 Law.

Saving for aircraft unwilling to comply with this Order.

31. (1) The commander of an aircraft on arrival, or already at an aerodrome, who is unwilling to comply with, or submit to, any provisions of, or

^d Ordres en Conseil Vol. XXII, p. 128.

requirement made under, this Order which may be applicable, shall so notify the medical officer; and the medical officer may then require the commander to remove the aircraft immediately from the aerodrome.

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

(3) When the medical officer has under this section required the removal of an aircraft from the aerodrome, it shall not, during its voyage, alight at any other place in the Island.

Saving for existing enactments.

32. Nothing in this Order shall affect the Immigration Act 1971 as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1972 or Article 76 of the Air Navigation Order 1972 as extended to the Bailiwick of Guernsey by the Air Navigation (Guernsey) Order 1972.

Repeal.

33. The Public Health (Aircraft) (Guernsey) Order, 1969^e is hereby repealed.

Citation.

34. This Order may be cited as the Public Health (Aircraft) (Guernsey) Order, 1974.

Commencement.

35. This Order shall come into force on the first day of January, nineteen

^e S.I. 1964 No. 20.

hundred and seventy-four.

FIRST SCHEDULE

Section 9

Aircraft Declaration of Health

Persons on board with illnesses other than airsickness or the effects of accidents (including persons with symptoms or signs of illness such as rash, fever, chills, diarrhoea) as well as those cases of illness disembarked during the flight

.....

.....Any other conditions on board which may lead to the spread of disease

.....

.....

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

.....

.....

Signature, if required

Date

Crew member concerned.

SECOND SCHEDULE Sections 4(5) and 19
Additional Measures with respect to Diseases
subject to the International Health Regulations

PART I — PLAGUE

A. Infected aircraft

- (1) The medical officer may –
 - (a) require any suspect on board to be disinfected and place him under surveillance, the period of surveillance being reckoned from the date of arrival of the aircraft,
 - (b) require the disinfecting 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 aircraft which the medical officer considers to be contaminated.
- (2) When the presence of rodents is suspected on board an aircraft or if the aircraft is infected because a plague-infected rodent is found on board the medical officer shall require the aircraft to be deratted in a manner to be determined by him.
- (3) On arrival of an aircraft having on board a person suffering from pulmonary plague the medical officer may –
 - (a) carry out the measures set out in paragraph 1 of Part I 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. Aircraft which have been in [affected area]s

- (4) The medical officer may place under surveillance any suspect who disembarks, the period of surveillance being reckoned from the date of the departure of the aircraft from the [affected area].

PART II — CHOLERA

Infected aircraft and suspected aircraft

- (1) The medical officer –
 - (a) may place under surveillance any person who disembarks from an aircraft, the period of surveillance being reckoned from the date of disembarkation from an aircraft,
 - (b) shall be responsible for the supervision of the removal and safe disposal of any water, food (excluding cargo), human dejecta, waste 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 aircraft 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 aircraft and aircraft which have been in [affected area]s

The medical officer may require the aircraft to be disinfected.

PART IV — SMALLPOX

A. Infected aircraft

(1) The medical officer shall offer vaccination to any person on board or disembarking from the aircraft 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 aircraft which the medical officer considers to be contaminated.

B. Suspects on other aircraft

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

NOTE

In the Second Schedule, the words "affected area" in square brackets, wherever occurring, were substituted by the Public Health (Aircraft) (Guernsey) (Amendment) Order, 2009, section 2(2), with effect from 15th May, 2009.

1 The words "Committee for Health & Social Care" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

2 Prior to its substitution, the definition of the expression "Chief Revenue Officer" was amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 12(a), with effect from 6th May, 2004.

3 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph

3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004.

⁴ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 12(a), with effect from 6th May, 2004.

⁵ The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Order were previously transferred to and vested in them, respectively, from the Board of Health and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

⁶ The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of the provisions of section seven of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

⁷ The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Order were previously transferred to and vested in them, respectively, from the Civil Service Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 12(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

⁸ Prior to its substitution, paragraph (2) was amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.