



Reply to CMI Questionnaire

Pandemic Response - The effect on Seafarers and Passengers at Sea

The British Maritime Law Association responds to the questions raised as follows:

1. Is your jurisdiction a member of the World Health Organisation?

Yes¹.

2. Has your jurisdiction given effect under its domestic law to the International Health Regulations (2005)?

Yes. The International Health Regulations are legally binding between members of the EU and have been implemented in England through the Public Health (Ships) (Amendment) (England) Regulations 2007.

3. Has your jurisdiction ratified the IMO-MLC 2006 Convention?

Yes².

4. What steps have been taken within your jurisdiction to give effect to the IMO-MLC 2006 Convention?

On 07 August 2014 the IMO-MLC 2006 Convention fully entered into force in the UK. It had slowly been implemented through various pieces of legislation, namely:

- a. The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 (SI 2014/1613);
- b. The Merchant Shipping (Maritime Labour Convention) (Consequential and Minor Amendments) Regulations 2014 (SI 2014/1614);
- c. The Merchant Shipping (Maritime Labour Convention) (Recruitment and Placement) Regulations 2014 (SI 2014/1615); and
- d. The Merchant Shipping (Maritime Labour Convention) (Health and Safety) (Amendment) Regulations 2014 (SI 2014/1616).

¹ Reported by the 'World Health Organisation', <http://www.who.int/countries/gbr/en/>

² Reported by the 'International Labour Organisation',

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312331

5. Has your jurisdiction ratified the IMO Facilitation of Maritime Traffic Convention 1965 (FAL Convention)?

Yes. The Convention was ratified on 5 March 1967.

6. What steps have been taken within your jurisdiction to give effect to the FAL Convention?

The FAL Convention has effect throughout the EU, as amended, through EU Directive 2010/65/EU (the "Reporting Formalities Directive"). The UK is piloting the UK National Maritime Single Window reporting framework in summer 2016 in order to implement the Reporting Formalities Directive.

7. Are you aware if your jurisdiction has denied free pratique to a vessel during any of the following pandemics: Avian flu; SARS; Chikungunya or MERS?

We are not aware.

8. Are you aware if your jurisdiction has taken any steps to establish the care capacities identified in Section A and B of Annex 1 of the International Health Regulations, and in particular a "national public Health emergency response plan" in compliance with the international Health Regulations?

Steps taken by the UK to establish the care capacities includes:

- Syndromic surveillance, a tool created by Public Health England ("PHE") to detect the onset of a pandemic and to gain timely information on the spatial and temporal development. The UK has local and national surveillances including:
 - NHS Direct surveillance
 - School surveillance
 - UK retail sales surveillance
- PHE also focus on meeting responsibilities under the International Health Regulations. Within the UK, PHE have provided guidance to professional groups, including medical practitioners, requesting they remain vigilant for unexplained illness in those who have visited the affected areas, and has advised on actions to take in the event of a possible case.
- The health protection (ships and aircraft) regulations 2013, further implement the International Health Regulations by updating the health protection powers and duties for use at England's ports and airports.
- Legislations are also in place to allow all UK administrations to issue sanitation control/exemption certificates. Ship Sanitation Certificates are designed to prevent international vessels from causing a public health risk and cover all areas of ship borne public health risks

including vector control, potable and ballast water and food safety controls.

- The UK Department of Health has a 'government policy: health emergency planning' in place to deal with a wide range of events which can cause health emergencies³.

9.

- a) What measures were taken by the jurisdiction during the recent Ebola outbreak?

The measures taken were:

1. Screening at ports; and
2. £427 million package of direct support to help fight and contain Ebola which included:
 - i. Medical help on the ground;
 - ii. NHS staff volunteered to travel to west Africa;
 - iii. Supporting 1,400 treatment and isolation beds and building 6 Ebola treatment centres;
 - iv. Rolling out community care centres;
 - v. £10 million to boost capacity of safe burial teams;
 - vi. Sending emergency supplies;
 - vii. Emergency research into how it spreads and how to stop it;
 - viii. Vaccine trials;
 - ix. 750 military troops to help;
 - x. Advised against all non-essential travel to Liberia, Sierra Leone and Guinea;
 - xi. Provided clinical management advice and guidance for medics; and
 - xii. UK Aid matched first £5 million of public donations

- b) Which Department of State or organisation in your jurisdiction was responsible for implementing those measures during the recent Ebola outbreak?

Public Health England took steps to prevent disease spreading to the UK, the Department for International Development, with assistance from the Ministry of Defence, the Department of Health and the Department for Transport.

- c) Were maritime administrations within your jurisdiction consulted in relation to decisions taken within your jurisdiction during the Ebola outbreak?

The UK maritime administrations were fully consulted throughout the outbreak and were kept fully informed of all decisions made by the UK government⁴.

- d) Were those that took decisions in your jurisdiction during the Ebola outbreak aware of the requirements of:

³ Department of Health - <https://www.gov.uk/government/publications/2010-to-2015-government-policy-health-emergency-planning/2010-to-2015-government-policy-health-emergency-planning>

⁴ Jason Marchant, from the Department for Transport (via email correspondence)

- i. International Health Regulations 2005;
- ii. The FAL Convention 1965 (As Amended); and
- iii. The International Labour Organization Maritime Labour 2006 Convention?

The decisions that were taken complied fully with the requirements of existing UK legislation which included the requirements of the above three conventions/regulations⁵.

- e) Were those making decisions in your jurisdiction in relation to the Ebola outbreak aware of the potential conflict in the requirements between those Regulations and Conventions?

The UK has robust health screening regulations in place to ensure the spread of pandemics is kept to a minimum. These regulations comply with all the UK's international obligations⁶.

⁵ Jason Marchant

⁶ As above