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STATUTORY INSTRUMENTS

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**2010 No. 1215**

**PORT HEALTH AUTHORITIES, ENGLAND**

**The Cornwall Port Health Authority Order 2010**

*Made* - - - - *1st April 2010*

*Coming into force* - - *6th April 2010*

The Secretary of State for Health, in exercise of powers conferred by sections 2, 3 and 4 of the Public Health (Control of Disease) Act 1984<sup>(1)</sup> makes the following Order.

The Secretary of State has given the notices required by sections 2 and 4 of that Act and has not received any notice of objection.

**Citation, commencement, application and interpretation**

1.—(1) This order may be cited as the Cornwall Port Health Authority Order 2010 and shall come into force on 6th April 2010.

(2) This Order applies in relation to England.

(3) In this Order—

“the Act” means the Public Health (Control of Disease) Act 1984;

“the Council” means the Council for the County of Cornwall;

“the Port of Falmouth”, “the Port of Fowey”, “the Port of Penzance” and “the Port of Truro”, mean respectively the ports of those names established for the purposes of the enactments relating to customs and excise; and

“the proper officer”, in relation to any purpose and any body, means the officer appointed for that purpose by that body.

(4) References in this order to reference points shall be construed as references to National Grid reference points.

**The Port Health Authority**

2.—(1) For the purposes of the Act, the Port of Fowey, the Port of Penzance, the Port of Truro, together with the parts of the Port of Falmouth, and with the land and water described below to which this article applies shall be a port health district and the Council shall be the port health authority for that district.

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(1) 1984 c.22. Section 3 was amended by the Food Safety Act 1990 (c.16), section 59(1) and Schedule 3, paragraph 26.

(2) This article applies to the following ports—

- (a) the Port of Truro together with that part of the Port of Falmouth which lies within the area bounded—
  - (i) to the north-east by a line from Ordnance Survey reference point SW 8715 3220 (Killigeran Head) south-east to a point at sea at Ordnance Survey reference point SW 9040 2913;
  - (ii) to the south-east by a line from the point at sea at Ordnance Survey reference point SW 9040 2913 south-west to a point of land at Ordnance Survey reference point SW 7790 1606 (Black Head); and
  - (iii) by the mean high water line along the coast between the points at Ordnance Survey reference points SW 8715 3220 (Killigeran head) and SW 7790 1606 (Black Head); together with—
    - (aa) docks and harbours, including the approaches to them; and
    - (bb) as far as the tide flows, all rivers, canals, bays, creeks, streams, channels, waters and watercourses,
 giving on to the area specified in this Article.
- (b) the Port of Fowey, together with that part of the Port of Falmouth which lies to the east of Portholland (Ordnance Survey reference point SW 9595 4107); and
- (c) that part of the Port of Penzance that lies to the landward side of a line drawn between Carn-du (Ordnance Survey reference point SW 4564 2382) and Cudden Point (Ordnance Survey reference point SW 5484 2750) and to the landward side of a line drawn between St Ives Head (Ordnance Survey reference point SW 5214 4112) and Godrevy Point (Ordnance Survey reference point SW 5810 4341).

### **Jurisdiction**

3. The Council shall have jurisdiction as port health authority over all waters and land within the said port health district and also over such part of the district as—

- (a) is adjacent to or abuts on those waters; and
- (b) includes the whole of any wharf and the area within the gates of any dock and the buildings on either of them.

### **Functions of the Port Health Authority**

4.—(1) There are assigned to the Council as port health authority the functions, rights and liabilities of a local authority under the enactments specified in the Schedule to this Order, as far as they are applicable to a port health authority, and to any land, waters, premises, vessels or persons within its jurisdiction.

(2) For the purposes of the functions, rights and liabilities assigned to the Council by virtue of this Order, the enactments mentioned in the Schedule to this Order shall have effect as if—

- (a) any vessel lying within the port health authority were a house, building or premises, and
- (b) the master or other officer or person in charge of the vessel were the occupier.

(3) This article shall not apply to any vessel belonging to Her Majesty or to any vessel engaged in the Service of Her Majesty, whether belonging to Her Majesty or not, or to any vessel belonging to the armed forces of any country to which the provisions of the Visiting Forces Act 1952(2) applies by virtue of section 1 of that Act.

## Revocation

**5.—**(1) The Fowey Port Health Authority Order 1979<sup>(3)</sup>, the Penwith Port Health Authority Order 1980<sup>(4)</sup> and the Falmouth & Truro Port Health Authority Order 1988<sup>(5)</sup> are revoked.

Signed by authority of the Secretary of State for Health

1st April 2010

*Jonathan Stopes-Roe*  
A member of the Senior Civil Service  
Department of Health

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<sup>(3)</sup> S.I. 1979/1085.  
<sup>(4)</sup> S.I. 1980/1330.  
<sup>(5)</sup> S.I. 1988/2075.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Article 4

**Public Health Act 1936 (c.49)**

Section 48	Power to examine and test drains
Sections 51 and 52	Care of closets and sanitary conveniences
Section 82	Byelaws as to removal through streets of offensive matter or liquid
Sections 83 to 86	Filthy or verminous premises or articles and verminous persons
Sections 140 and 141	Provisions for the protection of the public from polluted water
Part 12	General

**Public Health Act 1961 (c.64)**

Section 36	Power to require vacation of premises during fumigation
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**Slaughterhouses Act 1974 (c.3)**

Part 1	Slaughterhouses and knackers' yards
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**Control of Pollution Act 1974 (c.40)**

Part 3 (except sections 70(2), (3) and (5) and 71)	Noise
Sections 91 and 92	Rights of entry and inspection, etc
Section 93	Power of authorities to obtain information
Section 94	Prohibition of disclosure of information
Section 97	Default powers
Part 6	Miscellaneous and general

**The Local Government (Miscellaneous Provisions) Act 1976 (c.57)**

Section 16	Power of local authorities to obtain particulars of persons interested in land
Section 32	Power of local authorities to execute works outside their area
Section 41	Evidence of resolutions and minutes of proceedings, etc

**The Public Health (Control of Disease) Act 1984 (c.22)**

Section 45M and all functions conferred under the Health Protection (Part 2A Orders) Regulations 2010(6)	Local authority power to apply to a justice of the peace for an order to protect human health from risk of infection or contamination
Section 46	Duty to arrange for a body to be buried or cremated

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(6) [S.I. 2010/658](#).

Section 48	Removal of body to mortuary or for immediate burial
<b>Building Act 1984 (c.55)</b>	
Section 76	Defective premises
<b>Food Safety Act 1990 (c.16)</b>	
Part 2	Food safety
Part 3	Administrative and enforcement
<b>Health Protection (Local Authority Powers) Regulations 2010(7)</b>	
Regulation 2	Requirement to keep a child away from school
Regulation 3	Requirement to provide details of children attending school
Regulation 4	Disinfection or decontamination of things on request of owner
Regulation 5	Disinfection or decontamination of things on request of person with custody or control
Regulation 6	Disinfection or decontamination of premises on request of owner of premises
Regulation 7	Disinfection or decontamination of premises on request of tenant
Regulation 8	Requests for cooperation for health protection purposes
Regulation 9	Restriction of contact with dead bodies
Regulation 10	Restriction of access to dead bodies
Regulation 11	Relocation of dead bodies

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order constitutes part of the Port of Truro and part of the Port of Falmouth and the Ports of Penzance and Fowey as the Cornwall port health district and the Cornwall Council as the port health authority for that district. Articles 3 and 4 and the Schedule relate to the jurisdiction and powers of the Council as port health authority. The Order confers upon the port health authority functions under general Acts relating to public health, food and control of pollution.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.