



*Jurisdiction*

4. The Council shall have jurisdiction as port health authority over all waters within the said port health district and also over such part of Penwith District as

- (a) is adjacent to or abuts on the aforesaid waters, and
- (b) comprises the whole of any wharf and the area within the gates of any dock and of the buildings thereon respectively.

*Functions assigned to Port Health Authority*

5.—(1) There are hereby assigned to the Council as port health authority the functions, rights and liabilities of a local authority under the enactments specified in Schedule 1 to this order, so far as they are applicable to a port health authority and to any lands, waters, premises, vessels or persons within their 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 said Schedule 1 shall have effect as if

- (a) any vessel lying within their jurisdiction 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(a) apply by virtue of section 1 of that Act.

*Revocations*

6. The orders specified in column 1 of Schedule 2 to this order are hereby revoked to the extent mentioned in column 2 of that Schedule.

Signed by the authority of the Secretary of State for Social Services.

*Ian Gilbert,*  
Under Secretary,  
Department of Health and Social Security.

2nd September 1980.

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(a) 1952 c.67.

## SCHEDULE 1

*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 83–86...	...	...	...	Filthy or verminous premises or articles, and verminous persons.
Part III	...	...	...	Nuisances and Offensive Trades.
Sections 140–141	...	...	...	Provisions for the protection of the public from polluted water.
Part V	...	...	...	Prevention, Notification and Treatment of Disease.
Part XII	...	...	...	General.

*Food and Drugs Act 1955 (4&5 Eliz. 2 c. 16)*

Part I	...	...	...	General Provisions as to Food.
Part V	...	...	...	Administration, Enforcement and Legal Proceedings.
Part VI	...	...	...	Miscellaneous and General.

*Clean Air Act 1956 (c. 52)**Public Health Act 1961 (c. 64)*

Section 26	...	...	...	Defective premises.
Section 36	...	...	...	Power to require vacation of premises during fumigation.
Section 38	...	...	...	Power of justices to order a medical examination.
Section 39	...	...	...	Information to be furnished by occupier in case of notifiable disease or food poisoning.
Section 41	...	...	...	Compensation for stopping employment to prevent spread of disease.

*Clean Air Act 1968 (c. 62)**The Public Health (Recurring Nuisances) Act 1969 (c. 25)**Control of Pollution Act 1974 (c. 40)*

Part III (except sections 70(2), (3) and (5) and 71)	...	...	...	Noise.
Section 76	...	...	...	Regulations about sulphur content of oil fuel for furnaces or engines.
Section 77 (in so far as it is supplementary to section 76)	...	...	...	Provisions supplementary to section 76.
Sections 79–83	...	...	...	Information about atmospheric pollution.
Section 84	...	...	...	Interpretation of Part IV.
Section 86	...	...	...	Protection of members and officers of authorities from personal liability.
Sections 91–92	...	...	...	Rights of entry and inspection, etc.
Section 93	...	...	...	Power of authorities to obtain information.
Section 94	...	...	...	Prohibition on disclosure of information.

Section 97	...	...	...	Default powers.
Section 98	...	...	...	Interpretation.
Part VI	...	...	...	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.

Article 6

SCHEDULE 2

<i>Citation</i>	<i>Extent of revocation</i>
The Penzance Port (Hayle Division) Order 1901(a);	The whole order.
The Penzance Port (Penzance Division) Order 1901(b);	The whole order.
The Cornwall Review Order 1934(c);	Articles 68 and 69.
The Penzance Port (Hayle Division) Amendment Order 1938(d);	The whole order.
The Penzance Port (Penzance Division) Amendment Order 1938(e);	The whole order.
The Port Health Authorities (Election and Retirement of Members) Order 1950(f).	In the Schedule, the entry relating to the Penzance Port (Penzance Division).

EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order constitutes part of the Port of Penzance as a port health district and constitutes the District Council of Penwith as port health authority for that district. Articles 4 and 5 relate to the jurisdiction and powers of the Council as port health authority. The order supersedes similar orders made under the Public Health Acts and confers upon the port health authority functions under general Acts relating to public health and food.

(a) S. R. & O. 1901/172.	(b) S. R. & O. 1901/173.	(c) S. R. & O. 1934/190.
(d) S. R. & O. 1938/374.	(e) S. R. & O. 1938/425.	(f) S.I. 1950/1386.