
S T A T U T O R Y I N S T R U M E N T S

1981 No. 679

PORT HEALTH AUTHORITIES, ENGLAND AND WALES
The Milford Port Health Authority Order 1981

<i>Made</i> - - - -	16th April 1981
<i>Coming into Operation</i>	31st May 1981

The Secretary of State for Wales, in exercise of powers conferred by sections 2, 3 and 9 of the Public Health Act 1936(a), and now vested in him(b), and of all other powers enabling him in that behalf having given the notices required by the aforesaid sections 2 and 9 of his proposals to make this order and not having received any objection thereto, hereby makes the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Milford Port Health Authority Order 1981 and shall come into operation on 31st May 1981.

(2) In this order, unless the context otherwise requires—

“the Act” means the Public Health Act 1936;

“the Port of Milford Haven” means the port of that name established for the purposes of the enactments relating to Customs and Excise;

“the joint board” means the joint board established by virtue of Article 2; and other expressions have the same meanings as in the Act.

(3) The riparian authorities specified for the purposes of this order are Preseli District Council and South Pembrokeshire District Council.

(4) In this order, unless the context otherwise requires, any reference to an article or a schedule shall be construed as a reference to an article contained in this order, or to the Schedule thereto.

Port Health Authority

2.—(1) For the purposes of the Act, that part of the Port of Milford Haven which lies within:

- (a) an imaginary line commencing at the western extremity of Studdock Point and drawn in a south-easterly direction to the point of intersection of latitude 51° 36' 15"N with longitude 05° 03' 00"W, thence in a westerly direction to the point of intersection of latitude 51° 36' 15"N with longitude 05° 16' 00"W, thence in a northerly

(a) 1936 c. 49; section 3(1)(b) was extended by section 88(1) of the Food and Drugs Act 1955 (c. 16), section 28 of the Slaughterhouses Act 1974 (c. 3) and section 108 of and paragraph 6 of Schedule 3 to the Control of Pollution Act 1974 (c. 40).

(b) See The Secretary of State for Social Services Order 1968 (S.I. 1968/1699) Art. 2 and The Transfer of Functions (Wales) Order 1969 (S.I. 1969/388) Art. 2.

direction to the point of intersection of latitude $51^{\circ} 40' 48''\text{N}$ with longitude $05^{\circ} 16' 00''\text{W}$ and thence in an easterly direction to the south-western extremity of St. Anne's Head; and

- (b) the mean high water line along the coast between the points described in (a) above together with:—
- (i) docks and harbours, including the approaches thereto; and
 - (ii) as far as the tide flows, all rivers, canals, bays, creeks, streams, channels, waters and watercourses;

shall be a port health district and a joint board shall be the port health authority for that district.

(2) The joint board shall be called the Milford Port Health Authority and shall consist of 16 members of whom 8 each shall be appointed by the Preseli District Council and the South Pembrokeshire District Council from the members of their respective Councils.

Appointment of Members of the Joint Board

3.—(1) The specified riparian authorities shall appoint members to the joint board at meetings to be held in May each year.

(2) Any vacancy occurring amongst members of the joint board shall be filled by the specified riparian authority in whose representation the vacancy occurred at a meeting to be held as soon as reasonably possible after such occurrence.

(3) Not less than three days before a meeting of a specified riparian authority at which it is proposed to elect a member of the joint board, the proper officer of that authority shall give notice of the meeting and of the proposed appointment to every member of that authority.

(4) The proper officer of a specified riparian authority shall forthwith notify in writing to the proper officer of the joint board the name, address and occupation of any person appointed by his authority to be a member of the joint board.

(5) A person appointed to the joint board shall cease to be a member of the board if he ceases to be a member of the Council of the specified riparian authority by which he was appointed.

Retirement of Members

4.—(1) All members of the joint board shall retire from office on 31st May each year, and the newly appointed members shall come into office on 1st June each year.

(2) A retiring member of the joint board may be re-appointed to the board for a further term of office if at the time of his re-appointment he is otherwise qualified to be appointed.

Chairman of the Joint Board

5.—(1) The chairman of the joint board shall be elected annually by the members of the board from amongst the members.

(2) The election of the chairman shall be the first business transacted at the annual meeting of the joint board.

(3) In the case of equality of votes the person presiding at the annual meeting shall give a casting vote in addition to any other vote he may have.

(4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

(5) During his term of office the chairman shall continue to be a member of the joint board.

Jurisdiction

6. The joint board shall have jurisdiction as port health authority over all the waters within the port health district and also over such part of the district of the specified riparian authorities as comprises the whole of any wharf and of the area within the gates of any dock and the buildings thereon respectively.

Functions assigned to Joint Board

7.—(1) There are hereby assigned to the joint board as port health authority, the functions, rights and liabilities of a local authority under the enactments specified in the Schedule so far as they are applicable to a port health authority and to any lands, waters, premises, vessels or persons within their jurisdiction. Provided that in the application of the provisions of the Local Government Act 1972(a) as set out in the Schedule—

- (a) the provisions of section 97 of that Act shall be exercisable only by the Secretary of State;
- (b) the provisions of Schedule 12 Parts I and VI shall apply as if the joint board were a district council.

(2) For the purposes of the functions, rights and liabilities assigned to the joint board by virtue of this order, the enactments specified in the Schedule 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(b) apply by virtue of section 1 of that Act.

Expenses

8. The riparian authorities shall contribute towards any expenses incurred or to be incurred by the joint board by virtue of the authority conferred upon them by this order in the following proportions, namely—

Preseli District Council	50 per cent
South Pembrokeshire District Council	50 per cent

Audit

9. All accounts of the joint board or of any committee of the board shall be audited in accordance with the provisions of Part VIII of the Local Government Act 1972 by the District Auditor.

(a) 1972 c. 70.

(b) 1952 c. 67.

Revocations

10. The order of the Local Government Board establishing the Milford Port Health Authority dated 1st September 1898 and entitled "The Milford Port Order 1898", together with the amending orders of the Local Government Board dated 28th May 1915 and of the Minister of Health dated 25th March 1938 and 12th May 1954(a), are hereby revoked and the provisions of the Port Health Authorities (Wales) Order 1974(b) shall cease to have effect in relation to the joint board.

Signed by authority of the
Secretary of State for Wales.
16th April 1981.

R. A. Pengelly,
An Under Secretary,
Welsh Office.

SCHEDULE

Article 7

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 and 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 (c. 16)

Part I	...	...	General Provisions as to Food and Drugs.
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 justice 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)

Local Government Act 1972 (c. 70)

Sections 79-82	...	...	Qualifications and disqualifications.
Section 84	...	...	Resignations.

(a) S.I. 1954/625.

(b) S.I. 1974/219.

Section 85	Vacation of office by failure to attend meetings.
Sections 88(1) and (2)	Filling casual vacancy in the office of chairman.
Section 92	Proceedings for disqualification.
Sections 94-98	Disability of members.
Section 99 and Schedule 12	
Parts I and VI	Meetings and proceedings of local authorities.
Section 100	Admission of the public and press.
Sections 101 and 102	Appointment of Committees.
Section 105	Disability for voting.
Section 111	Subsidiary powers of local authorities.
Sections 112-119	Staff.
Sections 120, 121, 123, and 128-131	Land Transactions.
Section 132	Provision of offices.
Section 135	Contracts.
Section 140	Insurance against accidents to members.
Section 143	Subscriptions to associations.
Sections 154-163 and 165-167	Accounts and audit.
Section 176	Payment of expenses of official and courtesy visits, etc.
Sections 222 and 223	Legal proceedings.
Sections 224-234	Documents and Notices, etc.
Sections 236(3)-(8), 237 and 238	Byelaws.
Section 240(2)	Provisional orders.

Slaughterhouses Act 1974 (c. 3)

Part I Slaughterhouses and Knackers' Yards.

Control of Pollution Act 1974 (c. 40)

Part III (except sections 70

& 71) Noise.

Section 76 Regulations about sulphur content of oil fuel for furnaces or engines.

Section 77 (insofar 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 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.

Section 98 Interpretation.

Part VI Miscellaneous and General.

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 resolution and minutes of proceedings, etc.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order constitutes part of the Port of Milford Haven as a port health district and constitutes a joint board consisting of representatives of the District Councils of Preseli and South Pembrokeshire to be the port health authority for that district. Provision is also made for these Councils to contribute in equal proportions to the expenses of the joint board. This Order supersedes similar Orders made under the Public Health Acts and confers upon the joint board functions under general Acts relating to public health, food, control of pollution and connected purposes.