

1981 No. 978

**PORT HEALTH AUTHORITIES,  
ENGLAND AND WALES**

**The Boston Port Health Authority Order 1981**

*Made* - - - - - 7th July 1981

*Coming into Operation* 1st August 1981

The Secretary of State for Social Services, 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 proposal to make this order and not having received any notice of objection thereto, hereby makes the following order:—

*Citation, commencement and interpretation*

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

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

“the Act” means the Public Health Act 1936;

“the Port of Boston” means the port of that name as established for the purposes of the enactments relating to customs and excise;

“the Council” means the Council of the Borough of Boston.

*Specified Riparian Authority*

2. The riparian authorities specified for the purposes of this order are the Council and the District Councils of East Lindsey and South Holland.

*Port Health Authority*

3. For the purposes of the Act, the Port of Boston shall be a port health district, and the Council shall be the port health authority for that district.

*Jurisdiction*

4. The Council shall have jurisdiction as port health authority over all waters within the aforesaid port health district and also over such part of the district of the specified riparian authorities as

(a) is adjacent to or abuts on the aforesaid waters, and

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(a) 1936 c. 49; section 3 was extended by the Control of Pollution Act 1974 (c. 40), section 108 and Schedule 3, paragraph 6. See also the Food and Drugs Act 1955 (4 & 5 Eliz. 2. c. 16) section 88; Clean Air Act 1956 (c. 52) section 31; Public Health Act 1961 (c. 64) section 1; Clean Air Act 1968 (c. 62) section 14(1), Schedule 1 paragraph 1; Public Health (Recurring Nuisances) Act 1969 (c. 25) section 4(2) and (3); Local Government (Miscellaneous Provisions) Act 1976 (c. 57) section 27(4).

(b) See The Secretary of State for Social Services Order 1968 (S.I. 1968/1699) Art. 2.

(b) comprises the whole of any wharf and of the area within the gates of any dock and 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 the Schedule 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 Schedule to this order 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 Boston Port Order 1933(b) and the Boston Port Amendment Order 1939(c) are hereby revoked.

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

7th July 1981.

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

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(a) 1952 c. 67.

(b) S.R. & O. 1933/172.

(c) S.R. & O. 1939/550.

SCHEDULE

Art. 5

<i>Public Health Act 1936 (c. 49)</i>	
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.
<i>Food and Drugs Act 1955 (4 &amp; 5 Eliz. 2. c. 16)</i>	
Part I	General Provisions as to Food.
Part V	Administration, Enforcement and Legal Proceedings.
Part VI	Miscellaneous and General.
<i>Clean Air Act 1956 (c. 52)</i> <i>Public Health Act 1961 (c. 64)</i>	
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.
<i>Clean Air Act 1968 (c. 62)</i> <i>The Public Health (Recurring Nuisances) Act 1969 c. 25)</i> <i>Control of Pollution Act 1974 (c. 40)</i>	
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 and 92	Rights of entry and inspection, etc.
Section 93	Power of authorities to obtain information.
Section 94	Prohibition on disclosure of information.
Section 96	Local inquiries.
Section 97	Default powers.
Section 98	Interpretation.
Part VI	Miscellaneous and General.
<i>Local Government (Miscellaneous Provisions) Act 1976 (c. 57)</i>	
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.

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

The Order constitutes the Port of Boston as a port health district and constitutes Boston Borough Council as port health authority for that district. Articles 3 and 4 relate to the jurisdiction and powers of the Council as port health authority for the Port of Boston. The Order supercedes 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.