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STATUTORY INSTRUMENTS

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**1991 No. 2913**

**PORT HEALTH AUTHORITIES,  
ENGLAND AND WALES**

**The Milford Port Health Authority Order 1991**

*Made* - - - - *2nd December 1991*

*Coming into force* - - *10th January 1992*

The Secretary of State for Wales, in exercise of powers conferred by sections 2, 3 and 4 of the Public Health (Control of Disease) Act 1984<sup>(1)</sup> and of all other powers enabling him in that behalf, having given the notices required by the aforesaid sections 2 and 4 of this 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 Milford Port Health Authority Order 1991 and shall come into force on 10th January 1992.

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

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

“the Port of Milford” 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 Pembrokeshire District Council and South Pembrokeshire District Council.

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

**Port Health Authority**

2.—(1) For the purposes of the Act, that part of the Port of Milford 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°

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(1) 1984 c. 22.

36' 15"N with longitude 05° 16' 00"W, thence in a northerly direction to the point of intersection of latitude 51° 40' 48"N with longitude 05° 16' 00"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) as far as the tide flows all rivers, canals, creeks, streams, channels, watercourses; and
  - (ii) docks and harbours and marinas and all land comprising any wharf or dock and the buildings or part of any building thereon used in connection with maritime trade or business 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 shall each be appointed by the Preseli Pembrokeshire 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 joint 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 chairman shall be elected by the drawing of lots.

(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.

### **Provisions of the Local Government Act 1972 applicable to the members and proceedings of the Joint Board**

6. The provisions of Schedule 1 shall have effect for the purposes of the members and proceedings of the joint board.

### **Jurisdiction**

7. The joint board shall have jurisdiction as port health authority over all waters and land within the port health district including the area within the gates of any dock and the buildings thereon respectively.

### **Functions assigned to Joint Board**

8.—(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 Schedules 1 and 2 so far as they are applicable to a port health authority and to any lands, waters, premises, houseboats, vessels or persons within their jurisdiction, provided that in the application of the provisions of the Local Government Act 1972(2) as set out in Schedule 1—

- (a) the provisions of section 97 of that Act shall be exercisable only by the Secretary of State; and
- (b) the provisions of Parts I and VI of Schedule 12 to that Act 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 Schedule 2 shall have effect as if—

- (a) any vessel or houseboat lying within their jurisdiction were a house, building, premises, tent, van or shed; and
- (b) the master or other officer or person in charge of the vessel or houseboat 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(3) apply by virtue of section 1 of that Act.

### **Expenses**

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

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Preseli Pembrokeshire District Council	50 per cent
Preseli Pembrokeshire District Council	50 per centSouth Pembrokeshire District Council

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### **Audit**

10. All accounts of the joint board or of any committee of the board shall be audited in accordance with the provisions of Part III of the Local Government Finance Act 1982(4).

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(2) 1972 c. 70.  
(3) 1952 c. 67.  
(4) 1982 c. 32.

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

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## **Revocations**

**11.** The Milford Port Health Authority Order 1981<sup>(5)</sup> and the Milford Port Health Authority Amendment Order 1985<sup>(6)</sup> are hereby revoked.

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<sup>(5)</sup> S.I.1981/679.  
<sup>(6)</sup> S.I. 1985/707.

SCHEDULE 1

Articles 6 and 8

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*Local Government Act 1972 (c. 70)*

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Sections 79—82	Qualifications and disqualifications
Section 84	Resignations
Section 85	Vacation of office by failure to attend meetings
Section 88(1) and (2)	Filling casual vacancy in the office of chairman
Section 92	Proceedings of disqualification
Sections 94—98	Disability of members
Sections 99 and Parts I and VI of Schedule 12	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

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SCHEDULE 2

Article 8

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*Public Health Act 1936 (c. 49)(7)*

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Section 48	Power to examine and test drains
Section 50	Overflowing and leaking cesspools
Sections 51 and 52	Care of closets and sanitary conveniences
Section 82	Byelaws as to removal through streets of offensive matters or liquid
Sections 83—86	Filthy or verminous premises or articles and verminous persons
Sections 140 and 141	Provisions for the protection of the public from polluted water
Section 268(4)	Byelaws for promoting cleanliness and habitable conditions
Part XII	General
<b>Clean Air Act 1956 (c. 52)</b>	
The whole Act	
<b>Public Health Act 1961 (c. 64)</b>	
Section 36	Power to require vacation of premises during fumigation
Section 73	Derelict Petrol Tanks
<b>Clean Air Act 1968 (c. 62)</b>	

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(7) 1936 c. 49; relevant amendments are made by the Public Health (Control of Disease) Act 1984 (c. 22).

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*Public Health Act 1936 (c. 49)(7)*

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The whole Act

**Local Government Act 1972 (c. 70)**

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
Section 176	Payment of expenses of official and courtesy visits etc.
Sections 222 and 223	Legal proceedings
Sections 224 and 225	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(2), (3) and (5) and 71(1),	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
Section 78	Cable burning
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 inspections, etc
Section 93	Power of authorities to obtain information
Section 94	Prohibition on disclosures 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
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(7) 1936 c. 49; relevant amendments are made by the Public Health (Control of Disease) Act 1984 (c. 22).

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<i>Public Health Act 1936 (c. 49)(7)</i>	
Section 32	Power of local authorities to execute works outside their area
Section 41	Evidence of resolutions and minutes of proceedings, etc.
<b>The Public Health (Control of Disease) Act 1984 (c. 22)</b>	
Part I	Administrative and financial provisions
Part II (except sections 11 and 12, 21 to 23 and 39 to 42)	Control of disease
Section 47	Regulations about dead bodies
Section 48	Removal of body to mortuary or for immediate burial
Section 54	Instruction about health and disease
Section 56	Tents vans sheds and similar structures.
<b>Building Act 1984 (c. 55)</b>	
Section 64(1)	Sufficiency of closet accommodation
Section 65	Provision of sanitary conveniences in workplaces
Section 70	Provision of food storage accommodation
Section 76	Defective premises
Sections 77 and 78	Dangerous buildings
Section 79	Ruinous and dilapidated buildings and neglected sites
Sections 81 and 82	Power to serve notice about demolition
Section 84	Paving and drainage of yards and passages
<b>Food Safety Act 1990 (c. 16)</b>	
Parts I-III	Preliminary, Main Provisions and administration and Enforcement

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Signed by authority of the Secretary of State for Wales

2nd December 1991

*R. Jarman*  
An Under Secretary Welsh Office