
STATUTORY INSTRUMENTS

2010 No. 2676

PORT HEALTH AUTHORITIES, ENGLAND

The Tyne Port Health Authority Order 2010

Made - - - - *4th November 2010*

Coming into force - - *5th November 2010*

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

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 Tyne Port Health Authority Order 2010 and shall come into force on 5th November 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 joint board” means the joint board established under article 3;

“the Port of Blyth”, “the Port of Sunderland” and “the Port of Tyne” mean respectively the ports of those names as appointed for the purposes of the enactments for the time being in force relating to customs or excise; and

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

(4) The riparian authorities specified for the purposes of this Order are Newcastle-upon-Tyne City Council and the Metropolitan Borough Councils of Gateshead, North Tyneside and South Tyneside.

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

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

The port health district

2.—(1) For the purposes of the Act, the Port of Tyne together with the parts of the Port of Blyth and the Port of Sunderland and the land and water described in paragraph (2) shall be a port health district.

(2) The parts of the Port of Blyth and the Port of Sunderland and the land and water described in this paragraph are—

- (a) that part of the Port of Blyth which lies to the south of a line drawn due east from the point where the northern boundary of the Metropolitan Borough of North Tyneside meets the coast (reference point NZ345757) to the seaward boundary of the Port of Blyth;
- (b) that part of the Port of Sunderland which lies to the north of a line drawn due east from the point where the southern boundary of the Metropolitan Borough of South Tyneside meets the coast (reference point NZ408612) to the seaward boundary of the Port of Sunderland;
- (c) as far as the tide flows, the waters of the River Tyne; and
- (d) such parts of the districts of the specified riparian authorities as comprise the whole of any wharf and the areas within the gates of any dock and the buildings on either of them.

The port health authority

3.—(1) The port health authority for the port health district constituted under article 2 shall be a joint board consisting of 12 members of whom three each shall be appointed by the specified riparian authorities from the members of their respective councils.

(2) The joint board constituted under paragraph (1) shall be called the Tyne Port Heath Authority.

Appointment of members and meetings of the joint board

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

(2) The joint board shall meet not less than three times in each year beginning 1st June.

(3) If a person appointed to the joint board is unable to attend any meeting of the joint board another member of the council of which that person is a member may attend that meeting instead.

(4) Any vacancies 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 possible after such occurrence.

(5) Not less than three days before a meeting of a specified riparian authority at which it is proposed to appoint 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.

(6) The proper officer of a specified riparian authority shall immediately notify in writing to the proper officer of the joint board the name, address and occupation of any person appointed by that officer's authority to be a member of the joint board.

(7) A person appointed to the joint board shall cease to be a member of the board if they cease to be a member of the council of the specified riparian authority by which they were appointed.

Retirement of members

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

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

Chair of the joint board

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

(2) The election of the chair shall be the first business transaction 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 they may have.

(4) The chair shall, unless they resign or become disqualified, continue in office until their successor becomes entitled to act as chair.

(5) During their term of office the chair shall continue to be a member 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.

Functions assigned to joint board

8.—(1) There are assigned to the joint board as port health authority the functions, rights and liabilities of a local authority or a food 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 joint board by virtue of this Order, the enactments mentioned 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(2) apply by virtue of section 1 of that Act.

Expenses

9. Any expenses incurred by the joint board shall be defrayed out of a common fund to be contributed to by the specified riparian authorities in the following proportions—

North Tyneside Council	33%
South Tyneside Council	33%
Gateshead Council	13%
Newcastle-upon-Tyne City Council	21%

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 2 of the Audit Commission Act 1998(3).

(2) 1952 c. 67.

(3) 1998 c.18.

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

Revocation

11. The Tyne Port Health Authority Order 1990(4) is revoked.

Signed by authority of the Secretary of State for Health.

4th November 2010

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

SCHEDULE

Article 8

Public Health Act 1936 (c.49)

Section 1(1) (insofar as it relates to sections 51, 52 and 83 of that Act) Duty to enforce Act

Section 48

Power to examine and test drains

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

Part 12

Miscellaneous provision (including powers of entry)

Public Health Act 1961 (c.64)

Section 36

Power to require vacation of premises during fumigation

Slaughterhouses Act 1974 (c.3)

Part 1

Slaughterhouses and knackers' yards

Control of Pollution Act 1974 (c.40)

Part 3

Noise

Part 5

Enforcement powers

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.

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

Section 45M and all functions conferred under the Health Protection (Part 2A Orders) Regulations 2010(5) 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

Section 48

Removal of body to mortuary or for immediate burial

Building Act 1984 (c.55)

Section 76

Powers to deal with defective premises

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Food Safety Act 1990 (c.16)	Food authority functions relating to food safety
Water Industry Act 1991 (c.56)	
Part 3	Water supply
Clean Air Act 1993 (c.11)	Air pollution
Private Water Supplies Regulations 2009(6)	Private water supplies
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Health Protection (Local Authority Powers) Regulations 2010 (7)	Health protection powers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order constitutes the Port of Tyne and parts of the Ports of Blyth and Sunderland as the Tyne port health district. It constitutes a joint board, consisting of representatives from the Council of the City of Newcastle-upon-Tyne and the Metropolitan Borough Councils of Gateshead, South Tyneside and North Tyneside to be the port health authority for that district. Provision is also made for those authorities to contribute to the expenses of the joint board.

Articles 7 and 8 and the Schedule relate to the jurisdiction and powers of the joint board 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. The Order revokes the Tyne Port Health Authority Order 1990.

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

(6) S.I. 2009/3101
 (7) S.I. 2010/657.