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STATUTORY INSTRUMENTS

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**2011 No. 939**

**PORT HEALTH AUTHORITIES, ENGLAND**

**The Hull and Goole Port Health Authority Order 2011**

*Made* - - - - 23rd March 2011

*Coming into force* - - 24th March 2011

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<sup>(1)</sup> and section 241 of the Local Government Act 1972<sup>(2)</sup>.

The Secretary of State has given the notices required by sections 2 and 4 of the Public Health (Control of Disease) Act 1984 and has not received any notice of objection.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Hull and Goole Port Health Authority Order 2011 and shall come into force on 24th March 2011.

(2) The 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 Humber” means the port of that name established 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 the Kingston upon Hull City Council, East Riding of Yorkshire Council and North Lincolnshire Council.

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

**The port health district**

2.—(1) For the purposes of the Act, the part of the Port of Humber described in paragraph (2) together with the land and water described in paragraph (3) shall be a port health district.

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

(2) 1972 c.70.

(2) The part of the Port of Humber which is described in this paragraph is the area which lies to the west of a line drawn between reference point TA 1878 1731 on the south bank of the Humber and reference point TA 2215 2023 on the north bank of the Humber.

(3) The land and water described in this paragraph are such part of the district of the specified riparian authorities as is adjacent to or abuts on the waters of the part of the Port of Humber described in paragraph (2) and which comprises the whole of any wharf and of the area within the gates of any dock and the buildings upon it.

### **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 eleven members of whom six shall be appointed by the Kingston upon Hull City Council, two shall be appointed by the East Riding of Yorkshire Council and three shall be appointed by the North Lincolnshire Council.

(2) The joint board constituted under paragraph (1) shall be called the Hull and Goole Port Health 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 June each year.

(2) The joint board shall meet not less than three times 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 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 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 the 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 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 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.

### **Application of provisions of the Local Government Act 1972 to the joint board**

7.—(1) The provisions of the Local Government Act 1972 listed in Schedule 1 shall apply to the joint board as port health authority.

(2) For the purposes of paragraph (1)—

- (a) a reference in the Local Government Act 1972 to local authorities or to any council shall be read as a reference to the joint board;
- (b) a reference in that Act to an office held under that Act or otherwise shall be read as a reference to the office of member of the joint board; and
- (c) a reference in that Act to functions shall be read as functions conferred on the joint board as port health authority under this Order.

### **Jurisdiction**

8. The joint board shall have jurisdiction as port health authority over all waters and land within the port health district.

### **Functions assigned to the joint board**

9.—(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 Schedule 2, insofar as they are applicable to a port health authority and to any land, waters, premises, vessels or persons within its jurisdiction.

(2) For the purpose of paragraph (1), the enactments mentioned in Schedule 2 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(3) apply by virtue of section 1 of that Act.

### **Expenses**

10.—(1) 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—

Kingston upon Hull City Council	65%
East Riding of Yorkshire Council	12.75%
North Lincolnshire Council	22.25%

(3) 1952 c.67.

(2) The contributions set out in paragraph (1) may be varied with the agreement of all three specified riparian authorities.

(3) Paragraph (4) applies where—

- (a) one or more of the specified riparian authorities seeks to vary the contributions but an agreement cannot be reached;
- (b) five years have elapsed since this Order was made; and
- (c) the contributions have not been varied for five years or more.

(4) A single arbitrator agreed upon by the specified riparian authorities (or in default of agreement a person nominated by the President of the Chartered Institute of Arbitrators for the time being) may determine the contribution of each specified riparian authority.

### **Revocation**

**11.** The Hull and Goole Port Health Authority Order 1982 is revoked<sup>(4)</sup>.

Signed by authority of the Secretary of State for Health.

23rd March 2011

*Jonathan Stopes-Roe*  
A Member of the Senior Civil Service,  
Department of Health

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<sup>(4)</sup> SI 1982/1854.

## SCHEDULE 1

Article 7

## Provisions of the Local Government Act 1972 applied to the joint board

Sections 79-82	Qualifications and disqualifications
Section 84	Resignation
Section 85	Vacation of office by failure to attend meetings
Section 88(1) and (2)	Filling casual vacancy in case of chairman
Section 92	Proceedings for disqualification
Section 94-98	Restrictions on voting
Section 99 and Schedule 12, Parts 1 and 6I	Meetings and proceedings of local authorities
Section 100	Admission of the public and press
Sections 101-106	Discharge of functions
Section 111	Subsidiary powers of local authorities
Sections 112-117 & 119	Staff
Sections 120-123 and 128-131	Land transactions
Section 132	Provision of offices
Section 135	Contracts
Section 140	Insurance against accidents to members
Section 143	Subscription to associations
Section 176	Payment of expenses of official and courtesy visits etc
Sections 222-223	Legal proceedings
Sections 224-234	Documents and notices etc

## SCHEDULE 2

Article 9

## Functions assigned to the joint board

<b>Public Health Act 1936 (c.49)</b>	
Section 1(1) (insofar as it relates to sections 45, 49-50, 51-52, 83, 262 and 264)	Duty to enforce the Act
Section 45	Buildings with defective closets
Section 48	Power to examine and test drains
Section 49	Rooms over closets
Sections 51 and 52	Care of closets and sanitary conveniences
Section 81	Byelaws for the prevention of certain nuisances

*Status: This is the original version (as it was originally made).*

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
Sections 140 and 141	Provisions for the protection of the public from polluted water
Section 260, 262 and 264-265	Provisions relating to watercourses, ditches and culverts
Section 268(4)	Byelaws relating to nuisances arising from tents, vans, sheds etc
Part 12	Miscellaneous provisions (including powers of entry)
<b>Public Health Act 1961 (c.64)</b>	
Section 36	Power to require vacation of premises during fumigation
Section 73	Derelict petrol tanks
<b>Slaughterhouses Act 1974 (c.3)</b>	
Part 1	Slaughterhouses and knackers' yards
<b>Control of Pollution Act 1974 (c.40)</b>	
Part 3	Noise
Part 5	Powers of entry and inspection, obtaining information and default powers
<b>Local Government (Miscellaneous Provisions) Act 1976 (c.57)</b>	
Section 16	Power of local authorities to obtain particulars of persons interested in land
Section 32	Power of local authorities to execute work outside their area
Section 41	Evidence of resolution and minutes of proceedings etc
<b>Public Health (Control of Disease) Act 1984 (c.22)</b>	
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
<b>The Building Act 1984 (c.55)</b>	

(5) S.I. 2010/658.

Section 76	Powers to deal with defective premises
<b>The Food Safety Act 1990 (c.15)</b>	
Section 6	Enforcement of Act
Part 2	Food safety
Part 3	Administration and enforcement
<b>Water Industry Act 1991 (c.56)</b>	
Part 3	Water supply
<b>The Clean Air Act 1993 (c.11)</b>	Air pollution
<b>Noise and Statutory Nuisance Act 1993 (c.40)</b>	Nuisance
<b>Animal By-Products Regulations 2005(6)</b>	Animal by-products
<b>Private Water Supplies Regulations 2009(7)</b>	Private water supplies
<b>Health Protection (Local Authority Powers) Regulations 2010(8)</b>	Health protection powers

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order constitutes the Hull and Goole Port Health District. It also constitutes a joint board, consisting of representatives from the Kingston upon Hull City Council, the East Riding of Yorkshire Council and the North Lincolnshire Council to be the Port Health Authority for that district. Provision is made for those authorities to contribute to the expenses of the joint board.

Article 7, read together with Schedule 1, applies various provisions of the Local Government Act 1972 to the port health authority.

Article 9, read together with Schedule 2, confers upon the port health authority functions under general Acts relating to public health, food and control of pollution.

Article 12 revokes the Hull and Goole Port Health Authority Order 1982.

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. 2005/2347.

(7) S.I. 2009/3101.

(8) S.I. 2010/657.