



CHAPTER lxxiii.

An Act to confirm an Order of the Local Government Board A.D. 1888.
under the provisions of the Public Health Act, 1875, as
amended by the Public Health (Ships, &c.) Act, 1885,
relating to the Port of Dartmouth. [5th July 1888.]

WHEREAS the Local Government Board have made the Order
set forth in the schedule hereto, under the provisions of the
Public Health Act, 1875, as amended by the Public Health 38 & 39 Vict.
c. 55.
(Ships, &c.) Act, 1885: 48 & 49 Vict.
c. 35.

And whereas the said Order has become Provisional, and it is
requisite that the same should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows:

1. The Order set out in the schedule hereto shall be and the Order in
schedule
confirmed.
same is hereby confirmed, and shall come into operation on the
twenty-ninth day of September, one thousand eight hundred and
eighty-eight.

2. This Act may be cited as the Local Government Board's Short title.
Provisional Order Confirmation (Port) Act, 1888.

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SCHEDULE.

To the Mayor, Aldermen, and Burgesses of the Borough of Clifton Dartmouth Hardness, in the County of Devon, being the Sanitary Authority for the Urban Sanitary District of that Borough ; —

To the Mayor, Aldermen, and Burgesses of the Borough of Totnes, in the said County, being the Sanitary Authority for the Urban Sanitary District of that Borough ; —

To the Guardians of the Poor of the Totnes Union, in the said County, being the Sanitary Authority for the Rural Sanitary District of that Union ; —

And to all others whom it may concern.

WHEREAS the Port of Dartmouth, in the said County of Devon, is a Port established for the purposes of the laws relating to the Customs of the United Kingdom ;

And whereas the said Borough of Clifton Dartmouth Hardness is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council, are the Sanitary Authority, and such District forms part of, or abuts upon, the part of the said Port of Dartmouth herein-after described ;

And whereas the Borough of Totnes is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council, are the Sanitary Authority, and such District forms part of, or abuts upon, the part of the said Port of Dartmouth herein-after described ;

And whereas part of the said Totnes Union is a Rural Sanitary District, of which the Guardians of the Poor of that Union are the Sanitary Authority, and such District forms part of, or abuts upon, the part of the said Port of Dartmouth herein-after described ;

And whereas the said Sanitary Authorities are Riparian Authorities of the said part of the said Port of Dartmouth ;

And whereas We, the Local Government Board, by an Order dated the Fifteenth day of March, One thousand eight hundred and eighty-one, constituted the Mayor, Aldermen, and Burgesses of the said Borough of Clifton Dartmouth Hardness, acting by the Council, the Port Sanitary Authority for the part of the said Port and the waters and places described in that Order until the Twenty-

fifth day of March, One thousand eight hundred and eighty-two, and by Orders dated respectively the Sixteenth day of March, One thousand eight hundred and eighty-two, the Fifteenth day of March, One thousand eight hundred and eighty-three, the Twentieth day of March, One thousand eight hundred and eighty-four, the Sixteenth day of February, One thousand eight hundred and eighty-five, the Eighteenth day of February, One thousand eight hundred and eighty-six, the Fourth day of March, One thousand eight hundred and eighty-seven, and the Fifth day of March, One thousand eight hundred and eighty-eight, the first above-cited Order was renewed for the periods therein specified, the last of such periods extending to the Twenty-ninth day of September, One thousand eight hundred and eighty-eight, unless before such last-mentioned date We should otherwise provide ;

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And whereas We have proposed to issue an Order for permanently constituting a Port Sanitary Authority for the part of the said Port which includes Dartmouth Harbour, and accordingly directed a Local Inquiry to be held on the subject, which inquiry was held after due public notice, and report has been made to Us thereon :

Now therefore, in pursuance of the powers given to Us by the Statutes in that behalf, We hereby Order as follows : —

SECTION I.—*Constitution of Joint Board.*

Art. I. This Order shall come into operation on the First day of May, One thousand eight hundred and eighty-eight, unless it shall become Provisional. The day on which it shall come into operation is herein-after referred to as “the commencement of this Order.”

Art. II. A Joint Board shall be formed as herein-after mentioned, and shall be permanently constituted the Port Sanitary Authority for the part of the said Port of Dartmouth herein-after described.

Art. III. The provisions of Rules 5 and 64 of Schedule II. to the Public Health Act, 1875, and of Section 4 of the Public Health (Members and Officers) Act, 1885, shall, mutatis mutandis, apply to members of the Joint Board.

Art. IV. The Joint Board shall be termed “The Dartmouth and Totnes Port Sanitary Authority,” and shall consist of Ten representative members to be chosen by the members of each of the under-mentioned Riparian Authorities from among the members of its own body as follows; namely,—

Five by the Urban Sanitary Authority for the Borough of Clifton Dartmouth Hardness.

One by the Urban Sanitary Authority for the Borough of Totnes.

Four by the Rural Sanitary Authority for the Rural Sanitary District of the Totnes Union.

The first election of representative members of the Joint Board by those Authorities shall take place at a meeting of each of such Authorities, to be held within six weeks from the commencement of this Order, or within such further

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time as We may, by Order, allow, and fourteen days' previous notice in writing of such meeting shall be given or sent to each member of those Authorities by the Clerks of such Authorities respectively.

Art. V. The Clerk of each of the Authorities mentioned in Article IV. of this Order shall notify in writing to Us, within seven days after such first election shall have taken place, the names and addresses of the persons elected by such Authority as members of the Joint Board.

Art. VI. A member of the Joint Board shall continue in office until the expiration of the period for which he was elected a member of the Joint Board, or until he dies, or resigns, or becomes disqualified, or ceases to be a member of the Riparian Authority as a member of which he was qualified to be elected, whichever shall first happen ; and a member who ceases to hold office by reason of the expiration of his period of office, or by reason of his resignation, or disqualification, or of his ceasing to be a member of such Riparian Authority, shall, subject to the provisions of Article III. of this Order, be re-eligible as a member of the Joint Board, provided that at the time of re-election he is qualified to be so re-elected.

Art. VII. Any vacancy in the Joint Board occurring by death, resignation, disqualification, or otherwise, shall be filled up by the proper Riparian Authority at a meeting to be held within six weeks of such vacancy occurring, or within such further period as We may, by Order, determine, and fourteen days' previous notice in writing of such meeting shall be given or sent to each member of the Riparian Authority by the Clerk of such Authority.

Art. VIII. The time and place of holding the first meeting of the Joint Board shall be fixed by Us, and the subsequent ordinary meetings of the Joint Board shall be held at such times and places as the Joint Board may appoint ; and at all meetings of the Joint Board three members shall constitute a quorum.

Provided that an extraordinary meeting shall be summoned by the Clerk to the Joint Board, when a requisition for that purpose is addressed to him by the Chairman, or any three members of the Joint Board. Such requisition shall be in writing, and no business other than that specified in the requisition shall be transacted at such extraordinary meeting.

Notices of all meetings of the Joint Board shall be delivered or sent by post so as to reach the last known place of abode or business in England of each member of the Joint Board two clear days before the day of meeting, or at such earlier time as the Joint Board may from time to time direct.

SECTION II.—*Limits of Jurisdiction.*

Art. IX. The jurisdiction of the said Port Sanitary Authority shall extend to so much of the said Port of Dartmouth as lies between Totnes Bridge and a line drawn across the entrance to Dartmouth Harbour from Blackstone Point to Outer Froward Point ; together with the waters of the said Port within such limits, and the place or places for the time being appointed as the Customs Boarding Station or Stations for such part of the said Port, and every other

place for the time being appointed for the mooring or anchoring of ships for such part of the said Port, under any regulations for the prevention of the spread of diseases issued under the authority of the Statutes in that behalf; and the docks, basins, harbours, creeks, rivers, channels, roads, bays, and streams belonging to that part of the said Port for which such Authority is constituted as aforesaid.

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SECTION III.—*Assignment of Powers, &c.*

Art. X. For the purposes of this Order the following Sections of the Public Health Act, 1875, the Public Health (Officers) Act, 1884, the Public Health (Ships, &c.) Act, 1885, and the Public Health (Members and Officers) Act, 1885, shall apply; and the Joint Board shall have, exercise, perform, and be subject to, all the powers, rights, duties, capacities, liabilities, and obligations of an Urban Sanitary Authority under the same Sections, so far as those Sections are applicable to a Port Sanitary Authority, and to ships, vessels, boats, waters, or persons within the jurisdiction of such Port Sanitary Authority; namely,—

Of the Public Health Act, 1875:—

Sections 91 to 111, both inclusive, relating to Nuisances.

Sections 120 to 133, both inclusive, relating to Infectious Diseases and Hospitals.

Sections 134 to 138, both inclusive, and Section 140, as to the prevention of Epidemic Diseases.

Sections 141 and 142, relating to Mortuaries.

Sections 173 and 174, relating to Contracts.

Sections 175, 176, and 177, relating to Purchase of Lands.

Sections 179, 180, and 181, relating to Arbitration.

Sections 182 to 186, both inclusive, and Section 188, relating to Byelaws.

Section 189 (except as regards the offices of Surveyor and Collector)

Sections 191 to 196, both inclusive, and Sections 197, 200, 203, 204, 205, and 206, relating to Officers and Conduct of Business of Local Authorities.

Sections 245, 247 (as amended by the District Auditors Act, 1879), 249, and 250, relating to Audit.

Sections 251, and 253 to 268, both inclusive, and Section 269, as amended by the Summary Jurisdiction Act, 1884, relating to Legal Proceedings.

Sections 278, 280 (second clause), and 282.

Sections 299 to 302, both inclusive, relating to defaulting Local Authorities.

Sections 305 to 309, both inclusive, relating to Miscellaneous Provisions.

Sections 327, 328, and 329, being Saving Clauses.

Of the Public Health (Officers) Act, 1884:—

Section 2.

Of the Public Health (Ships, &c.) Act, 1885:

Section 2.

Of the Public Health (Members and Officers), Act, 1885:—

Section 2.

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SECTION IV.—*Expenses, &c.*

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Art. XI. The Riparian Authorities above-named shall contribute towards any expenses incurred by the said Port Sanitary Authority by virtue of the authority conferred upon them by this Order, in the proportions following; namely,—

The Urban Sanitary Authority for the Borough of } Five Tenths.
 Clifton Dartmouth Hardness - - -

The Urban Sanitary Authority for the Borough of } One Tenth.
 Totnes - - - - - -

The Rural Sanitary Authority for the Rural Sanitary } Four Tenths.
 District of the Totnes Union - - -

Art. XII. The Accounts of the Joint Board shall at all reasonable times be open to inspection and transcription by any member of any Riparian Authority contributing as aforesaid, or by any officer of any such Authority authorised by them for that purpose, without payment.

Art. XIII. A copy of the Auditor's Report and of the abstract of the Accounts of the Joint Board, when duly audited, shall be sent by the Joint Board to each of the Riparian Authorities contributing as aforesaid.

Art. XIV. If at any time any difference arises between the Joint Board on the one hand and the Riparian Authorities, or any of them, on the other hand, or between any of the Riparian Authorities, respecting any matter arising out of the provisions of this Order, the same shall be referred to and be settled by arbitration in the manner provided by the Public Health Act, 1875.

Art. XV. The Port Sanitary Authority, for the purpose of obtaining payment of sums to be contributed by the Sanitary Authorities as aforesaid, shall have all the powers conferred in this behalf by Section 290 of The Public Health Act, 1875, on a Port Sanitary Authority constituted temporarily.

Given under the Seal of Office of the Local Government Board, this
 Sixteenth day of March, in the year One thousand eight hundred
 and eighty-eight.

(L.S.)

CHAS. T. RITCHIE, President.
 S. B. PROVIS, Assistant Secretary.

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