



# Public Health (Control of Disease) Act 1984

## 1984 CHAPTER 22

### PART IV

#### *Canal Boats*

#### **49 Regulations as to canal boats.**

- (1) It shall be the duty of the Secretary of State to make regulations—
  - (a) for fixing the number, age and sex of the persons who may be permitted to dwell in canal boats, regard being had to cubic space, ventilation, provision for the separation of the sexes, general healthiness and convenience of accommodation,
  - (b) for promoting cleanliness in, and ensuring the habitable condition of, canal boats, and
  - (c) for preventing the spread of infectious disease by canal boats.
- (2) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) If any regulation in force under this section is not complied with as respects a canal boat, the master of the boat, and also the owner, if he is himself in default, shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale, and to a further fine not exceeding £2 for each day after conviction on which the non-compliance continues.

#### **50 Power to enter and inspect canal boats.**

- (1) An inspector appointed by the Secretary of State may, on producing, if required, evidence of his authority, enter a canal boat at any time between six o'clock in the morning and nine o'clock in the evening and examine every part of the boat and may,

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if need be, detain the boat for the purpose of his examination, but not for any longer period than is necessary.

- (2) If an authorised officer of a local authority or port health authority has reasonable ground for believing—
- (a) that any provision of regulations made under section 49 above is being contravened as respects a canal boat, or
  - (b) that there is on board a canal boat any person suffering from an infectious disease.

he shall, for the purpose of ascertaining whether there is any such contravention or any person on board suffering from an infectious disease, have the like rights of entering, examining and if necessary detaining the boat as an inspector appointed by the Secretary of State has under subsection (1) above.

- (3) The master of a canal boat shall, if required by such an inspector or officer, furnish him with such assistance and means as he may require for the purpose of his entry on and departure from the boat and his examination of it.
- (4) Any person who refuses to comply with a requisition made under subsection (3) above shall be deemed to have obstructed the person by whom the requisition was made.

## **51 Duties of local authorities and port health authorities under Part IV.**

- (1) A local authority or port health authority, on being informed that any person on a canal boat within their district is suffering from an infectious disease, shall cause such steps to be taken for preventing the spread of the disease as they consider to be necessary, and for that purpose may exercise any of the powers in relation to the prevention of infection conferred upon them by this Act, including powers for procuring the removal to hospital of persons suffering from an infectious disease, and may also, if need be, detain the boat, but not for any longer period than is necessary for cleansing and disinfecting it.
- (2) It shall be the duty of any local authority within whose district any part of a canal is situated to carry into effect the provisions of this Part of this Act and the regulations made under section 49 above.

## **52 Prosecution of offences under Part IV.**

Proceedings in respect of an offence under this Part of this Act may be taken before a magistrates' court acting either—

- (a) in the place where the offence was committed, or
- (b) in the place where the alleged offender for the time being is.

## **53 Interpretation of Part IV.**

In this Part of this Act—

“canal” includes any river, inland navigation or lake, and any other waters situated wholly or partly within a county [<sup>F1</sup>or county borough], whether those waters are or are not within the ebb and flow of the tide;

“canal boat” means any vessel, however propelled, which is used for the conveyance of goods along a canal, not being—

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- (a) a sailing barge which belongs to the class generally known as “Thames sailing barge” and is registered under the [<sup>F2</sup>Merchant Shipping Act 1995], either in the Port of London or elsewhere, or
- (b) a sea-going ship so registered, or
- (c) a vessel used for pleasure purposes only;
  - “master”, in relation to a canal boat, means the person having command or charge of the boat; and
  - “owner”, in relation to a canal boat, includes a person who, though only the hirer of the boat, appoints the master and other persons working the boat.

#### Textual Amendments

- F1** S. 53: words in the definition of “canal”  
inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 13(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F2** S. 53: words in paragraph (a) of the definition of “canal boat”  
substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 69(a)** (with s. 312(1))

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