

1974 No. 215

LOCAL GOVERNMENT, ENGLAND AND WALES

The Port Health Authorities (England) Order 1974

Made - - - - 11th February 1974

*To be laid before Parliament

Coming into Operation

*For the purposes of
Article 1(1)(a)*

14th March 1974

For all other purposes

1st April 1974

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 254(1)(a) and (2)(b) and (c) and section 262(6) of the Local Government Act 1972(a), and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Port Health Authorities (England) Order 1974 and shall come into operation—

(a) for the purposes of taking any action which is necessary to ensure the effective operation of this order as from 1st April 1974 on 14th March 1974; and

(b) for all other purposes, on 1st April 1974.

(2) In this order—

“The Act” means the Local Government Act 1972;

“Joint boards” means the port health authorities specified in column (2) of Part I of the Schedule hereto being joint boards which will continue to exist on and after 1st April 1974 by virtue of section 263(3)(b) of the Act;

“port health orders” means the orders cited in column (1) of Parts I and II of the Schedule hereto being the orders under which the port health authorities respectively specified in column (2) of the said Parts have been constituted.

(3) “port health orders” in relation to the Plymouth Port Health Authority shall mean those port health orders applying to Plymouth Port Health Authority at the dates of the commencement of this order.

(4) The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

*This instrument was laid before Parliament on 6th March 1974.

(a) 1972 c. 70.

(b) 1889 c. 63.

(5) Each of the series of orders mentioned in column (1) of Parts I and II of the Schedule hereto, as modified by the Act and this order, may be cited under the title as shown therein with the substitution of "to 1974" for the word and year last mentioned therein.

(6) In this order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, and in this paragraph "enactment" includes any instrument made under any Act.

Construction of references to "contributory place"

2. In the port health orders, for any reference to a contributory place within an existing rural district there shall be substituted a reference to so much of the district or of each district as comprises the area of the contributory place or any part thereof.

Gloucester Port Health Authority

3. The District Council of Gloucester shall be the port health district constituted for the port of Gloucester by the Gloucester (Gloucester Division) Port Orders 1894 to 1938 and section 263(3)(b) of the Act shall not apply to that district.

Liverpool Port Health Authority

4. The Metropolitan District Council of Liverpool shall be the port health district constituted for the port of Liverpool by the Liverpool Port Orders 1893 to 1938 and section 263(3)(b) of the Act shall not apply to that district.

Plymouth Port Health Authority

5. The District Council of Plymouth shall be the port health district constituted for the port of Plymouth by the Plymouth Port Health Orders and section 263(3)(b) of the Act shall not apply to that district.

Poole Port Health Authority

6. The District Council of Poole shall be the port health district constituted for the port of Poole by the Poole Port Orders 1887 to 1938 and section 263(3)(b) of the Act shall not apply to that district.

Preston Port Health Authority

7. The District Council of Preston shall be the port health district constituted for the port of Preston by the Preston Port Orders 1888 to 1938 and section 263(3)(b) of the Act shall not apply to that district.

Southampton Port Health Authority

8. The District Council of Southampton shall be the port health district constituted for the port of Southampton by the Southampton Port Orders 1935 and 1938 and section 263(3)(b) of the Act shall not apply to that district.

Retirement and election of members of joint boards, etc.

9.—(1) The members of the joint boards who are in office immediately before 1st April 1974 shall retire on that date.

(2) The new local authorities who will by virtue of the Act become constituent authorities of the joint boards existing on or after 1st April 1974 shall elect members of the joint boards before 1st April 1974.

(3) The members elected under paragraph (2) above shall come into office on 1st April 1974 and shall retire in 1975 in accordance with this Order.

(4) In the year 1975 and every subsequent year:—

(a) the ordinary day of retirement of the members of the joint boards and of the coming into office of the newly elected members shall be 1st June;

(b) the ordinary election of members of the joint boards shall take place on or before 31st May.

(5) So much of Article IV of the order of the Local Government Board dated 9th August 1901 (which made provision with respect to the retirement and election of members of the joint board constituting the Manchester Port Health Authority) shall cease to have effect and the Port Health Authorities (Election and Retirement of Members) Order 1950(a) shall cease to have effect in relation to the other joint boards.

Expenses of port health authorities

10.—(1) Any contribution or any part of a contribution which, by virtue of the Act or this order, becomes payable by the council of a district as from 1st April 1974 shall be special expenses chargeable only on so much of the district as comprises the area or, as the case may be, any part of the area on which such contribution is chargeable immediately before that date.

In this paragraph, “contribution” means the expenses or the proportion of the expenses of a port health authority payable under the provisions of any of the port health orders immediately before 1st April 1974 by the council of a county borough or county district.

(2) The provisions of paragraph (1) above shall have effect in relation to any district as if made by a resolution of a council of the district under section 147(3) of the Act, and may be varied or revoked accordingly.

Keith Joseph,

Secretary of State for Social Services.

11th February 1974.

SCHEDULE

Articles 1, 2 and 9

PART I

PORT HEALTH ORDERS CONSTITUTING JOINT BOARDS AS PORT HEALTH AUTHORITIES

1 Orders	2 Name of port health authority
Barnstaple and Bideford Port Health Orders 1889 to 1938 River Blyth Port Orders 1887 to 1938 Exeter Port Orders 1888 to 1938 Falmouth and Truro Port Orders 1888 to 1938	Barnstaple Port Health Authority River Blyth Port Health Authority Exeter Port Health Authority Falmouth and Truro Port Health Authority
Fowey Port Health Orders 1927 to 1938 Harwich Port Orders 1889 to 1938 Hull and Goole Port Orders 1887 to 1938 Manchester Port Orders 1901 to 1938 New Shoreham Port Health Orders 1892 to 1938	Fowey Port Health Authority Harwich Port Health Authority Hull and Goole Port Health Authority Manchester Port Health Authority New Shoreham Port Health Authority
River Tees Port Health Orders 1925 to 1938 Tyne Port Orders 1897 to 1938 Weymouth Port Orders 1897 to 1941 Workington Port Health Orders 1887 to 1938	River Tees Port Health Authority Tyne Port Health Authority Weymouth Port Health Authority Workington Port Health Authority

PART II

PORT HEALTH ORDERS CONSTITUTING OTHER PORT HEALTH AUTHORITIES

1 Orders	2 Name of port health authority constituted by or under the orders
Boston Port Order 1887 and the Boston Port Orders 1933 and 1939	Boston Port Health Authority
Bridgwater Port Orders 1894 to 1938	Bridgwater Port Health Authority
Bristol Port Orders 1894 and 1938	Bristol Port Health Authority
Colchester (Colchester Division) Port Orders 1888 to 1938	Colchester Port Health Authority
Cowes Port Orders 1935 and 1938	Cowes Port Health Authority
Dartmouth and Totnes Port Orders 1888 to 1938	Dartmouth and Totnes Port Health Authority
Dover (Deal Division) Port Orders 1887 to 1938	Dover (Deal Division) Port Health Authority
Dover Port Orders 1922 and 1938	Dover Port Health Authority
Faversham Port Orders 1894 to 1938	Faversham Port Health Authority
Fleetwood Port Orders 1888 and 1938	Fleetwood Port Health Authority
Folkestone Port Orders 1922 and 1938	Folkestone Port Health Authority
Gloucester (Gloucester Division) Port Orders 1894 to 1938	Gloucester Port Health Authority
Great Yarmouth Port Orders 1887 and 1938	Great Yarmouth Port Health Authority
Grimsby Port Orders 1887 to 1938	Grimsby and Cleethorpes Port Health Authority
Ipswich Port Orders 1892 and 1938	Ipswich Port Health Authority
Kingsbridge and Salcombe Port Orders 1887 to 1939	Kingsbridge and Salcombe Port Health Authority
King's Lynn Port Orders 1889 and 1938	King's Lynn Port Health Authority
Lancaster Port Orders 1891 and 1938	Lancaster Port Health Authority
Fowey, Littlehampton and Dartmouth (Kingsbridge Division) Port Order 1900 and the Littlehampton Port Orders 1933 and 1938	Littlehampton Port Health Authority
Liverpool Port Orders 1893 to 1938	Liverpool Port Health Authority
Lowestoft Port Orders 1879 to 1938	Lowestoft Port Health Authority
Colchester (Maldon Division) Port Orders 1900 and 1938	Maldon Port Health Authority
Newhaven Port Orders 1888 and 1938	Newhaven Port Health Authority
Penzance Port (Hayle Division) Orders 1901 to 1938	Penzance Port (Hayle Division) Port Health Authority
Penzance Port (Penzance Division) Orders 1901 to 1938	Penzance Port (Penzance Division) Port Health Authority
Plymouth Port Health Orders	Plymouth Port Health Authority
Poole Port Orders 1887 to 1938	Poole Port Health Authority
Portsmouth Port Orders 1893 and 1938	Portsmouth Port Health Authority
Preston Port Orders 1888 to 1938	Preston Port Health Authority
Rochester Port Orders 1887 and 1938	Rochester Port Health Authority
Sandwich Port Orders 1888 to 1938	Sandwich Port Health Authority
Southampton Port Orders 1935 and 1938	Southampton Port Health Authority
Sunderland Port Orders 1878 to 1938	Sunderland Port Health Authority
Teignmouth Port Orders 1887 and 1938	Teignmouth Port Health Authority
Wells Port Orders 1887 and 1938	Wells Port Health Authority
Wisbech Port Orders 1897 and 1938	Wisbech Port Health Authority

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which applies to port health districts situated wholly in England supplements as necessary the provisions of sections 262 and 263 of the Local Government Act 1972 in relation to port health authorities by providing for—

- (a) the conversion of references to “contributory place” (Article 2)
- (b) the constitution of the following District Councils as the port health authorities for the named ports
 - (i) Gloucester District Council for Gloucester port health district (Article 3)
 - (ii) Liverpool Metropolitan District for Liverpool port health district; (Article 4)
 - (iii) Plymouth District Council for Plymouth port health district; (Article 5)
 - (iv) Poole District Council for Poole port health district (Article 6)
 - (v) Preston District Council for Preston port health district; (Article 7)
 - (vi) Southampton District Council for Southampton port health district; (Article 8)
- (c) the membership of joint boards (Article 9)
- (d) the expenses of port health authorities to be chargeable as special expenses on the areas on which they are at present chargeable (Article 10).

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