## 1977 No. 1457

# PORT HEALTH AUTHORITIES, ENGLAND AND WALES The Plymouth Port Health Authority Order 1977

Made

26th August 1977

Coming into Operation

1st October 1977

The Secretary of State for Social Services, in exercise of powers conferred by sections 2 and 3 of the Public Health Act 1936 (a), as extended by section 108 of and paragraph 6 of Schedule 3 to the Control of Pollution Act 1974 (b), and now vested in him (c), and of all other powers enabling him in that behalf, having given the notices required by the aforesaid section 2 of his proposals to make this order and not having received any notice of objection thereto, hereby makes the following order:-

Citation, Commencement and Interpretation

- 1.—(1) This order may be cited as the Plymouth Port Health Authority Order 1977 and shall come into operation on 1st October 1977.
  - (2) In this order, unless the context otherwise requires— "the Act" means the Public Health Act 1936;

"the City Council" means the Council of the City of Plymouth;

"the Port of Plymouth" means the Port of that name established for the purposes of the enactments relating to customs and excise; and all other expressions have the same meanings as in the Act.

- (3) The riparian authorities specified for the purposes of this order are the City of Plymouth and the District Councils of Caradon and South Hams respectively.
- (4) In this order, unless the context otherwise requires, any reference to an Article or a Schedule shall be construed as a reference to an Article contained in this order or to a Schedule thereto.
- (5) Any reference in this order to any provision made by or contained in any enactment or instrument shall, except so far as the context otherwise requires, be construed as a reference to that provision, as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.
- (6) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889 (d) shall apply for the purposes of the interpretation of this order as they apply for the purposes of an Act of Parliament.
- (7) Notwithstanding section 316(4) of the Customs and Excise Act 1952(e), it is hereby declared that, for the purposes of this Order, the limits of the

<sup>(</sup>b) 1974 c. 40.

<sup>(</sup>c) See The Secretary of State for Social Services Order 1968 (SI 1968/1699; 1968 III, p. 4585) Art. 2.

<sup>(</sup>d) 1889 c. 63.

Port of Plymouth shall be varied in accordance with the provisions of any instrument relating to the Port of Plymouth made before 1st October 1979 by virtue of section 13 of that Act.

## The Port Health Authority

2. For the purposes of the Act, the Port of Plymouth shall be a port health district and the City Council shall be the port health authority for that district.

#### Jurisdiction

3. The City Council shall have jurisdiction as port health authority over all waters within the Port of Plymouth and also over such part of the district of the specified riparian authorities as comprises the whole of any wharf and of the area within the gates of any dock and the buildings thereon respectively, within the Port of Plymouth.

## Functions assigned to Port Health Authority

- 4.—(1) There are hereby assigned to the City Council as port health authority the functions, rights and liabilities of a local authority under the enactments specified in the Schedule, so far as they are applicable to a port health authority and to any lands, waters, premises, vessels or persons within their jurisdiction.
- (2) For the purposes of the functions, rights and liabilities assigned to the City Council 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 under command or charge of an officer holding Her Majesty's commission or to any vessel belonging to the armed forces of any country to which the provisions of the Visiting Forces Act 1952 (a) apply by virtue of section 1 of that Act.

### Revocations

5. The Orders of the Local Government Board establishing the Plymouth Port Health Authority and dated 23rd February 1900, together with the amending orders of the Local Government Board dated 17th January 1902 and 4th November 1902 are hereby revoked.

Signed by the authority of the Secretary of State for Social Services.

F. B. Hindmarsh,

Under Secretary,
Department of Health and Social Security.

26th August 1977.

(a) 1952 c. 67.

**SCHEDULE** Article 4

Public Health Act 1936 (c. 49.)

Section 48 Power to examine and test drains. Sections 51 and 52 Care of closets and sanitary conveniences.

Section 82 Byelaws as to removal through street of offensive matter or

liquid.

Sections 83-86 Filthy or verminous premises or articles, and verminous

persons.

Part III Nuisances and offensive trades.

Sections 140 and 141 Provisions for the protection of the public from polluted water.

Part V Prevention, Notification and Treatment of Disease.

Part XII General.

Food and Drugs Act 1955 (c. 16.)

Part I General Provision as to Food and Drugs.

Part V Administration, Enforcement and Legal Proceedings.

Part VI Miscellaneous and General.

Clean Air Act 1956 (c. 52.)

Public Health Act 1961 (c. 64.)

Section 26 Defective premises.

Section 36 Power to require vacation of premises during fumigation.

Section 38 Power of justices to order a medical examination.

Section 39 Information to be furnished by occupier in case of notifiable

disease or food poisoning.

Section 41 Compensation for stopping employment to prevent spread of

Clean Air Act 1968 (c. 62.)

The Public Health (Recurring Nuisances) Act 1969 (c. 25.)

Slaughterhouses Act 1974 (c. 3.)

Part I Slaughterhouses and Knackers' Yards.

Control of Pollution Act 1974 (c. 40.)

Part III (except sections 70

and 71) Noise.

Section 76 Regulations about sulphur content of oil fuel for furnaces or

engines.

Section 77 (insofar as it is

supplementary to Sec-

Provisions supplementary to section 76. Sections 79-83 Information about atmospheric pollution.

Section 84 Interpretation of Part IV.

Section 86 Protection of members and officers of Authorities from

personal liability.

Sections 91 and 92 Rights of Entry and Inspection, etc. Section 93 Power of authorities to obtain information. Section 94 Prohibition on disclosure of information.

Section 97 Default powers. Section 98 Interpretation.

Part VI Miscellaneous and General. 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.

## **EXPLANATORY NOTE**

(This Note is not part of the Order.)

This order constitutes the Port of Plymouth as a port health district and constitutes the Council of the City of Plymouth as port health authority for that district. Articles 3 and 4 relate to the jurisdiction and powers of the Council as port health authority for the Port of Plymouth. The order supersedes similar orders made under the Public Health Acts and confers upon the port health authority functions under general Acts relating to public health and food and drugs.