

1978 No. 819

PORT HEALTH AUTHORITIES, ENGLAND AND  
WALES

**The Dover Port Health Authority Order 1978**

Made - - - - 1st June 1978

Coming into Operation 1st August 1978

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, hereby makes the following order:—

*Citation, commencement and interpretation*

1.—(1) This order may be cited as the Dover Port Health Authority Order 1978 and shall come into operation on 1st August 1978.

(2) In this order, unless the context otherwise requires—

“the Act” means the Public Health Act 1936;

“the Council” means the District Council of Dover;

“the Port of Dover” 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) 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.

(4) 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.

(5) 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 the interpretation of an Act of Parliament.

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(a) 1936 c. 49.

(b) 1974 c. 40.

(c) See The Secretary of State for Social Services Order 1968 (S.I. 1968/1699) Art. 2.

(d) 1889 c. 63.

(6) Notwithstanding section 316(4) of the Customs and Excise Act 1952(a) it is hereby declared that, for the purposes of this order, the limits of the Port of Dover shall be varied in accordance with the provision of any instrument relating to the Port of Dover made before 1st August 1980 by virtue of section 13 of that Act.

#### *The Port Health Authority*

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

#### *Jurisdiction*

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

#### *Functions assigned to Port Health Authority*

4.—(1) There are hereby assigned to the Council as port health authority the functions, rights and liabilities of a local authority under the enactments specified in Schedule 1, 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 Council by virtue of this order, the enactments mentioned in Schedule 1 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(b) applies by virtue of section 1 of that Act.

#### *Revocations*

5. The orders specified in column 1 of Schedule 2 are hereby revoked to the extent mentioned in column 2 of that Schedule.

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

*F. B. Hindmarsh,*  
Under Secretary,  
Department of Health and Social Security.

1st June 1978.

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(a) 1952 c. 44.

(b) 1952 c. 67.

## SCHEDULE 1

## Article 4

*Public Health Act 1936 (c. 49)*

Section 48

Sections 51 and 52

Section 82

Sections 83–86

Part III

Sections 140 and 141

Part V

Part XII

*Food and Drugs Act 1955 (4 & 5, Eliz. 2 c. 16)*

Part I

Part V

Part VI

*Clean Air Act 1956 (c. 52)**Public Health Act 1961 (c. 64)*

Section 26

Section 36

Section 38

Section 39

Section 41

*Clean Air Act 1968 (c. 62)**The Public Health (Recurring Nuisances) Act 1969 (c. 25)**Slaughterhouses Act 1974 (c. 3)*

Part I

*Control of Pollution Act 1974 (c. 40)*

Part III (except sections 70(2),

(3) and (5) and 71)

Section 76

Section 77 (in so far as it is  
supplementary to section 76)

Sections 79–83

Section 84

Section 86

Sections 91 and 92

Section 93

Section 94

Section 97

Section 98

Part VI

*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

Section 16

Section 32

Section 41

Power to examine and test drains.

Care of closets and sanitary conveniences.

Byelaws as to removal through street of offensive  
matter or liquid.Filthy or verminous premises or articles, and  
verminous persons.

Nuisances and offensive trades.

Provisions for the protection of the public from  
polluted water.Prevention, Notification and Treatment of Disease.  
General.

General Provisions as to Food and Drugs.

Administration, Enforcement and Legal Pro-  
ceedings.

Miscellaneous and General.

Defective premises.

Power to require vacation of premises during  
fumigation.

Power of justices to order a medical examination.

Information to be furnished by occupier in case of  
notifiable disease or food poisoning.Compensation for stopping employment to prevent  
spread of disease.

Slaughterhouses and Knackers' Yards.

Noise.

Regulations about sulphur content of oil fuel for  
furnaces or engines.

Provisions supplementary to section 76.

Information about atmospheric pollution.

Interpretation of Part IV.

Protection of members and officers of authorities  
from personal liability.

Rights of Entry and Inspection etc.

Power of authorities to obtain information.

Prohibition on disclosure of information.

Default powers.

Interpretation.

Miscellaneous and General.

Power of local authorities to obtain particulars of  
persons interested in land.Power to local authorities to execute works outside  
their area.Evidence of resolutions and minutes of proceedings  
etc.

## SCHEDULE 2

Article 5

<i>Citation</i>	<i>Extent of revocation</i>
<b>1. Orders relating to Sandwich Port Health Authority:—</b>	
(a) the order of the Local Government Board dated 13th day of June 1888;	The whole order.
(b) the order of the Minister of Health dated 18th day of June 1938.	The whole order.
<b>2. Orders relating to the Dover (Deal Division) Port Health Authority:—</b>	
(a) the order of the Local Government Board dated the 28th day of November 1887;	The whole order.
(b) the order of the Local Government Board dated the 26th day of August 1898;	The whole order.
(c) the County of Kent Review Order 1935;	Article 64.
(d) the order of the Minister of Health dated the 29th day of March 1938.	The whole order.
<b>3. Orders relating to the Dover Port Health Authority:—</b>	
(a) the order of the Minister of Health dated the 15th day of August 1922.	The whole order.
(b) the order of the Minister of Health dated the 18th day of March 1938.	The whole order.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order constitutes the Port of Dover as a port health district and constitutes the District Council of Dover 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 Dover. 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.