

1979 No. 134

PORT HEALTH AUTHORITIES, ENGLAND AND WALES

The Stroud Port Health Authority Order 1979

Made - - - - 9th February 1979

Coming into Operation 1st April 1979

The Secretary of State for Social Services, in exercise of powers conferred by sections 2, 3 and 9(1) 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 Stroud Port Health Authority Order 1979 and shall come into operation on 1st April 1979.

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

“the Act” means the Public Health Act 1936;

“the Council” means the District Council of Stroud;

“the Port of Gloucester” means the Port of that name as 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 Council, Northavon District Council and Gloucester City Council.

(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.

The Port Health Authority

2. For the purposes of the Act, that part of the Port of Gloucester which lies to the south and east of the boundaries of the Council and Northavon District Council and which consists of those waters of the River Severn which lie between the Severn Bridge at latitude 51° 36' 30" north, longitude 2° 38' 12" east and the most easterly extremity of the canal docks at Sharpness at latitude 51° 43' 30" north, longitude 2° 29' 6" east shall be a port health district, and the Council shall be the port health authority for that district.

(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.

Jurisdiction

3. The Council shall have jurisdiction as port health authority over all waters within the port health district together with the waters of the Gloucester and Sharpness Canal including any docks or channels adjacent or connected thereto, and also over such part of the district of a specified riparian authority as

- (i) is adjacent to or abuts on the aforesaid waters, and
- (ii) comprises the whole of any wharf and the area within the gate 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 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 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 engaged in the naval service of Her Majesty, whether belonging to Her Majesty or not, 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.

Expenses

5.—(1) Gloucester City Council shall contribute at the rate specified in paragraph (2) towards any expenses incurred or to be incurred by the Council as port health authority by virtue of the authority conferred upon them by this order.

(2) Subject to paragraph (3) the contribution which Gloucester City Council shall make in accordance with the preceding paragraph shall be 10 per cent of the total annual expenses incurred, or such other contribution as may from time to time be agreed between the Council and Gloucester City Council, or which may in default of agreement, be determined by a single arbitrator agreed upon by the Council and Gloucester City Council, or in default of agreement, nominated by the President for the time being of the Chartered Institute of Public Finance and Accountancy.

(3) No alteration in the contribution which Gloucester City Council shall make in accordance with the preceding provisions shall be made within 10 years from the coming into operation of this order, or thereafter within 10 years immediately following the last occasion upon which an alteration in the said contribution was made.

Revocations

6. The order of the Local Government Board constituting the Gloucester (Gloucester Division) Port Health Authority and dated 11th June 1894(b), together with the amending order of the Minister of Health dated 5th November 1938(c), are hereby revoked.

(a) 1952 c. 67.

(b) S. R. & O. 1894/840.

(c) S. R. & O. 1938/1441.

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

9th February 1979.

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

SCHEDULE

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

Foods and Drugs Act 1955 (c. 16) (4 & 5 Eliz. 2)

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)

Control of Pollution Act 1974 (c. 40)

Section 76

Section 77 (insofar 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

Power to examine and test drains.
Care of closets and sanitary conveniences.
Byelaws as to removal through streets 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 Proceedings.
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.

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.

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 part of the Port of Gloucester as a port health district and constitutes the District Council of Stroud as port health authority for that district. Articles 3 and 4 relate to the jurisdiction and powers of the Council as port health authority. 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.