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STATUTORY INSTRUMENTS

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1980 No. 1063

**PORT HEALTH AUTHORITIES, ENGLAND AND WALES**

**The Folkestone Port Health Authority Order 1980**

*Made* - - - - - 23rd July 1980

*Coming into Operation* 1st October 1980

The Secretary of State for Social Services, in exercise of powers conferred by sections 2, 3 and 9 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 sections 2 and 9 of his proposal 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 Folkestone Port Health Authority Order 1980 and shall come into operation on 1st October 1980.

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

“the Act” means the Public Health Act 1936;

“the Council” means the District Council of Shepway;

“the Port of Folkestone” means the Port of that name as established for the purposes of the enactments relating to customs and excise.

*Specified Riparian Authorities*

2. The riparian authorities specified for the purposes of this order are the Council and the District Council of Dover.

*Port Health District*

3. For the purposes of the Act, that part of the Port of Folkestone which lies to the east of a line drawn due south from the point where the boundary between Shepway District and Rother District meets the coast (National Grid reference point JR00571743) and extending seaward to the limit of territorial waters shall be a port health district.

*Port Health Authority*

4. The Council shall be the port health authority for the said port health district.

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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.

### *Jurisdiction*

5.—(1) Subject to paragraph (2) of this article the Council shall have jurisdiction as port health authority over all waters within the port health district and also over such part of the district of each specified riparian authority as

- (a) is adjacent to or abuts on the aforesaid waters, and
- (b) comprises the whole of any wharf and the area within the gates of any dock and of the buildings thereon respectively.

(2) The Council shall not have jurisdiction as port health authority by virtue of paragraph (1) over any part of the District of Dover that falls within the jurisdiction of the Dover Port Health Authority as constituted by the Dover Port Health Authority Order 1978(a).

### *Functions assigned to Port Health Authority*

6.—(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 to this order, 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 to this order 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 to any vessel engaged in the 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(b) apply by virtue of section 1 of that Act.

### *Revocations*

7. The orders of the Minister of Health relating to Folkestone Port Health Authority and dated 23rd May 1922(c) and 22nd February 1938(d), are hereby revoked.

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

*Ian Gilbert,*  
Under Secretary,  
Department of Health and Social Security.

23rd July 1980.

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(a) S.I. 1978/819.

(b) 1952 c. 67.

(c) S.R. & O. 1922/538.

(d) S.R. & O. 1938/338.

## SCHEDULE

*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 streets of offensive matter or liquid.
Sections 83-86	...	...	...	...	Filthy or verminous premises or articles, and verminous persons.
Part III	...	...	...	...	Nuisances and Offensive Trades.
Sections 140-141	...	...	...	...	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 (4 & 5 Eliz. 2 c. 16)*

Part I	...	...	...	...	General Provisions as to Food.
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 disease.

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

*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 supple-  
mentary to section 76) ... ..

Sections 79-83 ... ..

Section 84 ... ..

Section 86 ... ..

Sections 91-92 ... ..

Section 93 ... ..

Section 94 ... ..

Section 97 ... ..

Section 98 ... ..

Part VI ... ..

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.

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

Section 16 ... ..

Section 32 ... ..

Section 41 ... ..

Power of local authorities to obtain parti-  
culars of persons interested in land.

Power of local authorities to execute works  
outside their area.

Evidence of resolutions and minutes of  
proceedings, etc.

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EXPLANATORY NOTE

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

This order constitutes part of the Port of Folkestone as a port health district and constitutes the Council of the District of Shepway to be port health authority for that district. Articles 5 and 6 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.