#### 1980 No. 1330

## PORT HEALTH AUTHORITIES, ENGLAND AND WALES

# The Penwith Port Health Authority Order 1980

Made - - - - 2nd September 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 Penwith 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 Penwith:
    - "the Port of Penzance" means the Port of that name as established for the purposes of the enactments relating to customs and excise.
- (3) References in this order to reference points shall be construed as references to National Grid reference points.

#### Port Health District

2. For the purposes of the Act, that part of the Port of Penzance that lies to the landward side of a line drawn between Carn-du (reference point SW 4564 2382) and Cudden Point (reference point SW 5484 2750) and to the landward side of a line drawn between St. Ives Head (reference point SW 5214 4112) and Godrevy Point (reference point SW 5810 4341) shall be a port health district.

## Port Health Authority

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

<sup>(</sup>a) 1936 c. 49. (b) 1974 c. 40.

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

#### Jurisdiction

- **4.** The Council shall have jurisdiction as port health authority over all waters within the said port health district and also over such part of Penwith District 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.

#### Functions assigned to Port Health Authority

- 5.—(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 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 said 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 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(a) apply by virtue of section 1 of that Act.

#### Revocations

6. The orders specified in column 1 of Schedule 2 to this order 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.

Ian Gilbert,

Under Secretary,
Department of Health and Social Security.

2nd September 1980.

# SCHEDULE 1

Public Health Ac	t 1936	(c. 49)		
Section 48	•••	•••	•••	Power to examine and test drains.
Sections 51 and	d 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 140–1	41	•••	•••	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)				
D 4 T				General Provisions as to Food.
D4 37				Administration, Enforcement and Legal Pro-
rait v	•••	•••	•••	ceedings.
Part VI	•••	•••		Miscellaneous and General.
Clean Air Act 1956 (c. 52)				
Public Health Act 1961 (c. 64)				
Section 26				Defective premises.
G 1 2 C	•••			Power to require vacation of premises during fumi-
				gation.
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) a	nd 71)	)	•••	Noise.
Section 76	•••	•••	•••	Regulations about sulphur content of oil fuel for furnaces or engines.
Section 77 (in so far as it is supplementary to section 76)				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 91–92				Rights of entry and inspection, etc.
Section 93		•••		Power of authorities to obtain information.
Section 94			•••	Prohibition on disclosure of information.
<b>3</b>				

Section 97 ... ... Default powers.

Section 98 ... ... Interpretation.

Part VI ... ... Miscellaneous and General.

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

Section 16 ... ... Power of local auhorities 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.

Article 6

#### SCHEDULE 2

Extent of revocation Citation The whole order. The Penzance Port (Hayle Division) Order 1901(a); The Penzance Port (Penzance Division) Order 1901(b); The whole order. The Cornwall Review Order 1934(c); Articles 68 and 69. The Penzance Port (Hayle Division) Amendment Order The whole order. 1938(d); The Penzance Port (Penzance Division) Amendment Order The whole order. 1938(e); The Port Health Authorities (Election and Retirement of In the Schedule, the Members) Order 1950(f). entry relating to the Penzance Port (Penzance Division).

## **EXPLANATORY NOTE**

(This Note is not part of the Order.)

This order constitutes part of the Port of Penzance as a port health district and constitutes the District Council of Penwith as port health authority for that district. Articles 4 and 5 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.

(a) S. R. & O. 1901/172. (b) S. R. & O. 1901/173. (c) S. R. & O. 1934/190. (d) S. R. & O. 1938/374. (e) S. R. & O. 1938/425. (f) S.I. 1950/1386.

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