

1980 No. 1481

PORT HEALTH AUTHORITIES, ENGLAND AND WALES

The Faversham Port Health Authority Order 1980

Made - - - - - 3rd October 1980

Coming into Operation 1st November 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 Faversham Port Health Authority Order 1980 and shall come into operation on 1st November 1980.

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

“the Act” means the Public Health Act 1936;

“the Council” means the Council of the Borough of Swale;

“the Port of Medway” 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 Medway which lies to the east of a line drawn from Iwade Church (reference point TQ9013 6795) to the site of Elmley Chapel (reference point TQ9335 6800) on the Isle of Sheppey, 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 health district and also over such part of the area of the Borough of Swale as

(i) are adjacent to or abut on the aforesaid waters, and

(ii) 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

(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.

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(a) apply by virtue of section 1 of that Act.

Revocations

5. The order of the Local Government Board constituting the Faversham Port Health Authority and dated 17th February 1894(b), together with article 64 of the County of Kent Review Order 1935(c) and the amending order of the Minister of Health dated 12th September 1938(d), are hereby revoked.

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

3rd October 1980.

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

(a) 1952 c. 67.

(b) S.R. & O. 1894/838.

(c) S.R. & O. 1935/1337.

(d) S.R. & O. 1938/1255.

SCHEDULE

Article 4

Public Health Act 1936 (c. 49)

Section 48
Sections 51 and 52
Section 82

Power to examine and test drains.
Care of closets and sanitary conveniences.
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
Sections 140 and 141

Nuisances and Offensive Trades.
Provisions for the protection of the public from polluted water.

Part V
Part XII

Prevention, Notification and Treatment of Disease.
General.

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

Part I
Part V

General Provisions as to Food.
Administration, Enforcement and Legal Proceedings.

Part VI

Miscellaneous and General.

Clean Air Act 1956 (c. 52)

Public Health Act 1961 (c. 64)

Section 26
Section 36

Defective premises.
Power to require vacation of premises during fumigation.

Section 38
Section 39

Power of justices to order a medical examination.
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

Noise.

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

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

The 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 Medway as a port health district and the Council of the Borough of Swale 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.