

1981 No. 1281

PORT HEALTH AUTHORITIES, ENGLAND AND WALES

The Port Health Authorities (Tendring and Suffolk Coastal)

Order 1981

Made - - - - *4th September 1981*

Coming into Operation *1st October 1981*

The Secretary of State for Social Services, in exercise of powers conferred by sections 2, 3, 9 and 326 of the Public Health Act 1936(a), and now vested in him(b), 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 Port Health Authorities (Tendring and Suffolk Coastal) Order 1981 and shall come into operation on 1st October 1981.

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

“the Act” means the Public Health Act 1936;

“the Port of Orwell Haven” means the Port of that name as established for the purposes of the enactments relating to customs and excise;

“Tendring” means Tendring District Council;

“Suffolk Coastal” means Suffolk Coastal District Council;

“the former Joint Board” means the Joint Board established by the order of the Local Government Board dated 30 June 1899 and called the Harwich Port Health Authority;

“the specified day” means 1st October 1981.

(3) References in this order to reference points shall be construed as references to National Grid reference points.

PART I

TENDRING PORT HEALTH AUTHORITY

Port Health Authority

2.—(1) For the purpose of the Act, that part of the Port of Orwell Haven to which this Article applies shall be a port health district, and Tendring shall be the port health authority for that district.

(a) 1936 c. 49. Section 3 was extended by the Control of Pollution Act 1974 (c. 40), section 108 and Schedule 3, paragraph 6. *See also* the Food and Drugs Act 1955 (4 & 5 Eliz. 2 c. 16) section 88; Clean Air Act 1956 (c. 52) section 31; Public Health Act 1961 (c. 64) section 1; Clean Air Act 1968 (c. 62) section 14(1), Schedule 1 paragraph 1; Public Health (Recurring Nuisances) Act 1969 (c. 25) section 4(2) and (3); Slaughterhouses Act 1974 (c. 3) section 28; Local Government (Miscellaneous Provisions) Act 1976 (c. 57) section 27(4). Section 326(2) was amended by virtue of section 272(2) of the Local Government Act 1972 (c. 70) so as to refer to section 255 of that Act.

(b) *See* the Secretary of State for Social Services Order 1968 (S.I. 1968/1699) Art. 2.

(2) This Article applies to that part of the Port of Orwell Haven which lies to the south and west of a line—

- (a) starting at East Newhall (reference point TM 2141 3241); thence
- (b) northwards to a point at Erwarton Ness (reference point TM 2135 3310); thence
- (c) continuing eastwards along the line of low water mark on the north bank of the River Stour to a point (reference point TM 2538 3377) south of Shotley Point; thence
- (d) following the boundary of Babergh District across the mouth of the River Orwell to the point where the boundary of Babergh District meets the boundary of Suffolk Coastal District (reference point TM 2604 3412); thence
- (e) to the North Shelf Buoy (reference point TM 2761 3249); thence
- (f) to the South Shelf Buoy (reference point TM 2768 3185); thence
- (g) to the Cliff Foot Buoy (reference point TM 2760 3074); thence
- (h) on a true bearing of 090° to the seaward limit of the Port of Orwell Haven,

together with those waters of the River Stour which lie within Tendring District.

Jurisdiction

3. Tendring shall have jurisdiction as port health authority over all waters within the said port health district and also over such part of Tendring District as—

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

PART II

SUFFOLK COASTAL PORT HEALTH AUTHORITY

Port Health Authority

4.—(1) For the purposes of the Act, that part of the Port of Orwell Haven to which this Article applies shall be a port health district and Suffolk Coastal shall be the port health authority for that district.

(2) This Article applies to that part of the Port of Orwell Haven which lies to the north and east of a line—

- (a) starting at a point in the mouth of the River Orwell where the boundary of Babergh District meets the boundary of Suffolk Coastal District (reference point TM 2604 3412); thence
- (b) to the North Shelf Buoy (reference point TM 2761 3249); thence
- (c) to the South Shelf Buoy (reference point TM 2768 3185); thence
- (d) to the Cliff Foot Buoy (reference point TM 2760 3074); thence
- (e) on a true bearing 090° to the seaward limit of the Port of Orwell Haven.

Jurisdiction

5. Suffolk Coastal shall have jurisdiction as port health authority over all waters within the said port health district and also over such part of Suffolk Coastal District as—

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

PART III

GENERAL

Functions assigned to the port health authorities

6.—(1) There are hereby assigned to Tendring and to Suffolk Coastal respectively as port health authorities, 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 Tendring and to Suffolk Coastal 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.

Property, liabilities, contracts etc, proceedings and accounts

7.—(1) On the specified day—

- (a) all property vested in the former Joint Board and all liabilities attaching to the Board in respect of any such property shall by virtue of this paragraph be transferred to and vest in or attach to the local authority in whose area the property is situate;
- (b) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given or have effect as if they had been given by or to the former Joint Board shall be of full force and effect in favour of or against Tendring;
- (c) any action or proceeding or any cause of action or proceedings, pending or existing on the specified day by or against the former Joint Board shall not be prejudicially affected by reason of this order, and may be continued, presented and enforced by or against Tendring.

(2) A local authority to whom any property, other than land, is transferred by virtue of paragraph (1) above may by resolution agree that it shall be transferred to any other local authority named in the resolution and any liability attached to the first mentioned authority in respect of that property shall thereupon attach to the authority named in the resolution.

(3) The accounts of the former Joint Board shall be made up to the specified day and shall be audited in like manner and subject to the same incidents and consequences as if this order had not been made.

(4) All legal proceedings pending on the specified day shall be amended in such manner as may be necessary or proper in consequence of the provisions of this order.

(a) 1952 c. 67.

Transfer and protection of officers

8.—(1) The officers employed by the former Joint Board (except the Clerk to that Board) immediately before the specified day shall on that day be transferred to the employment of that port health authority constituted by this order in the area of whose jurisdiction was the normal place of work of the officer when in the employment of the former Joint Board.

(2) The provisions of regulations 71 to 79 of the Local Government Area Changes Regulations 1976(a) shall apply to those officers as if they had been transferred to employment under regulation 70 of those regulations and for this purpose references in those regulations to “the appointed day” shall be treated as references to the specified day.

Revocations

9. The order of the Local Government Board dated 30th June 1899 permanently constituting the Harwich Port Health Authority, Article 62 of the East Suffolk Review Order 1934(b), the Harwich Port Health Amendment Order 1938(c) and the Harwich Port Amendment Order 1969(d) are hereby revoked.

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

4th September 1981.

(a) S.I. 1976/246, to which there are amendments not relevant to this order.

(b) S.R. & O. 1934/117.

(c) S.R. & O. 1938/1289.

(d) S.I. 1969/1415.

SCHEDULE

<i>Public Health Act 1936 (c. 49)</i>	
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 and 141	Provisions for the protection of the public from polluted water.
Part V	Prevention, Notification and Treatment of Disease.
Part XII	General.
<i>Food and Drugs Act 1955 (4 & 5 Eliz. 2 c. 16)</i>	
Part I	General Provisions as to Food.
Part V	Administration, Enforcement and Legal Proceedings.
Part VI	Miscellaneous and General.
<i>Clean Air Act 1956 (c.52)</i>	
<i>Public Health Act 1961 (c. 64)</i>	
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 of food poisoning.
Section 41	Compensation for stopping employment to prevent spread of disease.
<i>Clean Air Act 1968 (c. 62)</i>	
<i>The Public Health (Recurring Nuisances) Act 1969 (c. 25)</i>	
<i>Control of Pollution Act 1974 (c. 40)</i>	
Part III (except sections 70(2), (3) and (5) and 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 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 Slaughterhouses Act 1974 (c. 3)

Part I Slaughterhouses and Knackers' yards.

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 resolution and minutes of proceedings, etc.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Port health control in the Port of Orwell Haven was formerly the responsibility of a Joint Board called the Harwich Port Health Authority which is abolished by virtue of Article 9. This order constitutes two areas within the Port of Orwell Haven as port health districts and constitutes the District Councils of Tendring and Suffolk Coastal each to be port health authority for one of those districts (Articles 2 and 4). The jurisdiction and powers of the District Councils as port health authorities are specified in Articles 3, 5 and 6. Article 7 provides for the transfer from the Joint Board to the district councils of property held by the Board together with related liabilities and contracts and makes provision in respect of accounts and legal proceedings. Article 8 provides for the transfer and protection of officers who immediately before the specified day were employed by the Joint Board.