
STATUTORY INSTRUMENTS

1981 No. 88

PORT HEALTH AUTHORITIES, ENGLAND AND WALES

The Lowestoft Port Health Authority Order 1981

Made - - - - - 27th January 1981

Coming into Operation 1st March 1981

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 Lowestoft Port Health Authority Order 1981 and shall come into operation on 1st March 1981.

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

“the Act” means the Public Health Act 1936;

“the Council” means Waveney District Council;

“the Port of Lowestoft” 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 Authority

2. For the purposes of the Act, that part of the Port of Lowestoft which lies within the area bounded

(a) to the north by a line running from a point where the boundary of Waveney District meets the coast at Corton Cliffs (reference point TM 5382 9926) due east to the seaward limit of the said Port;

(b) to the south by a line running from a point where the boundary of Waveney District meets the coast at Walberswick (reference point TM 5015 7444) due east to the seaward limit of the said Port;

(c) to the east by the seaward limit of the said Port; and

(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.

(d) to the west by the limits of said Port, but not including any inland waters extending to the west of Mutford Lock at reference point TM 5211 9280,

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 said port health district and also over such part of Waveney District as 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

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 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 Lowestoft Port Health Authority and dated 25th April 1879, together with the amending orders of the Local Government Board dated 10th April 1888 and of the Minister of Health dated 25th February 1938(b) 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

27th January 1981.

(a) 1952 c.67.

(b) S.R. & O. 1938/356.

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

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.

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

Part I

Part V

Part VI

General Provisions as to Food.

Administration, Enforcement and Legal Proceedings.

Miscellaneous and General.

Clean Air Act 1956 (c.52)

Public Health Act 1961 (c.64)

Section 26

Section 36

Section 38

Section 39

Section 41

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.

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 (in so far 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

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 particulars of persons interested in land.

Power of local authorities to execute works outside their area.

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 Lowestoft as a port health district and constitutes Waveney District Council to be 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.

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