

1982 No. 1275

PORT HEALTH AUTHORITIES, ENGLAND AND WALES

The Hartlepool Port Health Authority Order 1982

Made - - - - - 3rd September 1982

Coming into Operation 1st October 1982

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), 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 Hartlepool Port Health Authority Order 1982 and shall come into operation on 1st October 1982.

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

“the Act” means the Public Health Act 1936;

“the Council” means Hartlepool Borough Council;

“the Port of Tees and Hartlepool” 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.—(1) For the purposes of the Act, that part of the Port of Tees and Hartlepool together with the land described below to which this article applies shall be a port health district and the Council shall be the port health authority for that district.

(a) 1936 c. 49. Section 2 was amended by the Local Government (Miscellaneous Provisions) Act 1982 (c. 30), section 42(1). Section 3 was extended by the Control of Pollution Act 1974 (c. 40), section 108 and Schedule 3, paragraph 6 and amended by the Local Government (Miscellaneous Provisions) Act 1982 (c. 30), sections 42(2) and 47 and Schedule 6, paragraph 1. 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); Local Government (Miscellaneous Provisions) Act 1976 (c. 57) section 27(4).

(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 Tees and Hartlepool within the area bounded:—

- (a) to the north by a line on a true bearing 045° from the point where the boundary of the Borough of Hartlepool meets the coast at Crimdon Beck (reference point NZ4909 3683) to the seaward limit of the said Port;
- (b) to the south by a line
 - (i) starting at the most northerly point of the North Gare Breakwater (reference point NZ5442 2843); thence
 - (ii) continuing to a point where the boundary of the Borough of Hartlepool meets the boundary of the Borough of Langbaugh (reference point NZ5510 2843); and
 - (iii) thence on a true bearing of 045° to the seaward limit of the said Port.

together with such part of the district of the Borough of Hartlepool as is adjacent to or abuts on the waters of the part of the Port of Tees and Hartlepool aforementioned and comprises the whole of any wharf and of the area within the gates of any dock and the buildings thereon respectively.

Jurisdiction

3.—(1) Subject to paragraph (2) of this article the Council shall have jurisdiction as port health authority over all waters and land within the said port health district.

(2) The Council shall not have jurisdiction as port health authority by virtue of paragraph (1) over any part of the Borough of Hartlepool which falls within the jurisdiction of any other port health authority.

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, buildings 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. Article 23 of, and Schedule 1 to, the Hartlepool Order 1967(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.

3rd September 1982.

SCHEDULE

Article 4

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 and 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.

(a) 1952 c. 67.

(b) S.I. 1967/174.

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 Noise.

70(2), (3) and (5) and 71)

Section 76

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

Section 77 (insofar 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 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 Tees and Hartlepool as a port health district and the Council of the Borough of Hartlepool 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 a similar order made under the Public Health Acts and confers upon the port health authority functions under general Acts relating to public health and food.