

1982 No. 1327

PORT HEALTH AUTHORITIES, ENGLAND AND WALES

The King's Lynn Port Health Authority Order 1982

Made - - - - - 16th 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 King's Lynn 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 the Council of the Borough of King's Lynn and West Norfolk;

“the Port of King's Lynn and Wisbech” 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.

(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.

Port Health Authority

2.—(1) For the purposes of the Act, that part of the Port of King's Lynn and Wisbech 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.

(2) This article applies to that part of the Port of King's Lynn and Wisbech bounded:—

- (a) to the east by a line on a true bearing 000° from a point where the boundary of the Borough of King's Lynn and West Norfolk meets the coast at Holkham Bay (reference point TF 8683 4557) to the seaward limit of the Port of King's Lynn and Wisbech, and
- (b) to the west by a line, marking the eastward limit of the Wisbech Port Health District, :—
 - (a) starting at a point at Fleet Haven Outfall (reference point TF 4456 3374); thence
 - (b) to the northernmost seaward point of the common boundary between South Holland District and the Borough of King's Lynn and West Norfolk (reference point TF 4979 3087); thence
 - (c) following the common boundary to a point where it meets the mean high water mark (reference point TF 5287 2622);

together with such part of the district of the Borough of King's Lynn and West Norfolk as is adjacent to or abuts on the waters of the part of the Port of King's Lynn and Wisbech 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. The Council shall have jurisdiction as port health authority over all waters and land within the said port health district.

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.

(a) 1952 c.67.

Revocations

5. The order of the Local Government Board constituting the King's Lynn Port Health Authority and dated 25th January 1889, together with the amending order of the Minister of Health dated 9th March 1938(a), and insofar as it relates to the King's Lynn Port Health Authority Article 59 of the County of Norfolk Review Order 1935(b) are hereby revoked.

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

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

16th September 1982.

(a) S.R. & O. 1938/372.

(b) S.R. & O. 1935/1341.

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

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 Provision 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.

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)

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

Section 76

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 King's Lynn and Wisbech as a port health district and constitutes the King's Lynn and West Norfolk Borough Council as the port health authority for that district. Articles 3 and 4 relates 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.

Printed in England by Burrup, Mathieson & Co., Ltd., and published by Her Majesty's Stationery Office
880/B920282/CTU O61 C8 9/82

£1.25 net

ISBN 0 11 027327 3