
STATUTORY INSTRUMENTS

1982 No. 1328

PORT HEALTH AUTHORITIES, ENGLAND AND WALES

The Wisbech 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 Wisbech 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 Fenland District Council;

“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;

“South Holland” means the South Holland District Council;

“King’s Lynn and West Norfolk” means the Borough of King’s Lynn and West Norfolk.

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

Specified Riparian Authorities

2. The riparian authorities specified for the purposes of this order are the Council, King’s Lynn and West Norfolk and South Holland.

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- (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.

[H82-1075]

Port Health Authority

3.—(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 to the north and east by a line—

- (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 those waters of the River Nene up to Freedom Bridge (reference point TF 4611 0993) and with such part of the district of the specified riparian authorities 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

4. 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

5.—(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 provisions of the Visiting Forces Act 1952 (a) apply by virtue of section 1 of that Act.

(a) 1952 c.67.

Expenses

6.—(1) South Holland and King's Lynn and West Norfolk shall contribute at the rate specified in paragraph (2) of this article towards any expenses incurred or to be incurred by the Council as port health authority by virtue of the authority conferred upon them by this order.

(2) Subject to paragraph (3), the contributions which South Holland and King's Lynn shall make in accordance with the preceding paragraph shall be, in the case of South Holland, 7% of the total annual expenses incurred, and in the case of King's Lynn and West Norfolk, 4.5% of those expenses, or such other contribution as in the case of South Holland may be agreed by the Council and that authority, or in the case of King's Lynn and West Norfolk, as may be agreed between the Council and that authority, or which may in default of agreement be determined by a single arbitrator agreed upon by the Council and South Holland, or, as the case may be, the Council and King's Lynn and West Norfolk or in default of agreement, nominated by the President for the time being of the Chartered Institute of Public Finance and Accountancy.

(3) No alteration in the contribution which South Holland, or, as the case may be, King's Lynn and West Norfolk make in accordance with the preceding provisions shall be made within 5 years from the coming into operation of this order, or thereafter within 5 years immediately following the last occasion upon which an alteration in the said contribution was made or where the contribution was determined by an arbitrator.

Revocations

7. The order of the Local Government Board constituting the Wisbech Port Health Authority and dated 18th December 1897(a), together with the amending order of the Minister of Health dated 26th February 1938(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. 1897/947.

(b) S.R. & O. 1938/376.

SCHEDULE

Article 5

<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 or 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>	

Control of Pollution Act 1974 (c.40)

Part III (except sections 70(2), (3) and (5), and 71)

Section 76

Section 77 (insofar 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

The Local Government (Miscellaneous Provisions) Act 1976 (c.57)

Section 16

Section 32

Section 41

Noise.

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.

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 King's Lynn and Wisbech as a port health district and constitutes the Fenland District Council as port health authority for that district. Articles 4 and 5 relate to the jurisdiction and powers of the Council as port health authority. Article 6 secures a contribution from the South Holland District Council and King's Lynn and West Norfolk Borough Council to the expenses incurred by the Fenland District 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.