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STATUTORY INSTRUMENTS

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**1991 No. 1773**

**The Swansea Bay Port Health Authority Order 1991**

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Swansea Bay Port Health Authority Order 1991 and shall come into force on 7th August 1991.

(2) In this Order, unless the context otherwise requires –

“the Act” means the Public Health (Control of Disease) Act 1984;

“the Port of Swansea” means the port of that name established for the purposes of the enactments relating to Customs and Excise;

“the Port of Port Talbot” means the port of that name established for the purposes of the enactments relating to Customs and Excise;

“the joint board” means the joint board established by virtue of article 2; and other expressions have the same meanings as in the Act.

(3) The riparian authorities specified for the purposes of this Order are Port Talbot Borough Council, Neath Borough Council, Ogwr Borough Council, Swansea City Council and Vale of Glamorgan Borough Council.

(4) In this Order, unless the context otherwise requires, any reference to an article or to a Schedule shall be construed as a reference to an article contained in this Order, or to a Schedule hereto.

**Port Health Authority**

2.—(1) Subject to the provisions of paragraphs (2) and (3) of this article, for the purposes of the Act, those parts of the Port of Swansea and the Port of Port Talbot which are situated within the area bounded by –

(a) an imaginary straight line drawn from Mumbles Point in the Port of Swansea to the south eastern extremity of the Port of Port Talbot at Nash Point at latitude 51° 24'11" north, longitude 03° 33'39" west; and

(b) the mean high water line along the coast between the points described in (a) above together with –

(i) docks and harbours, including the approaches thereto; and the whole of any wharf and the area within the gates or curtilage of any dock and the buildings or part of any building thereon used in connection with maritime trade or business; and

(ii) as far as the tide flows, all rivers, canals, bays, creeks, streams, channels, waters and watercourses;

shall be a port health district and a joint board shall be the port health authority for that district.

(2) There shall be excluded from the port health district –

(a) all land in the Port of Swansea lying –

(i) to the north of an imaginary line drawn from the junction of Kings Road and Langdon Road along the northern side of the Prince of Wales Dock to its intersection with an

un-named road leading from Fabians Way and then due south to the Kings Dock and then the east along the northern side of the Kings Dock;

- (ii) to the north of an imaginary line drawn from the north east corner of the Kings Dock in an east-south-easterly direction to its intersection with an un-named road leading to Fabians Way and thence eastwards along the southern boundary of that road to its junction with Fabians Way;
- (iii) to the west of an imaginary line drawn from the junction of Kings Road and Langdon Road along the south-western side of the Prince of Wales Dock and then south to a point on the east bank of the River Tawe at grid reference SS6655 9265;
- (iv) to the west of the River Tawe and north of an imaginary line drawn from the east bank of the river at grid reference SS6655 9265 to the west bank of the river at grid reference SS6643 9256;

and

- (b) all waters of the River Tawe (whether tidal or otherwise) including all rivers, canals, creeks, streams, channels, watercourses, docks, harbours and marinas entering or connected to the River Tawe and north of an imaginary line drawn from the east bank of the river at grid reference SS6655 9265 to the west bank of the river at grid reference SS6643 9256.

(3) The joint board shall be called the Swansea Bay Port Health Authority and shall consist of 19 members of whom 10 shall be appointed by Swansea City Council, 3 by Neath Borough Council, 3 by Port Talbot Borough Council, 2 by Ogwr Borough Council and 1 by Vale of Glamorgan Borough Council from members of their respective Councils.

### **Appointment of Members of the Joint Board**

3.—(1) The specified riparian authorities shall appoint members to the joint board at meetings to be held in May each year.

(2) Any vacancy occurring amongst members of the joint board shall be filled by the specified riparian authority in whose representation the vacancy occurred at a meeting to be held as soon as reasonably possible after such occurrence.

(3) Not less than three days before a meeting of a specified riparian authority at which it is proposed to elect a member of the joint board, the proper officer of that authority shall give notice of the meeting and of the proposed appointment to every member of that authority.

(4) The proper officer of a specified riparian authority shall forthwith notify in writing to the proper officer of the joint board the name and address of any person appointed by his authority to be a member of the joint board.

(5) A person appointed to the joint board shall cease to be a member of the joint board if he ceases to be a member of the Council of the specified riparian authority by which he was appointed.

### **Retirement of Members**

4.—(1) All members of the joint board shall retire from office on 31st May each year, and the newly appointed members shall come into office on 1st June each year.

(2) A retiring member of the joint board may be re-appointed to the board for a further term of office if at the time of his re-appointment he is otherwise qualified to be appointed.

### **Chairman of the Joint Board**

5.—(1) The chairman of the joint board shall be elected annually by the members of the board from amongst the members.

(2) The election of the chairman shall be the first business transacted at the annual meeting of the joint board.

(3) In the case of equality of votes the chairman shall be elected by the drawing of lots.

(4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

(5) During his term of office the chairman shall continue to be a member of the joint board.

### **Provisions of the Local Government Act 1972 applicable to the members and proceedings of the Joint Board.**

6. The provisions of Schedule 1 shall have effect for the purposes of the members and proceedings of the joint board.

### **Jurisdiction**

7. The joint board shall have jurisdiction as port health authority over all waters and land within the port health district.

### **Functions assigned to Joint Board**

8.—(1) There are hereby assigned to the joint board as port health authority, the functions, rights and liabilities of a local authority under the enactments specified in Schedules 1 and 2 so far as they are applicable to a port health authority and to any lands, waters, premises, vessel, houseboat or persons within their jurisdiction, provided that in the application of the provisions of the Local Government Act 1972(1) as set out in Schedule 1 –

- (a) the provisions of section 97 of that Act shall be exercisable only by the Secretary of State; and
- (b) the provisions of Parts I and VI of Schedule 12 to that Act shall apply as if the joint board were a district council.

(2) For the purposes of the functions, rights and liabilities assigned to the joint board by virtue of this Order, the enactments specified in Schedule 2 shall have effect as if–

- (a) any vessel or houseboat lying within their jurisdiction were a house, building or premises; and
- (b) the master or other officer or person in charge of the vessel or houseboat 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(2) apply by virtue of section 1 of that Act.

### **Audit**

9. All accounts of the joint board or of any committee of the board shall be audited in accordance with the provisions of Part III of the Local Government Finance Act 1982(3).

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(1) 1972 c. 70.  
(2) 1952 c. 67.  
(3) 1982 c. 32.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## **Revocations**

**10.** The Order of the Local Government Board establishing the Swansea Port Health Authority dated 4th May 1898 and entitled “The Swansea Port Order 1898”, together with the amending orders of the Local Government Board dated 14th May 1918, article XXXIV of the Swansea (Extension) Order 1918, article 34 of the Port Talbot (Extension) Order 1921, article 33 of the Neath (Extension) Order 1921, and the Order of the Minister of Health dated 25th March 1938 (insofar as it applies to the Swansea Port Health Authority so established as aforesaid) are hereby revoked and the provisions of the Port Health Authorities (Wales) Order 1974<sup>(4)</sup> shall cease to have effect in relation to the joint board.

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<sup>(4)</sup> S.I.1974/219.