

2010 No. 1216

PORT HEALTH AUTHORITIES, ENGLAND

The Cowes Port Health Authority Order 2010

Made - - - - *1st April 2010*

Coming into force - - *6th April 2010*

The Secretary of State for Health, in exercise of powers conferred by sections 2, 3 and 4 of the Public Health (Control of Disease) Act 1984^(a) makes the following Order.

The Secretary of State has given the notices required by sections 2 and 4 of that Act and has not received any notice of objection.

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Cowes Port Health Authority Order 2010 and shall come into force on 6th April 2010.

(2) This Order applies in relation to England.

(3) In this Order—

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

“approaches” means seaward approaches and land approaches lying within the curtilage of a dock, harbour or marina;

“the Council” means the Isle of Wight Council;

“the Port of Cowes” means the port of that name established for the purposes of the enactments relating to customs and excise.

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

The Port Health Authority

2.—(1) For the purposes of the Act the parts of the Port of Cowes and the land and water 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 the parts of the Port of Cowes and the land and water which lies within the area bounded—

(a) by a line—

(i) from Ordnance Survey reference point SZ462943 (the western boundary of the Medina Borough Council at low water mark) north-north-east to Ordnance Survey reference point SZ464957 (Gurnard Ledge Buoy), then

(ii) north-east to Ordnance Survey reference point SZ485970 (Gurnard Buoy), then

(a) 1984 c.22. Section 3 was amended by the Food Safety Act 1990 (c.16), section 59(1) and Schedule 3, paragraph 26.

- (iii) east-north-east to Ordnance Survey reference point SZ500974 (Prince Consort Buoy) then,
- (iv) south-east to Ordnance Survey SZ594937 (the northerly point of the pier at Ryde), then
- (v) east to Ordnance Survey reference point SZ641938 (No Man's Land Fort), then
- (vi) south-south-east to Ordnance Survey reference point SZ648897 (St Helen's Fort), then
- (vii) south-west to Ordnance Survey reference point SZ638888 (the eastern end of the groyne on the west side of the entrance to Bembridge Harbour);
- (b) by the mean high water line along the coast between Ordnance Survey reference point SZ638888 (the eastern end of the groyne on the west side of the entrance to Bembridge Harbour) and Ordnance Survey reference point SZ462943 (the western boundary of the Medina Borough Council at low water mark), together with—
 - (aa) all docks, harbours and marinas, including the approaches to them; and
 - (bb) as far as the tide flows, all river, canals, bays, creeks, streams, channels, waters and watercourses,

giving on to the area specified in this article.

Jurisdiction

3. The Council shall have jurisdiction as port health authority over all waters and land within the port health district.

Functions assigned to port health authority

4.—(1) There are 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, as far as they are applicable to a port health authority, and to any land, waters, premises, vessels or persons within its 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 the port health district 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.—(1) The Cowes Port Health Authority Order 1990^(b) is revoked.

Signed by authority of the Secretary of State for Health

1st April 2010

Jonathan Stopes-Roe
A member of the Senior Civil Service
Department of Health

(a) 1952 c.67.
(b) S.I. 1990/81.

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 to 86 | Filthy or verminous premises or articles and verminous persons |
| Sections 140 and 141 | Provisions for the protection of the public from polluted water |
| Part 12 | General |

Prevention of Damage by Pests Act 1949 (c.55)

| | |
|-----------|-----------------------------------|
| Section 4 | Treatment for rats and mice |
| Section 6 | Remediation in groups of premises |

Public Health Act 1961 (c.64)

| | |
|------------|---------------------------------------------------------|
| Section 36 | Power to require vacation of premises during fumigation |
|------------|---------------------------------------------------------|

Local Government Act 1972 (c.70)

| | |
|---------------------------------------|-------------------|
| Sections 120, 121, 123 and 128 to 131 | Land transactions |
| Section 135 | Contracts |
| Sections 222 to 223 | Legal proceedings |

Slaughterhouses Act 1974 (c.3)

| | |
|--------|-------------------------------------|
| Part 1 | Slaughterhouses and knackers' yards |
|--------|-------------------------------------|

Control of Pollution Act 1974 (c.40)

| | |
|----------------------------------------------------|--------------------------------------------|
| Part 3 (except sections 70(2), (3) and (5) and 71) | Noises |
| Sections 91 and 92 | Rights of entry and inspection, etc. |
| Section 93 | Power of authorities to obtain information |
| Section 94 | Prohibition of disclosure of information |
| Section 97 | Default powers |
| Section 98 | Interpretation |
| Part 6 | 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 27 | Power to repair drains and to remedy stopped up drains |
| Section 29 | Protection of buildings |
| Section 32 | Power of local authorities to execute works |

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|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| | outside their area |
| Section 41 | Evidence of resolutions and minutes of proceedings, etc. |
| The Public Health (Control of Disease) Act 1984 (c.22) | |
| Section 45M and all functions conferred under the Health Protection (Part 2A Orders) Regulations 2010(a) | Local authority power to apply to a justice of the peace for an order to protect human health from risk of infection or contamination |
| Section 48 | Removal of body to mortuary or for immediate burial |
| Building Act 1984 (c.55) | |
| Section 76 | Defective premises |
| Food Safety Act 1990 (c.16) | |
| Environmental Protection Act 1990 (c.43) | |
| Part 3 | Statutory nuisances and clean air |
| Water Industry Act 1991 (c.56) | |
| Sections 77 to 79 | Local authority functions |
| Clean Air Act 1993 (c.11) | |
| Health Protection (Local Authority Powers) Regulations 2010(b) | |
| Regulation 2 | Requirement to keep a child away from school |
| Regulation 3 | Requirement to provide details of children attending school |
| Regulation 4 | Disinfection or decontamination of things on request of owner |
| Regulation 5 | Disinfection or decontamination of things on request of person with custody or control |
| Regulation 6 | Disinfection or decontamination of premises on request of owner of premises |
| Regulation 7 | Disinfection or decontamination of premises on request of tenant |
| Regulation 8 | Requests for cooperation for health protection purposes |
| Regulation 9 | Restriction of contact with dead bodies |
| Regulation 10 | Restriction of access to dead bodies |
| Regulation 11 | Relocation of dead bodies |

(a) S.I. 2010/658.
(b) S.I. 2010/657.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order constitutes part of the Port of Cowes as the Cowes Port Health District and constitutes the Isle of Wight Council to be the port health authority for that area. Articles 3 and 4 and the Schedule relate to the jurisdiction and powers of the Council as port health authority. The Order confers upon the port health authority functions under general Acts relating to public health, food and control of pollution. The Order revokes the Cowes Port Health Authority Order 1990.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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STATUTORY INSTRUMENTS

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