STATUTORY INSTRUMENTS

1980 No. 1469

PORT HEALTH AUTHORITIES, ENGLAND AND WALES

The Colchester Port Health Authority Order 1980

Made - - - - 1*st October* 1980

Coming into Operation 1*st December* 1980

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), as extended by section 108 of and paragraph 6 of Schedule 3 to the Control of Pollution Act 1974(b), and now vested in him (c), 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 Colchester Port Health Authority Order 1980 and shall come into operation on 1st December 1980.

(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 Colchester;

"the Port of Colchester" 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.

Specified Riparian Authorities

2. The riparian authorities specified for the purposes of this order are the Council and Tendring District Council.

Port Health Authority

3.—(1) For the purposes of the Act, that part of the Port of Colchester 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, subject to paragraph (3), to that part of the Port of Colchester which lies to the north of

(a) the boundary between the Borough of Colchester and the Borough of Maldon;

(a) 1936 c. 49. (b) 1974 c. 40.
(c) *See* The Secretary of State for Social Services Order 1968 (S.I. 1968/1699) Art. 2.

(*b*) a line starting at a point where the boundary of the Borough of Colchester meets the sea at reference point TM0055 1140 and continuing eastwards to a point at reference point TM1035 1140, thence continuing north to Colne Point (reference point TM1035 1227).

(3) This article shall not apply to any part of the Port of Colchester which is adjacent to or abuts on the coast of Tendring District east of the aforesaid Colne Point.

Jurisdiction

4. The Council shall have jurisdiction as port health authority over all waters within the port health district and also over such parts of the districts of the specified riparian authorities as

(i) are adjacent to or abut on the aforesaid waters, and

(ii) comprise the whole of any wharf and of the area within the gates of any dock and the buildings thereon respectively.

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

Expenses

6.—(1) The specified riparian authorities shall contribute towards any expenses incurred or to be incurred by the port health authority by virtue of the authority conferred upon them by this order in proportion to the rateable value of the property in those parishes within the area of the specified riparian authorities which abut on or are adjacent to the port health district.

(2) The rateable value of the property shall be ascertained according to the valuation list for the time being in force.

Revocations

7. The order of the Local Government Board constituting the Colchester Port Health Authority and dated 6 August 1888 together with the amending orders of the Local Government Board dated 11th October 1900(**b**) and 15th May 1902(**c**) and of the Minister of Health dated 25th February 1938(**d**), are hereby revoked.

(**a**) 1952 c. 67. (**b**) S.R. & O. 1900/791. (**c**) S.R. & O. 1902/410.
(**d**) S.R. & O. 1938/354.

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

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

1st October 1980.

SCHEDULE Article 5

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.
Clean Air Act 1968 (c. 62) *The Public Health (Recurring Nuisances) Act 1969* (c. 25) *Slaughterhouses Act 1974* (c. 3)	
Part I	Slaughterhouses and Knackers' Yards.
Control of Pollution Act 1974 (c. 40)	
Part III (except sections 70(2), (3) and (5) and 71)	Noise.

Section 76	Regulations about sulphur content of oil fuel for furnaces or engines.
Section 77 (in so far 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 Colchester as a port health district and the Council of the Borough of Colchester as port health authority for that district. Articles 4 and 5 relate to the jurisdiction and powers of the Council as port health authority, and Article 6 provides for the expenses incurred by the port health authority to be met by the Council of the Borough of Colchester and Tendring District Council. 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.

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