STATUTORY INSTRUMENTS

# 1965 No. 617

# LONDON GOVERNMENT

## The London Port Health Authority Order 1965

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| *Made* - - - - | *24th March* 1965 |
| *Coming into Operation* | 1*st April* 1965 |

The Minister of Health, in exercise of his powers under section 41(1) of the London Government Act 1963(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

*Citation, Commencement and Interpretation*

**1.**—(1) This order may be cited as the London Port Health Authority Order 1965 and shall come into operation on 1st April 1965.

(2) In this order, unless the context otherwise requires—

"the Act" means the London Government Act 1963;

"the Common Council" means the Common Council of the City of London;

"the Port" means the Port of London established for the purpose of the enactments relating to customs or excise;

"riparian authority" means a riparian authority within the meaning of Part I of the Public Health Act 1936(b), as amended by section 41(3) of the Act; and

"schedule" means a schedule to this order.

(3) In this order, unless the context otherwise requires, references to any enactment or instrument shall be construed as references to that enactment or instrument as amended, extended or applied by any other enactment or instrument.

(4) The Interpretation Act 1889(c) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

*Jurisdiction*

**2.** The Common Council shall have jurisdiction as port health authority:—

(*a*) as respects the functions, rights and liabilities of a local authority under the enactments mentioned in Part I of schedule 1, over all waters within the Port and over such part of the district of any riparian authority as comprises the whole of any wharf and of the area within the gates of any dock and the buildings thereon respectively, forming part of or abutting upon the Port, and

(*b*) as respects any other functions, rights and liabilities assigned to them, within the Port.

(a) 1963 c. 33.
(b) 26 Geo. 5 & 1 Edw. 8. c. 49.
(c) 52 & 53 Vict. c. 63.

*Functions assigned to the Port Health Authority*

**3.**—(1) There are hereby assigned to the Common Council as port health authority the functions, rights and liabilities of a local authority under the enactments mentioned in schedule 1, so far as the same are applicable to a port health authority and to any land, waters, premises, vessels or persons within their jurisdiction, and the Common Council shall have and discharge those functions, rights and liabilities—

(*a*) as respects the enactments mentioned in Part I of schedule 1, in the area described in article 2(a) of this order, and

(*b*) as respects the enactments mentioned in Part II of schedule 1, within the Port.

(2) For the purposes of the functions, rights and liabilities assigned to the Common Council by this order, the enactments mentioned in schedule 1 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 under command or charge of an officer holding Her Majesty's commission or to any vessel belonging to a foreign government.

*Revocation*

**4.** The orders mentioned in schedule 2 are hereby revoked.

## SCHEDULE 1 Article 3

*Functions Assigned to the Common Council as Port Health Authority*

*Part I*

*The Public Health Act* 1936 (26 Geo. 5 & 1 Edw. 8. c. 49)

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| Section 48 | Examination of drains, etc. |
| Sections 51 and 52 | Care of closets and sanitary conveniences. |
| Section 79 | Power to require removal of noxious matter. |
| Section 81 | Byelaws for the prevention of certain nuisances. |
| Section 82 | Byelaws as to removal of offensive matter or liquid. |
| Sections 83 to 86 | Cleansing of filthy or verminous premises, etc. |
| Sections 91 to 100 | Nuisances. |
| Sections 107 to 110 | Offensive trades. |
| Sections 137 and 138 | Provision of water supplies to houses. |
| Sections 140 and 141 | Protection of public from polluted water. |
| Part V | Prevention, notification and treatment of disease. |
| Section 260 | Cleansing of ponds, ditches, etc. |
| Sections 268 and 269 | Tents, vans, sheds, etc. |
| Part XII | General. |

*The Clean Air Act* 1956 (4 & 5 Eliz.2. c. 52)

*The Noise Abatement Act* 1960 (8 & 9 Eliz.2. c. 68)

*The Public Health Act* 1961 (9 & 10 Eliz.2. c. 64)

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| Section 16 | Examination of drains. |
| Section 26 | Defective premises. |
| Section 38 | Power of justice to order a medical examination. |
| Section 39 | Information to be furnished in case of notifiable disease or food poisoning. |
| Section 41 | Compensation for stopping employment to prevent spread of disease. |

*The London Government Act* 1963 (1963 c. 33)

Schedule 11, Part II, paragraphs 1, 6, 7 and 8.

*Part II*

*The Food and Drugs Act* 1955 (4 & 5 Eliz.2. c. 16)

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| Section 15 | Byelaws as to handling and sale of food. |
| Sections 16, 18, 19 and 20 | Registration of premises in connection with the sale of food. |
| Section 26 | Notification of cases of food poisoning. |
| Section 27 | Inspection and control of infected food. |
| Section 87(2) (so far as it relates to the enforcement of section 8) | Enforcement of provisions relating to sale of unsound food. |

**Article 4** **SCHEDULE 2**

| Column 1<br>Orders revoked | Column 2<br>References |
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| Order of the Local Government Board dated 25th March 1892. | S.R. & O. 1892 (Rev. XII, p. 770: 1892, p. 591). |
| Order of the Local Government Board dated 29th December 1894. | S.R. & O. 1894 (Rev. XII, p. 771). |
| Order of the Local Government Board dated 30th June 1898. | S.R. & O. 1898/500 (Rev. XII, p. 773). |
| The London Port Sanitary Authority (Additional Powers) Order 1922. | S.R. & O. 1922/781 (Rev. XII, p. 774: 1922, p. 516). |
| The London Port Sanitary Authority (Additional Powers) Order 1923. | S.R. & O. 1923/812 (Rev. XII, p. 775: 1923, p. 444). |
| The Port of London (Assignment of Powers) Order 1933. | S.R. & O. 1933/803 (Rev. XII, p. 775: 1933, p. 1109). |

Given under the official seal of the Minister of Health on 24th March 1965.

(L.S.)

*Kenneth Robinson,*
Minister of Health.

## EXPLANATORY NOTE

*(This Note is not part of the order, but is intended to indicate its general purport.)*

This order relates to the jurisdiction and powers of the Common Council of the City of London as port health authority for the Port of London. The order replaces similar orders made under the Public Health (London) Acts and confers on the port health authority certain local authority functions under general Acts relating to public health and food and drugs.