STATUTORY INSTRUMENTS

2024 No. 1161

PORT HEALTH AUTHORITIES, ENGLAND

The London Port Health Authority Order 2024

Made - - - -	*6th November 2024*
Coming into force - -	*7th November 2024*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 4(1) and 7(1)(b), (2), (3) and (5) of the Public Health (Control of Disease) Act 1984(**a**).

The Secretary of State has given notice as required by section 4(2) of the Public Health (Control of Disease) Act 1984(**b**) and has not received any notice of objection.

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the London Port Health Authority Order 2024 and comes into force on the day after the day on which it is made.

(2) This Order applies to England.

(3) In this Order—

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

"houseboat" has the meaning given by section 6(2) of the City of London (Various Powers) Act 1933(**c**), as if "London" were inserted before "port health district";

"the relevant riparian authorities" means Maldon District Council, Rochford District Council, Swale Borough Council and Medway Council.

Extent of the London port health district

2.—(1) Subject to paragraph (2), the parts of the relevant riparian authorities described for the purposes of section 7(1)(b) of the Act(**d**) (port health district and authority for Port of London) are—

(a) so much of the river Crouch as falls within the area of Rochford District Council;

(**a**) 1984 c. 22. There are amendments to this Act but none are relevant.
(**b**) If a port health authority order is to be revoked, under section 4(2) of the Act, the Secretary of State must give notice to the port health authority concerned and every authority which is, or under the proposed order will be, a constituent authority.
(**c**) 1933 c. xxiii.
(**d**) Section 7(1) of the Act provides that the Port of London (see section 6 of the Act), together with so much of the district or districts of one or more riparian authorities as may be specified in an Order, shall be the London port health district.

(b) the Swale, at the mean high-water mark, from where it gives into the river Medway to a line drawn from latitude 51°22'40" north - longitude 0°45'51" east to latitude 51°22'42" east - longitude 0°46'19" east;

(c) the river Medway, at the mean high-water mark, except not upstream beyond a line drawn from Stangate Creek (latitude 0°41'52" east - longitude 51°25'11" north), then north-west to Coalmouth Creek (latitude 0°40'32" east - longitude 51°26'0" north);

(d) a wharf, dock, jetty or similar structure, abutting or projecting into the Port of London or the areas referred to in sub-paragraphs (a) to (c), including any structure or building on an area within the gates of any such wharf, dock, jetty or similar structure;

(e) a security restricted area designated under section 11A of the Aviation Security Act 1982(**a**) within the Port of London or the areas referred to in sub-paragraphs (a) to (c); and

(f) as far as the tide flows, all rivers, canals, bays, creeks, streams, channels, waters, and watercourses, giving onto the Port of London and the areas specified in sub-paragraphs (a) to (c).

(2) The area described in paragraph (1) for the purposes of section 7(1)(b) of the Act does not include—

(a) the river Crouch from the limits of Rochford District Council to the northern bank;

(b) the Swale beyond the line described in sub-paragraph (b); and

(c) the river Medway upstream beyond the line described in sub-paragraph (c).

Jurisdiction

3. The London port health authority has jurisdiction over all the waters and land within the London port health district.

Functions assigned to the London port health authority

4.—(1) The functions, rights and liabilities of a local authority and food authority under the enactments specified in the Schedule are assigned to the London port health authority in so 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 London port health authority by this Order—

(a) the enactments specified in the Schedule have effect as if—

(i) any vessel lying within the jurisdiction of the London port health authority is a house, building or premises; and

(ii) the master or other officer or person in charge of the vessel is the occupier; and

(b) section 268(4) of the Public Health Act 1936(**b**) has effect as if a houseboat is a tent, van, shed or similar structure.

(3) This article does not apply to—

(a) any vessel belonging to His Majesty;

(b) any vessel engaged in the service of His Majesty, whether belonging to His Majesty or not; or

(**a**) 1982 c. 36. Section 11A was inserted by the Aviation and Maritime Security Act 1990 (c. 31), Schedule 1, paragraph 3 and amended by the Civil Aviation Act 2012 (c. 19), Schedule 11, paragraphs 4 and 8 and S.I. 2010/902.

(**b**) 1936 c. 49. Section 268(4) was amended by the Public Health (Control of Disease) Act 1984 (c. 22), section 78 and Schedule 3.

(c) 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(**b**) of that Act (countries to which Act applies).

Revocation and transitional provision

5.—(1) The London Port Health Authority Order 1965(**c**), the London Port Health Authority (Amendment) Order 1980(**d**), the London Port Health Authority (Functions) Order 1990(**e**) and the London Port Health Authority (Functions) Order 1991(**f**) are revoked.

(2) Any function, right or liability assigned to or conferred on the Common Council of the City of London as port health authority (however then constituted) by any enactment before the coming into force of this Order (other than an enactment referred to in paragraph (1)) continues to be exercisable by the London port health authority in respect of the London port health district as constituted by this Order.

Signed on behalf of the Secretary of State for Health and Social Care

Morwenna Carrington
Member of the Senior Civil Service
Department of Health and Social Care

6th November 2024

(**a**) 1952 c. 67.
(**b**) Section 1 was amended by the Ghana Independence Act 1957 (c. 6), section 4(4) and Schedule 2, paragraph 6; the Federation of Malaya Independence Act 1957 (c. 60), section 2(1) and Schedule 1, paragraph 4; the Cyprus Act 1960 (c. 52), section 3(2) and the Schedule; the Nigeria Independence Act 1960 (c. 55), section 3(4) and Schedule 2; the Sierra Leone Independence Act 1961 (c. 16), section 3(3), Schedule 3; the Tanganyika Independence Act 1961 (c. 1), section 3(4), Schedule 2; the South Africa Act 1962 (c. 23), section 2(3), Schedule 5; the Jamaica Independence Act 1962 (c. 40), section 3(5) and Schedule 2; the Trinidad and Tobago Independence Act 1962 (c. 54), section 3(4) and Schedule 2; the Uganda Independence Act 1962 (c. 57), section 3(4), Schedule 3; the Kenya Independence Act 1963 (c. 54), section 4(4), Schedule 2; the Zanzibar Act 1963 (c. 55), Schedule 1, paragraph 7; the Malawi Independence Act 1964 (c. 46), section 4(4) and Schedule 2, paragraph 6; the Zambia Independence Act 1964 (c. 65), Schedule 1, paragraph 7; the Botswana Independence Act 1966 (c. 23), Schedule 1, paragraph 7; the Lesotho Independence Act 1966 (c. 24), Schedule 1, paragraph 7; the Singapore Act 1966 (c. 29), Schedule 1, paragraph 4; the Swaziland Independence Act 1968 (c. 56), Schedule 1, paragraph 7; the Tonga Act 1970 (c. 22), Schedule 1, paragraph 6; the Papua New Guinea, Western Samoa and Nauru (Miscellaneous Provisions) Act 1980 (c. 2), Schedule, paragraph 9; the New Hebrides Act 1980 (c. 16), Schedule 1, paragraph 4; the Bangladesh Act 1973 (c. 49), Schedule 1, paragraph 2; the Brunei and Maldives Act 1985 (c. 3), Schedule, paragraph 6; the Pakistan Act 1990 (c. 14), Schedule, paragraph 5; the Namibia Act 1991 (c. 4), Schedule, paragraph 4; the South Africa Act 1995 (c. 3), Schedule 1, paragraph 5(1); the Commonwealth Act 2002 (c. 39), Schedule 2, paragraph 3(1); S.I. 1978/1030, 1978/1899, 1979/917, 1980/701, 1981/1105 and 1983/882. There are other amending enactments, but none are relevant.
(**c**) S.I. 1965/617.
(**d**) S.I. 1980/215.
(**e**) S.I. 1990/2658.
(**f**) S.I. 1991/896.

SCHEDULE

Article 4

Functions etc assigned to the Port Health Authority

Public Health Act 1936(a)	
Section 1(1) (insofar as it relates to sections 45, 49-52, 83 and 264)	Duty to enforce the Act
Section 45	Buildings with defective closets capable of repair
Section 48	Power to examine and test drains etc
Section 49	Rooms over closets of certain types etc
Section 50	Overflowing and leaking cesspools
Section 51	Care of Closets
Section 52	Care of sanitary conveniences used in common
Section 79	Power to require removal of noxious matter by occupier of premises in urban district
Section 81	Byelaws for the prevention of certain nuisances
Section 82	Byelaws as to the removal through streets of offensive matter or liquid
Sections 83-86	Filthy or verminous premises or articles, verminous persons, and provision of cleansing stations
Section 140	Power to close, or restrict use of water from, polluted water supply
Section 141	Power to deal with insanitary cisterns etc
Sections 260, 264-265	Provisions relating to watercourses, ponds, ditches and culverts
Section 268(4)	Nuisances arising from, and byelaws and other matters relating to, tents, vans, sheds etc
Section 269	Power to control use of moveable dwellings
Part 12	Miscellaneous provisions (including powers of entry)
Public Health Act 1961(b)	
Section 36	Power to require vacation of premises during fumigation
Section 73	Derelict petrol tanks

(**a**) 1936 c. 49.
(**b**) 1961 c. 64.

Control of Pollution Act 1974(a)	
Part 3	Noise
Part 5	Supplementary provisions (including powers of entry and inspection, obtaining information and default powers)
Part 6	Miscellaneous and General
Public Health (Control of Disease) Act 1984(b)	
Section 45M and all functions conferred under the Health Protection (Part 2A Orders) Regulations 2010(**c**)	Local authority power to apply to a justice of the peace for an order to protect human health from the risk of infection or contamination
Section 46	Duty to arrange for a body to be buried or cremated
Section 48	Removal of bodies to a mortuary or for immediate burial
Building Act 1984(d)	
Section 76	Defective premises
Food Safety Act 1990(e)	Food authority functions
Environmental Protection Act 1990(f)	
Part 1	Pollution control
Part 3	Statutory nuisance and clean air
Water Industry Act 1991	
Section 80	Powers of local authorities in relation to private water supplies
Clean Air Act 1993(g)	
Part 3	Smoke control areas
Environment Act 1995(h)	
Section 108	Powers of enforcing authorities and authorised officers
Section 109	Power to deal with cause of imminent danger of serious pollution
Health Protection (Local Authority Powers) Regulations 2010(i)	Health protection powers

(**a**) 1974 c. 40.
(**b**) 1984 c. 22.
(**c**) S.I. 2010/658.
(**d**) 1984 c. 55.
(**e**) 1990 c. 19.
(**f**) 1990 c. 43.
(**g**) 1993 c. 11.
(**h**) 1995 c. 25.
(**i**) S.I. 2010/657.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the constitution of the London port health district, and its jurisdiction and functions.

Article 2 provides that certain parts of the riparian authorities, together with the Port of London (defined in section 6 of the Public Health (Control of Disease) Act 1984), make up the London port health district.

Articles 3 and 4, together with the Schedule, make provision as to the jurisdiction and the functions that the port health authority is to exercise as regards the London port health district.

Article 5 revokes the previous Orders relating to the London Port Health Authority. It also provides for powers conferred on the Common Council of the City of London as port health authority by other enactments to continue to be exercised by the authority as constituted by this Order.

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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