STATUTORY INSTRUMENTS

1980 No. 1329

PORT HEALTH AUTHORITIES, ENGLAND AND WALES

The Newhaven (Lewes District) Port Health Authority Order 1980

Made - - - - *2nd September* 1980

Coming into Operation *1st October* 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 Newhaven (Lewes District) Port Health Authority Order 1980 and shall come into operation on 1st October 1980.

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

"the Act" means the Public Health Act 1936;

"the Council" means the District Council of Lewes;

"the Port of Newhaven" means the Port of that name as established for the purposes of the enactments relating to customs and excise.

Port Health District

2. For the purposes of the Act, that part of the Port of Newhaven which lies to the west of the point where the boundary between Lewes District and Wealden District meets the coast at Cuckmere Haven (National Grid reference point TV 5178 9744) and extending due south to the seaward limit of territorial waters shall be a port health district.

Port Health Authority

3. The Council shall be the port health authority for the said port health district.

Jurisdiction

4. The Council shall have jurisdiction as port health authority over all waters within the said port health district and also over such part of the District of Lewes as

(*a*) is adjacent to or abuts on the aforesaid waters, and

(*b*) comprises the whole of any wharf and the area within the gates of any dock and of the buildings thereon respectively.

(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.

[H80/798]

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.

Revocations

6. The order of the Local Government Board constituting the Newhaven Port Health Authority and dated 3rd December 1888 together with the amending order of the Minister of Health dated 27th May 1938(b) are hereby revoked.

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

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

2nd September 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 140–141	Provisions for the protection of the public from polluted water.
Part V	Prevention, Notification and Treatment of Disease.
Part XII	General.

(a) 1952 c. 67. (b) S.R. & O. 1938/933.

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)

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 91–92	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 areas.
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 Newhaven as a port health district and constitutes the Council of the District of Lewes to be port health authority for that district. Articles 4 and 5 relate to the jurisdiction and powers of the Council as port health authority. 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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