STATUTORY INSTRUMENTS

1978 No. 383

PORT HEALTH AUTHORITIES, ENGLAND AND WALES

The Poole Harbour Port Health Authority Order 1978

Made - - - - 8*th March* 1978

Coming into Operation 10*th April* 1978

The Secretary of State for Social Services, in exercise of powers conferred by sections 2, 3 and 9(1) 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 section 2 of his proposals 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 Poole Harbour Port Health Authority Order 1978 and shall come into operation on 10th April 1978.

(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 Poole;

"the Port of Poole" means the Port of that name established for the purposes of the enactments relating to customs and excise;

and other expressions have the same meanings as in the Act.

(3) The riparian authorities specified for the purposes of this order are the Council and the District Council of Purbeck.

(4) In this order, unless the context otherwise requires, any reference to an article or a schedule shall be construed as a reference to an article contained in this order, or to a schedule thereto.

(5) Any reference in this order to any provision made by or contained in any enactment or instrument shall, except so far as the context otherwise requires, be construed as a reference to that provision, as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(6) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**d**) shall apply for the purposes of the interpretation of this order as they apply for the purposes of the interpretation of an Act of Parliament.

(**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.
(**d**) 1889 c. 63.

Port Health Authority

2. For the purposes of the Act

(*a*) that part of the Port of Poole which lies to the landward side of a line drawn between grid references SZ 070 900 and SZ 055 825 shall be a port health district and

(*b*) the Council shall be the port health authority for that district.

Jurisdiction

3. The Council shall have jurisdiction as port health authority over all waters within the port health district and also over such part of the district of the specified riparian authorities as comprises 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

4.—(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, 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 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 under command or charge of any officer holding Her Majesty's commission 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

5. 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 the following proportions, namely—

The Council	87½%
The District Council of Purbeck	12½%

Revocations

6. The Orders of the Local Government Board relating to the Poole Port Health Authority and dated respectively 21st September 1887 and 27th February 1909 are hereby revoked.

Signed by the Authority of the Secretary of State for Social Services,

F. B. Hindmarsh,
Under Secretary,
Department of Health and Social Security.

8th March 1978.

(**a**) 1952 c. 67.

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 (c. 16)	
Part I	General Provisions as to Food and Drugs.
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 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.

SCHEDULE—*continued*

Section 93	Power of authorities to obtain information.
Section 94	Prohibition on disclosure of information.
Section 96	Local Inquiries.
Section 97	Default Powers.
Section 98	Interpretation.
Part VI	Miscellaneous and General.

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 resolution and minutes of proceedings, etc.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order constitutes the Port of Poole as a port health district and constitutes the Council of the Borough of Poole as port health authority for that district. Articles 3 and 4 relate to the jurisdiction and powers of the Borough Council as port health authority for the Port of Poole. Provision is also made for a contribution towards the expenses of the port health authority to be made by the District Council of Purbeck. 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 and drugs.

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