STATUTORY INSTRUMENTS

1974 No. 219

LOCAL GOVERNMENT, ENGLAND AND WALES

The Port Health Authorities (Wales) Order 1974

Made - - - *5th February* 1974

* *To be laid before Parliament*

Coming into Operation—

For the purposes of Article 1(1)(*a*) *14th March* 1974

For all other purposes *1st April* 1974

The Secretary of State for Wales, in exercise of the powers conferred upon him by sections 254(1)(*a*), (2)(*b*) and (*c*) and 262(6) of the Local Government Act 1972(**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 Port Health Authorities (Wales) Order 1974 and shall come into operation—

(*a*) for the purposes of taking any action which is necessary to ensure the effective operation of this order as from 1st April 1974, on 14th March 1974; and

(*b*) for all other purposes, on 1st April 1974.

(2) In this order—

"the Act" means the Local Government Act 1972;

"joint boards" means the port health authorities specified in column (2) of Part I of the Schedule hereto being joint boards which will continue to exist on and after 1st April 1974 by virtue of section 263(3)(*b*) of the Act;

"port health orders" means the orders cited in column (1) of Parts I and II of the Schedule hereto being the orders under which the port health authorities respectively specified in column (2) of the said Parts have been constituted.

(3) The Interpretation Act 1889(**b**) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(4) Each of the series of orders mentioned in column (1) of Parts I and II of the Schedule hereto, as modified by the Act and this order, may be cited under the title as shown therein with the substitution of "to 1974" for the word and year last mentioned therein.

(5) In this order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended,

*This instrument was laid before Parliament on 8th March 1974.

(a) 1972 c. 70. **(b)** 1889 c. 63.

extended or applied by or under any other enactment, and in this paragraph "enactment" includes any instrument made under any Act.

Construction of references to "contributory place"

2. In the port health orders, for any reference to a contributory place within an existing rural district there shall be substituted a reference to so much of the district or of each district as comprises the area of the contributory place or any part thereof.

Caernarvon Port Health Authority

3. The District Council of Arfon shall be the port health authority for the port health district constituted for part of the port of Caernarvon by the Caernarvon Port Orders 1889 to 1938 and section 263(3)(*b*) of the Act shall not apply to that district.

Gloucester (Chepstow Division) Port Health Authority

4. The District Council of Monmouth shall be the port health authority for the port health district constituted for part of the port of Gloucester by the Gloucester (Chepstow Division) Port Orders 1887 and 1938 and section 263(3)(*b*) of the Act shall not apply to that district.

Retirement and election of members of joint boards etc.

5.—(1) The members of the joint boards who are in office immediately before 1st April 1974 shall retire on that date.

(2) The new local authorities who will by virtue of the Act become constituent authorities of the joint boards shall elect members of the joint boards before 1st April 1974.

(3) The members elected under paragraph (2) above shall come into office on 1st April 1974 and shall retire in 1975 in accordance with this order.

(4) In the year 1975 and every subsequent year:—

(*a*) the ordinary day of retirement of the members of the joint boards and of the coming into office of the newly elected members shall be 1st June;

(*b*) the ordinary election of members of the joint boards shall take place on or before 31st May.

(5) Article III of the Order of the Local Government Board dated 13th March 1897 (which made provision with respect to the retirement and election of members of the joint board constituting the Beaumaris Port Health Authority) shall cease to have effect and the Port Health Authorities (Election and Retirement of Members) Order 1950(**a**) shall cease to have effect in relation to the other joint boards.

Expenses of port health authorities

6.—(1) Any contribution or any part of a contribution which, by virtue of the Act or this order, becomes payable by the council of a district as from 1st April 1974 shall be special expenses chargeable only on so much of the district as comprises the area or, as the case may be, any part of the area on which such contribution is chargeable immediately before that date.

(**a**) S.I. 1950/1386.

In this paragraph, "contribution" means the expenses or the proportion of the expenses of a port health authority payable under the provisions of any of the port health orders immediately before 1st April 1974 by the council of a county borough or county district.

(2) The provisions of paragraph (1) above shall have effect in relation to any district as if made by a resolution of the council of the district under section 147(3) of the Act, and may be varied or revoked accordingly.

SCHEDULE

Articles 1, 2 and 5

PART I

PORT HEALTH ORDERS CONSTITUTING JOINT BOARDS AS PORT HEALTH AUTHORITIES

(1) Orders	(2) Name of port health authority constituted by or under the orders
Beaumaris Port Health Orders 1889 to 1938	The Beaumaris Port Health Authority
Chester Port Orders 1888 to 1950	The Chester Port Health Authority
Milford Port Orders 1898 to 1954	The Milford Port Health Authority
Swansea Port Orders 1898 to 1938	The Swansea Port Health Authority

PART II

PORT HEALTH ORDERS CONSTITUTING OTHER PORT HEALTH AUTHORITIES

(1) Orders	(2) Name of port health authority constituted by or under the orders
Barry Port Orders 1893 and 1938	The Barry Port Health Authority
Caernarvon Port Orders 1889 to 1938	The Caernarvon Port Health Authority
Cardiff Port Orders 1894 and 1938	The Cardiff Port Health Authority
Gloucester (Chepstow Division) Port Orders 1887 and 1938	The Gloucester (Chepstow Division) Port Health Authority
Newport Port Orders 1883 and 1938	The Newport Port Health Authority

Peter Thomas,
Secretary of State for Wales.

5th February 1974.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which applies to port health districts situated wholly in Wales, and to the Chester port health district and the Gloucester (Chepstow Division) port health district both of which are situated mainly in Wales, supplements as necessary the provisions of sections 262 and 263 of the Local Government Act 1972 in relation to port health authorities by providing for—

(*a*) the conversion of references to "contributory place" (Article 2);

(*b*) the constitution of the new District Council of Arfon as the port health authority for the Caernarvon port health district (Article 3);

(*c*) the constitution of the new District Council of Monmouth as the port health authority for the Chepstow division of the port of Gloucester (Article 4);

(*d*) the membership of joint boards (Article 5);

(*e*) the expenses of port health authorities to be chargeable as special expenses on the areas on which they are at present chargeable (Article 6).

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