

2011 No. 2197

PORT HEALTH AUTHORITIES, ENGLAND

The Heysham Port Health Authority Order 2011

Made - - - - *25th August 2011*

Coming into force - - *26th August 2011*

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

The Secretary of State has given the notices required by sections 2 and 4 of that Act and has not received any notice of objection.

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Heysham Port Health Authority Order 2011 and shall come into force on 26th August 2011.

(2) This Order applies in relation to England.

(3) In this Order—

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

“the Council” means Lancaster City Council; and

“the Port of Heysham” means the port of that name established for the purposes of the enactments for the time being enforced relating to customs or excise.

(4) References in this Order to reference points shall be construed as references to National Grid reference points.

The Port Health District

2.—(1) For the purposes of the Act, the part of the Port of Heysham described in paragraph (2) together with the land and water described in paragraph (3) shall be a port health district.

(2) The part of the Port of Heysham which is described in this paragraph lies within the boundary that—

(a) begins at the point where the Council’s boundary meets the coast near Wrampool Bridge (grid reference SD42375026) and runs from that point to the seaward end of the Council’s boundary in the Lune Channel at grid reference SD36065390;

(b) then runs north of grid reference SD36065390 up to the seaward end to grid reference SD40427544 following the Council’s boundary;

(c) then runs from grid reference SD40427544 in a line drawn to grid reference SD42707462;

(a) 1984 c.22. Section 3 was amended by the Food Safety Act 1990 (c. 16), section 59(1) and Schedule 3, paragraph 26.

- (d) then runs from grid reference SD42707462 in a line drawn to grid reference SD42757609;
 - (e) then runs from grid reference SD42757609 in a line drawn to Cove House at grid reference SD45417570;
 - (f) then runs following the costal line from Cove House at grid reference SD45417570 to Wrampool Bridge (grid reference SD42375026),
- and includes the River Lune as far as the Greyhound Bridge (grid reference SD47626216).

(3) The land and water described in this paragraph are such part of the district of the Council as is adjacent to or abuts on the waters of the part of the Port of Heysham described in paragraph (2) and which comprises the whole of any wharf and of the area within the gates of any dock and the buildings upon it.

Port Health Authority

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

Jurisdiction

4. The Council shall have jurisdiction as port health authority over all waters and land within the port health district.

Functions assigned to Port Health Authority

5.—(1) There are assigned to the Council as port health authority the functions, rights and liabilities of a local authority or a food authority under the enactments specified in the Schedule, as 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 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 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.

Revocation

6. The Lancaster Port Health Authority Order 1980(b) is revoked.

Signed by authority of the Secretary of State for Health.

Jonathan Stopes-Roe
A member of the Senior Civil Service
Department of Health

25th August 2011

(a) 1952 c. 67.
(b) S.I. 1980/609.

SCHEDULE

Article 5

Functions assigned to the Council as Port Health Authority

Public Health Act 1936 (c.49)	
Section 1(1) (insofar as it relates to sections 45, 49-50, 83, 262 and 264)	Duty to enforce the Act
Section 45	Buildings with defective closets
Section 48	Power to examine and test drains
Section 49	Rooms over closets
Section 50	Overflowing and leaking cesspits
Section 81	Byelaws for the prevention of certain nuisances
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
Section 140	Provisions for the protection of the public from polluted water
Sections 260, 262 and 264-265	Provisions relating to watercourses, ditches and culverts
Section 268(4)	Byelaws relating to nuisances arising from tents, vans, boats, etc.
Part 12	Miscellaneous provision (including powers of entry)
Public Health Act 1961 (c.64)	
Section 36	Power to require vacation of premises during fumigation
Section 73	Derelict petrol tanks
Slaughterhouses Act 1974 (c.3)	
Part 1	Slaughterhouses and knackers' yards
Control of Pollution Act 1974 (c.40)	
Part 3	Noise
Part 5	Powers of entry and inspection, obtaining information and default powers
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 resolutions and minutes of proceedings, etc.
Public Health (Control of Disease) Act 1984	

(c.22)	
Section 45M and all functions conferred under the Health Protection (Part 2A Orders) Regulations 2010(a)	Local authority power to apply to a justice of the peace for an order to protect human health from risk of infection or contamination
Section 46	Duty to arrange for a body to be buried or cremated
Section 48	Removal of body to mortuary or for immediate burial
Building Act 1984 (c.55)	
Section 76	Powers to deal with defective premises
Food Safety Act 1990 (c.16)	
Section 6	Enforcement of Act
Part 2	Food safety
Part 3	Administration and enforcement
Water Industry Act 1991 (c.56)	
Part 3	Water supply
Clean Air Act 1993 (c.11)	Air pollution
Noise and Statutory Nuisance Act 1993 (c.40)	Noise pollution (street noise)
The General Food Regulations 2004(b)	
Regulation 3	Competent authorities
Regulations 4-5	Offences and punishments
Regulation 6	Enforcement
Regulation 7	Applications of various provisions of the Act
Animal By-Products Regulations 2005(c)	Animal by-products
The Food Hygiene (England) Regulations 2006(d)	Food hygiene
Private Water Supplies Regulations 2009(e)	Private water supplies
Health Protection (Local Authority Powers) Regulations 2010(f)	Health protection powers

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- (a) S.I. 2010/658.
(b) S.I.2004/3279.
(c) S.I. 2005/2347.
(d) S.I. 2006/14.
(e) S.I. 2009/3101.
(f) S.I. 2010/657.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order constitutes the Port of Heysham as the port health district and Lancaster City Council as port health authority for that district (articles 3 and 4). Article 5 and the Schedule relate to the functions of the Council as port health authority. The Order confers upon the port health authority functions under general Acts relating to public health, food and control of pollution. The Order revokes the Lancaster Port Health Authority Order 1980.

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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STATUTORY INSTRUMENTS

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