



Public Health (Control of Disease) Act 1984

1984 CHAPTER 22

PART I

ADMINISTRATIVE PROVISIONS

General administration

1 Authorities administering Act

- (1) Subject to subsection (4) below, it shall be the duty of each of the following authorities—
 - (a) a district council,
 - (b) a London borough council,
 - (c) the Common Council of the City of London, and
 - (d) the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple,to carry this Act into execution in their district.
- (2) In this Act, except where it is otherwise expressly provided, " local authority " means an authority mentioned in subsection (1) above.
- (3) A local authority having jurisdiction in any part of a port health district (including the London port health district) shall not discharge in relation to it any functions which are functions of the port health authority.
- (4) Subsection (1) above shall have effect subject to the provisions of this Act with respect to—
 - (a) port health authorities,
 - (b) Regional, Area, District or special health authorities, and
 - (c) county councils,

and shall not impose on any authority specified in that subsection a duty to discharge, in relation to a united district constituted under section 6 of the Public Health Act 1936, any function which is a function of the joint board for that district.

Port health districts and authorities

2 Port health districts and authorities

- (1) In this Act, " port " means—
 - (a) a port as appointed for the purposes of the enactments for the time being in force relating to customs or excise other than the Port of London, or
 - (b) the Port of London.
- (2) In this Act, subject to section 8(2) below, " riparian authority ", in relation to a port or part of a port, means—
 - (a) any local authority whose district, or any part of whose district, forms part of, or abuts on, that port or part of a port, and
 - (b) any conservators, commissioners or other persons having authority in, over- or within that port or part of a port.
- (3) Subject to the provisions of this section, the Secretary of State may by order made by statutory instrument constitute a port health district either—
 - (a) consisting of any area, being a port or part of a port other than the Port of London, or of two or more such areas, or
 - (b) consisting of such an area, or of two or more such areas, together with so much (being either the v/hole or any part or parts) of the district or districts of one or more riparian authorities as (not being comprised in that area or any of those areas, as the case may be) is specified in the order.
- (4) An order under this section constituting a port health district may either—
 - (a) constitute one riparian authority the port health authority for the district, or
 - (b) constitute a joint board, consisting of representatives of two or more riparian authorities, to be the port health authority for the district.
- (5) A joint board so constituted a port health authority shall be a body corporate by such name as may be determined by the order constituting the port health district.
- (6) Where the Secretary of State proposes to make an order under this section, he shall give notice of the proposal to every riparian authority who will under the order be liable to contribute to the expenses of the port health authority.
- (7) If, within 28 days after notice has been given to any such riparian authority under subsection (6) above, they give notice to the Secretary of State that they object to the proposal and the objection is not withdrawn, any order made by the Secretary of State which will impose any such liability on that authority shall be subject to special parliamentary procedure.
- (8) All expenses of, and incidental to, the constitution of a port health district shall be payable by the port health authority.
- (9) So far as those expenses are expenses incurred by the Secretary of State, their amount as certified by him shall be recoverable by him from the authority as a debt due to the Crown.

3 Jurisdiction and powers of port health authority

- (1) An order under section 2 above constituting a port health district—
 - (a) shall confer on the port health authority jurisdiction over all waters and land within the port health district, and
 - (b) may assign to the port health authority any of the functions, rights and liabilities of a local authority under any enactment relating to public health, waste disposal or the control of pollution, whether passed before or after, and whether or not contained in, this Act.
- (2) Any such order may also assign to the port health authority any of the functions, rights and liabilities—
 - (a) of a local authority or food and drugs authority under the Food and Drugs Act 1955,
 - (b) of a local authority under Part I of the Slaughterhouses Act 1974, or
 - (c) of a local authority under any of the following provisions of the Local Government (Miscellaneous Provisions) Act 1976—
 - (i) section 16 (power of local authorities to obtain particulars of persons interested in land),
 - (ii) section 32 (power of local authorities to execute works outside their areas),
 - (iii) section 41 (evidence of resolutions and minutes of proceedings etc.).
- (3) Section 241 of the Local Government Act 1972 (which enables any of the provisions of that Act to be applied to a joint board of which the constituent members are local authorities) shall apply in relation to a port health authority constituted under section 2 above, notwithstanding that it may consist of a single local authority or may be a joint board of which not all the constituent members are local authorities.

4 General provisions as to orders constituting port health districts and authorities

- (1) An order under section 2 above may contain such incidental, consequential and supplementary provisions as appear to the Secretary of State to be necessary or proper for bringing it into operation and giving it full effect, and in particular, but without prejudice to the generality of this subsection, provisions—
 - (a) for the settlement of any differences arising in consequence of the operation of the order between districts or other areas,
 - (b) for the transfer of property and liabilities, and the making of any such adjustment of accounts or apportionment of liabilities between districts or other areas as may be rendered necessary by the operation of the order, and
 - (c) as to the persons by or to whom any money found to be due is to be paid, and the raising of such money.
- (2) Where the Secretary of State proposes to make an order amending or revoking any such order, he shall give notice of his intention to the port health authority concerned and to every authority which is, or under the proposed order will be, a constituent authority.
- (3) If, within 28 days after notice has been given to any such authority, they give notice to the Secretary of State that they object to the proposal and the objection is not withdrawn, any order made by the Secretary of State shall be subject to special parliamentary procedure.

Status: This is the original version (as it was originally enacted).

- (4) Where by virtue of subsection (7) of section 2 above or subsection (3) above an order under that section (not being an order made on the application of a local authority) is subject to special parliamentary procedure—
- (a) section 240 of the Local Government Act 1972 (which relates to the procedure for making such orders) shall have effect as if, for references to the applicants for the order and to the application for the order, there were substituted respectively references to the Secretary of State and to the order proposed to be made by him, and
 - (b) the expenses incurred by the Secretary of State in connection with the making and confirmation of the order shall be paid by such council, or by such councils in such shares, as he may direct, and the amount of those expenses as certified by him, or the amount of any share of them so certified, shall be recoverable by him from the council liable for the expenses or share as a debt due to the Crown.
- (5) Any reference in this Act to an order constituting a port health district shall be construed as including a reference to any order made under this section for the amendment of the original order.

5 Financial provisions as to port health authorities

- (1) Subject to the provisions of the order constituting a port health authority under section 2 above, the authority shall have the like powers of borrowing for the purposes of their functions under the order as a local authority have for the purposes of their functions under this Act.
- (2) Any expenses incurred by a joint board constituted by such an order shall, unless otherwise determined by the order, be defrayed out of a common fund to be contributed by the constituent districts or rating districts in proportion to the rateable value of the property in each district or rating district, as ascertained according to the valuation list for the time being in force.
- (3) For the purpose of obtaining payment from constituent districts or rating districts of the sums to be contributed by them, such a joint board shall issue precepts to the local authority of each district concerned, stating the sum to be contributed by the authority and requiring the authority, within a time limited by the precept, to pay the sums mentioned in it to the port health authority, or to such person as the port health authority may direct.
- (4) Any sum mentioned in a precept issued under this section by a joint board to a local authority shall be a debt due from that authority, and may be recovered accordingly, without prejudice, however, to the right of a joint board to exercise any powers conferred on them by section 15 of the General Rate Act 1967 (general power for securing payment of precepts).

Port of London

6 Extent of Port of London

In this Act, " the Port of London " means the port of that name appointed for the purposes of the enactments relating to customs or excise, together with all such waters between—

- (a) the seaward limit of the port as so established, and
 - (b) imaginary straight lines drawn from latitude 51° 37' 00" north, longitude 00° 57' 19" east (Foulness Point in the county of Essex) to latitude 51° 46' 05" north, longitude 01° 20' 32" east (Gunfleet Old Lighthouse) and thence to latitude 51° 26' 36" north, longitude 01° 25' 30" east and thence to latitude 51° 24' 55" north, longitude 00° 54' 21" east (Warden Point in the county of Kent),
- as are for the time being within the territorial waters of Her Majesty's dominions.

7 Port health district and authority for Port of London

- (1) For the purposes of this Act—
- (a) the Port of London, together with
 - (b) so much (being either the whole or any part or parts) of the district or districts of one or more riparian authorities as (not being comprised in the Port of London) may be specified in an order made by the Secretary of State,
- shall be a port health district (in this Act referred to as " the London port health district"), and the Common Council of the City of London shall be the port health authority for that district.
- (2) The Secretary of State may by order confer on the port health authority for the London port health district (in this Act referred to as " the London port health authority ") jurisdiction over all waters and land within that port health district.
- (3) The Secretary of State may by order assign to the London port health authority any of the functions, rights and liabilities—
- (a) of a local authority under any enactment to which this paragraph applies,
 - (b) of a local authority under any local statutory provision (within the meaning of the London Government Act 1963) continued in force by section 87 of that Act (which relates to certain local statutory provisions in force immediately before the 1st April 1965 which were not repealed or revoked by that Act),
 - (c) of a local authority under any provision of Part II of Schedule 11 to that Act (which re-enacted with modifications certain enactments about public health in London), or
 - (d) of a local authority or a food and drugs authority under any provision of the Food and Drugs Act 1955.
- (4) Subsection (3)(a) above applies to the following enactments, that is to say—
- (a) the Public Health Acts 1875 to 1925 ;
 - (b) the Public Health Act 1936 ;
 - (c) the Water Acts 1945 and 1948 and the Drought Act 1976;
 - (d) sections 8 and 12 of the Local Government (Miscellaneous Provisions) Act 1953 ;
 - (e) the Clean Air Act 1956 ;
 - (f) the Public Health Act 1961;
 - (g) the Control of Pollution Act 1974;
 - (h) the Nursing Homes Act 1975 ;
 - (i) section 7(1) of the Residential Homes Act 1980 ; and
 - (j) this Act except section 46.

Status: This is the original version (as it was originally enacted).

- (5) The Secretary of State may by order extend to all waters and land in the London port health district any provision under which functions, rights and liabilities may be assigned by an order under subsection (3) above, or any instrument made under any such provision, in so far as it would not otherwise so extend.
- (6) The power to make an order under this section shall be exercisable by statutory instrument.

8 Supplementary provisions as to London port health district

- (1) Section 4 above has effect in relation to an order under section 7 as it has effect in relation to an order under section 2 above.
- (2) In sections 1(3), 2(2) and 7(3) above, references to a local authority and the district of an authority include respectively references to the Greater London Council and, in relation to that Council, to Greater London.

Inland and coastal waters

9 Vessels in inland or coastal waters

- (1) For the purposes of the provisions of this Act specified in subsection (2) below, a vessel lying in any inland or coastal waters shall—
 - (a) if those waters are within a port health district, be subject to the jurisdiction of the port health authority for that district,
 - (b) if those waters are within the district of a local authority but not within a port health district, be subject to the jurisdiction of that local authority,
 - (c) if those waters are not within the district of any local authority or any port health district, be subject to the jurisdiction of such local authority as the Secretary of State may from time to time by order made by statutory instrument direct or, if no such direction is given, within the jurisdiction of the local authority whose district includes that point on land which is nearest to the spot where the vessel is lying.
- (2) The provisions of this Act referred to in subsection (1) above are the provisions of Part II (other than section 39 to 42), Part III (other than section 46), Part V (other than section 56) and Part VI.
- (3) The provisions so specified shall have effect in relation to any such vessel as if—
 - (a) it were a house, building or premises within the district of the port health authority or local authority to whose jurisdiction it is subject, and
 - (b) the master, or other officer or person in charge of the vessel, were the occupier.
- (4) This section does not apply—
 - (a) to any vessel belonging to Her Majesty or under the command or charge of an officer holding Her Majesty's commission, or
 - (b) to any vessel belonging to a foreign government.