
STATUTORY INSTRUMENTS

2010 No. 1214

PORT HEALTH AUTHORITIES, ENGLAND

The Bristol Port Health Authority Order 2010

Made - - - - *1st April 2010*

Coming into force - - *6th April 2010*

The Secretary of State for Health, in exercise of powers conferred by sections 2, 3 and 4 of the Public Health (Control of Disease) Act 1984⁽¹⁾ makes the following Order.

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 Bristol Port Health Authority Order 2010 and shall come into force on 6th April 2010.

(2) This Order applies in relation to England.

(3) In this Order—

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

“the City of Bristol” means the area of the District Council of the City of Bristol as defined by the Local Government Act 1972⁽²⁾ as existing at the date of the coming into force of this Order;

“the Council” means the Council of the City of Bristol;

“the District of North Somerset” means the area as existing at the date of the coming into force of this Order previously known as the District of Woodspring as defined by the Local Government Act 1972 and renamed to North West Somerset by article 4 of the Avon (Structural Change) Order⁽³⁾ and further renamed to North Somerset in 1st April 1996 resolution; and

“the Port of Bristol” means the port of that name as established for the purposes of the enactments relating to customs and excise.

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

⁽²⁾ 1972 c.70.

⁽³⁾ S.I. 1995/493.

Port Health Authority

2.—(1) For the purposes of the Act, that part of the Port of Bristol together with the land and water described below to which this article applies shall be a port health district and the Council shall be the port health authority for that district.

(2) This article applies to that part of the Port of Bristol within an area bounded by an imaginary line—

- (a) commencing at Wharf Point (latitude $51^{\circ} 29' 58''$ North longitude $2^{\circ} 43' 00''$ West) and from then drawn in a south-westerly direction along the line of mean high-water springs to the triangulation point near Ladye Point (latitude $51^{\circ} 27' 09''$ North - longitude $2^{\circ} 51' 04''$ West) in the district of North Somerset, then
- (b) straight in a south-westerly direction to Sand Point (latitude $51^{\circ} 23' 16''$ North - longitude $2^{\circ} 58' 48''$ West), then
- (c) straight in a south-westerly direction to the point off Brean Down at which latitude $51^{\circ} 20' 00''$ North intersects longitude $3^{\circ} 03' 13''$ West, then
- (d) straight in a direction just north of west to the south-eastern extremity of Steep Holme (latitude $51^{\circ} 20' 16''$ North - longitude $3^{\circ} 06' 09''$ West), then
- (e) in a westerly direction along the line of mean high-water springs to the western extremity of Steep Holme (latitude $51^{\circ} 20' 22''$ North – longitude $3^{\circ} 06' 52''$ West), then
- (f) straight in a north-easterly direction to the point at which latitude $51^{\circ} 23' 29''$ North intersects longitude $3^{\circ} 03' 34''$ West, then
- (g) in a straight line in a north-easterly direction to the point at which latitude $51^{\circ} 26' 21''$ North intersects longitude $2^{\circ} 59' 30''$ West, then
- (h) due north along the meridian of $2^{\circ} 59' 30''$ West to the point at which it is intersected by latitude $51^{\circ} 27' 10''$ North, then
- (i) straight in a north-easterly direction to the Beacon on Denny Island (latitude $51^{\circ} 31' 30''$ North - longitude $2^{\circ} 46' 46''$ West), then
- (j) straight in a north-easterly direction to the point on the coast at which the level of mean high-water springs is intersected by latitude $51^{\circ} 33' 00''$ North, and then
- (k) in a south-westerly direction along the line of mean high-water springs to Wharf Point, together with—
 - (i) so much of the River Avon up to Hanham Mills as is not comprised within the area and all other rivers or parts of rivers, harbours, canals, pills and creeks within the City of Bristol;
 - (ii) the banks of the River Avon from its mouth up to Hanham Mills and the banks of all pills and creeks communicating directly with the said river together with a space of 4.57 metres in width on each of the banks immediately above high water mark of ordinary spring tides;
 - (iii) the Portishead Dock and the West Dock (commonly called the Royal Portbury Dock) and all docks and locks within or abutting;
 - (iv) all wharves within the City of Bristol; and
 - (v) the area within the gates of any dock and within the City of Bristol or the District of North Somerset.

Jurisdiction

3. 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

4.—(1) There are 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, 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 to this Order shall have effect as if—

- (a) any vessel lying within the port health district were a house, building or premises; and
- (b) the master or other officer or person in charge of the vessel were the occupier.

(3) Within that part of the port health district as described in article 2 which lies within the District of North Somerset the functions, rights and liabilities assigned shall only be exercised and subsist in relation to vessels, cargoes discharged from such vessels and the buildings to which such cargoes are directly discharged.

(4) There are assigned to the port health authority constituted by this Order the functions, rights and liabilities of a food authority under the Food Safety Act 1990⁽⁴⁾ so far as they are applicable to a port health authority.

(5) 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⁽⁵⁾ apply by virtue of section 1 of that Act.

Revocations

5. The Bristol Port Health Authority Order 1987⁽⁶⁾ is revoked.

Signed by authority of the Secretary of State for Health

1st April 2010

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

(4) 1990 c.16.
(5) 1952 c 67.
(6) S.I. 1987/731.

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SCHEDULE

Article 4

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 to 86	Filthy or verminous premises or articles and verminous persons
Sections 140 and 141	Provisions for the protection of the public from polluted water
Part 12	General

Public Health Act 1961 (c.64)

Section 36	Power to require vacation of premises during fumigation
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Slaughterhouses Act 1974 (c.3)

Part 1	Slaughterhouses and knackers' yards
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Control of Pollution Act 1974 (c.40)

Part 3 (except sections 70(2), (3) and (5) and 71)	Noise
Sections 91 and 92	Rights of entry and inspection, etc.
Section 93	Power of authorities to obtain information
Section 94	Prohibition of disclosure of information
Section 97	Default powers
Part 6	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 area
Section 41	Evidence of resolutions and minutes of proceedings, etc.

The Public Health (Control of Disease) Act 1984 (c.22)

Section 45M and all functions conferred under the Health Protection (Part 2A Orders) Regulations 2010(7)	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	Burial and cremation

(7) [S.I. 2010/658](#).

Section 48	Removal of body to mortuary or for immediate burial
Building Act 1984 (c. 55)	
Section 76	Defective premises
Food Safety Act 1990 (c.16)	
Environmental Protection Act 1990 (c.43)	
Part 3	Statutory nuisances and clean air
Clean Air Act 1993 (c.11)	
Noise and Statutory Nuisance Act 1993 (c.40)	
The Animal By-Products Regulations 2005 (8)	
Health Protection (Local Authority Powers) Regulations 2010(9)	
Regulation 4	Disinfection or decontamination of things on request of owner
Regulation 5	Disinfection or decontamination of things on request of person with custody or control
Regulation 6	Disinfection or decontamination of premises on request of owner of premises
Regulation 7	Disinfection or decontamination of premises on request of tenant
Regulation 8	Requests for cooperation for health protection purposes
Regulation 9	Restriction of contact with dead bodies
Regulation 10	Restriction of access to dead bodies
Regulation 11	Relocation of dead bodies

EXPLANATORY NOTE

(This note is not part of the Order)

This Order constitutes part of the Port of Bristol as a port health district and the Council of the City of Bristol as port health authority for that district. Articles 3 and 4 and the Schedule relate to the jurisdiction and powers of the Council as port health authority. The Order confers upon the port

(8) S.I. 2005/2347.

(9) S.I. 2010/657.

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health authority functions under general Acts relating to public health, food and control of pollution. The Order revokes the Bristol Port Health Authority Order 1987.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.