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STATUTORY INSTRUMENTS

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**2010 No. 1217**

**PORT HEALTH AUTHORITIES, ENGLAND**

**The Portsmouth 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<sup>(1)</sup> 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 Portsmouth 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;

“approaches” means seaward approaches and land approaches within the curtilage of a dock, harbour and marina;

“the Council” means Portsmouth City Council; and

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

(4) The riparian authorities specified for the purposes of this Order are the Council, Gosport Borough Council, Havant Borough Council, Fareham Borough Council and the Isle of Wight Council.

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

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

## **The Port Health Authority**

2.—(1) For the purposes of the Act the parts of the Port of Portsmouth and the land and water 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 the parts of the Port of Portsmouth and the land and water which lies within the area bounded—

- (a) by a line—
    - (i) from Ordnance Survey reference point SZ606975 (Gilkicker Point) south-south-west to Ordnance Survey reference point SZ594937 (the northerly point of the pier at Ryde), then
    - (ii) east to Ordnance Survey reference point SZ641938 (No Man's Land Fort), then
    - (iii) north-east to Ordnance Survey reference point SZ730984 (point on the foreshore opposite the southern end of Rails Lane, Hayling Island);
  - (b) by the mean high water line along the coast between Ordnance Survey reference point SZ730984 (a point on the foreshore opposite the southern end of Rails Lane, Hayling Island) westwards and via Langstone Harbour to Ordnance Survey reference point SZ730043 (the north-eastern tip of Northney Marina, Hayling Island);
  - (c) by a line from Ordnance Survey reference point SZ730043 (the north-eastern tip of Northney Marina north-west to Ordnance Survey reference point SZ725053 (a point on the foreshore opposite the southern end of Pook Lane, Warblington);
  - (d) by the mean high water line between Ordnance Survey reference point SZ725053 (a point on the foreshore opposite the southern end of Pook Lane, Warblington) and Ordnance Survey reference point SZ606975 (Gilkicker Point),
- together with
- (aa) all docks, harbours and marinas, including the approaches to them; and
  - (bb) as far as the tide flows, all rivers, canals, bays, creeks, streams, channels, waters and watercourses,

giving onto the area specified in this article.

## **Jurisdiction**

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

## **Functions assigned to the port health authority**

4.—(1) There are assigned to the Council as port health authority the functions, rights and liabilities of 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) 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<sup>(2)</sup> apply by virtue of section 1 of that Act.

### **Revocations**

5. The Portsmouth Port Health Authority Order 1990<sup>(3)</sup> 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

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<sup>(2)</sup> 1952 c.67.  
<sup>(3)</sup> S.I. 1990/82.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Article 4

**Public Health Act 1936 (c.49)**

Section 45	Buildings have defective closets
Section 48	Power to examine and test drains
Section 50	Overflowing and leaking cesspits
Sections 51 and 52	Care of closets and sanitary conveniences
Section 81	Byelaws for the prevention of certain nuisances
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

**Prevention of Damage by Pests Act 1949 (c.55)**

Section 4	Treatment for rats and mice
Section 6	Remediation in groups of premises

**Public Health Act 1961 (c.64)**

Section 36	Power to require vacation of premises during fumigation
Section 73	Derelict petrol tanks

**Local Government Act 1972 (c.70)**

Sections 120, 121, 123 and 128 to 131	Land transactions
Section 135	Contracts
Sections 222 and 223	Legal proceedings

**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)	Noises
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 27	Power to repair drains and to remedy stopped up drains
Section 29	Protection of buildings
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 <sup>(4)</sup>	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 48	Removal of body to mortuary or for immediate burial

**Building Act 1984 (c.55)**

**Food Safety Act 1990 (c.16)**

**Environmental Protection Act 1990 (c.43)**

Part 3	Statutory nuisances and clean air
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**Water Industry Act 1991 (c.56)**

Sections 77 to 79	Local authority functions
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<b>Clean Air Act 1993 (c.11)</b>	Provisions relating to air pollution
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**Health Protection (Local Authority Powers) Regulations 2010<sup>(5)</sup>**

Regulation 2	Requirement to keep a child away from school
Regulation 3	Requirement to provide details of children attending school
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

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<sup>(4)</sup> S.I. 2010/658.

<sup>(5)</sup> S.I. 2010/657.

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Regulation 10	Restriction of access to dead bodies
Regulation 11	Relocation of dead bodies

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order constitutes parts of the Port of Portsmouth as the Portsmouth Port Health District and constitutes the Portsmouth City Council to be the 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 health authority functions under general Acts relating to public health, food and control of pollution. The Order revokes the Portsmouth Port Health Authority Order 1990.

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