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STATUTORY INSTRUMENTS

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**1991 No. 1773**

**PORT HEALTH AUTHORITIES,  
ENGLAND AND WALES**

**The Swansea Bay Port Health Authority Order 1991**

*Made* - - - - *19th July 1991*

*Coming into force* - - *7th August 1991*

The Secretary of State for Wales, in exercise of powers conferred by sections 2, 3 and 4 of the Public Health (Control of Disease) Act 1984<sup>(1)</sup> and of all other powers enabling him in that behalf, having given the notices required by the aforesaid sections 2 and 4 of his proposal to make this Order and not having received any notice of objection thereto, hereby makes the following Order:—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Swansea Bay Port Health Authority Order 1991 and shall come into force on 7th August 1991.

(2) In this Order, unless the context otherwise requires —

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

“the Port of Swansea” means the port of that name established for the purposes of the enactments relating to Customs and Excise;

“the Port of Port Talbot” means the port of that name established for the purposes of the enactments relating to Customs and Excise;

“the joint board” means the joint board established by virtue of article 2; and other expressions have the same meanings as in the Act.

(3) The riparian authorities specified for the purposes of this Order are Port Talbot Borough Council, Neath Borough Council, Ogwr Borough Council, Swansea City Council and Vale of Glamorgan Borough Council.

(4) In this Order, unless the context otherwise requires, any reference to an article or to a Schedule shall be construed as a reference to an article contained in this Order, or to a Schedule hereto.

### **Port Health Authority**

2.—(1) Subject to the provisions of paragraphs (2) and (3) of this article, for the purposes of the Act, those parts of the Port of Swansea and the Port of Port Talbot which are situated within the area bounded by –

- (a) an imaginary straight line drawn from Mumbles Point in the Port of Swansea to the south eastern extremity of the Port of Port Talbot at Nash Point at latitude 51° 24'11" north, longitude 03° 33'39" west; and
- (b) the mean high water line along the coast between the points described in (a) above together with –
  - (i) docks and harbours, including the approaches thereto; and the whole of any wharf and the area within the gates or curtilage of any dock and the buildings or part of any building thereon used in connection with maritime trade or business; and
  - (ii) as far as the tide flows, all rivers, canals, bays, creeks, streams, channels, waters and watercourses;

shall be a port health district and a joint board shall be the port health authority for that district.

(2) There shall be excluded from the port health district –

- (a) all land in the Port of Swansea lying –
  - (i) to the north of an imaginary line drawn from the junction of Kings Road and Langdon Road along the northern side of the Prince of Wales Dock to its intersection with an un-named road leading from Fabians Way and then due south to the Kings Dock and then the east along the northern side of the Kings Dock;
  - (ii) to the north of an imaginary line drawn from the north east corner of the Kings Dock in an east-south-easterly direction to its intersection with an un-named road leading to Fabians Way and thence eastwards along the southern boundary of that road to its junction with Fabians Way;
  - (iii) to the west of an imaginary line drawn from the junction of Kings Road and Langdon Road along the south-western side of the Prince of Wales Dock and then south to a point on the east bank of the River Tawe at grid reference SS6655 9265;
  - (iv) to the west of the River Tawe and north of an imaginary line drawn from the east bank of the river at grid reference SS6655 9265 to the west bank of the river at grid reference SS6643 9256;

and

- (b) all waters of the River Tawe (whether tidal or otherwise) including all rivers, canals, creeks, streams, channels, watercourses, docks, harbours and marinas entering or connected to the River Tawe and north of an imaginary line drawn from the east bank of the river at grid reference SS6655 9265 to the west bank of the river at grid reference SS6643 9256.

(3) The joint board shall be called the Swansea Bay Port Health Authority and shall consist of 19 members of whom 10 shall be appointed by Swansea City Council, 3 by Neath Borough Council, 3 by Port Talbot Borough Council, 2 by Ogwr Borough Council and 1 by Vale of Glamorgan Borough Council from members of their respective Councils.

### **Appointment of Members of the Joint Board**

3.—(1) The specified riparian authorities shall appoint members to the joint board at meetings to be held in May each year.

(2) Any vacancy occurring amongst members of the joint board shall be filled by the specified riparian authority in whose representation the vacancy occurred at a meeting to be held as soon as reasonably possible after such occurrence.

(3) Not less than three days before a meeting of a specified riparian authority at which it is proposed to elect a member of the joint board, the proper officer of that authority shall give notice of the meeting and of the proposed appointment to every member of that authority.

(4) The proper officer of a specified riparian authority shall forthwith notify in writing to the proper officer of the joint board the name and address of any person appointed by his authority to be a member of the joint board.

(5) A person appointed to the joint board shall cease to be a member of the joint board if he ceases to be a member of the Council of the specified riparian authority by which he was appointed.

### **Retirement of Members**

4.—(1) All members of the joint board shall retire from office on 31st May each year, and the newly appointed members shall come into office on 1st June each year.

(2) A retiring member of the joint board may be re-appointed to the board for a further term of office if at the time of his re-appointment he is otherwise qualified to be appointed.

### **Chairman of the Joint Board**

5.—(1) The chairman of the joint board shall be elected annually by the members of the board from amongst the members.

(2) The election of the chairman shall be the first business transacted at the annual meeting of the joint board.

(3) In the case of equality of votes the chairman shall be elected by the drawing of lots.

(4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

(5) During his term of office the chairman shall continue to be a member of the joint board.

### **Provisions of the Local Government Act 1972 applicable to the members and proceedings of the Joint Board.**

6. The provisions of Schedule 1 shall have effect for the purposes of the members and proceedings of the joint board.

### **Jurisdiction**

7. The joint board shall have jurisdiction as port health authority over all waters and land within the port health district.

### **Functions assigned to Joint Board**

8.—(1) There are hereby assigned to the joint board as port health authority, the functions, rights and liabilities of a local authority under the enactments specified in Schedules 1 and 2 so far as they are applicable to a port health authority and to any lands, waters, premises, vessel, houseboat or persons within their jurisdiction, provided that in the application of the provisions of the Local Government Act 1972(2) as set out in Schedule 1 –

- (a) the provisions of section 97 of that Act shall be exercisable only by the Secretary of State; and
  - (b) the provisions of Parts I and VI of Schedule 12 to that Act shall apply as if the joint board were a district council.
- (2) For the purposes of the functions, rights and liabilities assigned to the joint board by virtue of this Order, the enactments specified in Schedule 2 shall have effect as if—
- (a) any vessel or houseboat lying within their jurisdiction were a house, building or premises; and
  - (b) the master or other officer or person in charge of the vessel or houseboat 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>(3)</sup> apply by virtue of section 1 of that Act.

### **Audit**

**9.** All accounts of the joint board or of any committee of the board shall be audited in accordance with the provisions of Part III of the Local Government Finance Act 1982<sup>(4)</sup>.

### **Revocations**

**10.** The Order of the Local Government Board establishing the Swansea Port Health Authority dated 4th May 1898 and entitled “The Swansea Port Order 1898”, together with the amending orders of the Local Government Board dated 14th May 1918, article XXXIV of the Swansea (Extension) Order 1918, article 34 of the Port Talbot (Extension) Order 1921, article 33 of the Neath (Extension) Order 1921, and the Order of the Minister of Health dated 25th March 1938 (insofar as it applies to the Swansea Port Health Authority so established as aforesaid) are hereby revoked and the provisions of the Port Health Authorities (Wales) Order 1974<sup>(5)</sup> shall cease to have effect in relation to the joint board.

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<sup>(3)</sup> 1952 c. 67.  
<sup>(4)</sup> 1982 c. 32.  
<sup>(5)</sup> S.I.1974/219.

SCHEDULE 1

Articles 6 and 8

*Local Government Act 1972 (c. 70)*

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Sections 79-82	Qualifications and disqualifications
Section 84	Resignations
Section 85	Vacation of office by failure to attend meetings
Section 88(1) and (2)	Filling casual vacancy in the office of chairman
Section 92	Proceedings of disqualification
Sections 94-98	Disability of members
Sections 99 and Parts I and VI of Schedule 12	Meetings and proceedings of local authorities
Section 100	Admission of the public and press
Sections 101 and 102	Appointment of committees
Section 105	Disability for voting
Section 111	Subsidiary powers of local authorities
Sections 154-163 and Sections 165-167	Accounts and Audit

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SCHEDULE 2

Article 8

*Public Health Act 1936 (c. 49)*

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Section 48	Power to examine and test drains
Section 50	Overflowing and leaking cesspools
Sections 51 and 52	Care of closets and sanitary conveniences
Section 82	Byelaws as to removal through streets of offensive matter or liquid
Sections 83-86	Filthy or verminous premises or articles and verminous persons
Sections 140 and 141	Provisions for the protection of the public from polluted water
Part XII	General

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*Clean Air Act 1956 (c. 52)*

The whole Act

*Public Health Act 1961 (c. 64)*

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Section 36	Power to require vacation of premises during fumigation
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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Section 73 Derelict Petrol Tanks

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*Clean Air Act 1968 (c. 62)*

The whole Act

*The Public Health (Recurring Nuisances) Act 1969 (c. 25)*

The whole Act

*Local Government Act 1972 (c. 70)*

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Section 112-119	Staff
Sections 120, 121, 123 and 128-131	Land Transactions
Section 132	Provision of Offices
Section 135	Contracts
Section 140	Insurance against accidents to members
Section 143	Subscription to associations
Section 176	Payment of expenses of official and courtesy visits etc
Sections 222 and 223	Legal proceedings
Sections 224-234	Documents and Notices etc
Sections 236(3) – (8), 237 and 238	Byelaws
Section 240(2)	Provisional Orders

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*Slaughterhouses Act 1974 (c. 3)*

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Part I	Slaughterhouses and Knackers' Yard
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*Control of Pollution Act 1974 (c. 40)*

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Part III (except Sections 70(2), (3) and (5) and 71 (1))	Noise
Part IV	
Section 76	Regulations about sulphur content of oil fuel for furnaces or engines
Section 77 (insofar as it is supplementary to Section 76)	Provisions supplementary to Section 76
Section 78	Cable burning
Sections 79-83	Information about atmospheric pollution
Section 84	Interpretation of Part IV
Part V	

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Section 86	Protection of members and officers of authorities from personal liability
Sections 91 and 92	Rights of entry and inspections, etc
Section 93	Power of authorities to obtain information
Section 94	Prohibition on disclosure of information
Section 97	Default powers
Section 98	Interpretation
Part VI	Miscellaneous and General

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*The Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

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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

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

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Part I	Administrative and financial provisions
Part II (except Sections 11 and 12 21 to 23 and 39 to 42)	Control of Disease
Part III	
Section 47	Regulations about dead bodies
Section 48	Removal of body to mortuary or for immediate burial

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*Building Act 1984 (c. 55)*

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Section 64(1)	Sufficiency of closet accommodation
Section 65	Provision of sanitary conveniences in workplaces
Section 70	Provision of food storage accommodation
Section 76	Defective premises
Section 77 and 78	Dangerous buildings
Section 79	Ruinous and dilapidated buildings and neglected sites
Section 81 and 82	Power to serve notice about demolition
Section 84	Paving and drainage of yards and passages

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*Food Safety Act 1990 (c. 16)*

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Parts I-III	Preliminary, Main Provisions and administration and Enforcement
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*Environmental Protection Act 1990 (c. 43)*

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Part III	Statutory Nuisances and Clean Air
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Signed by authority of the Secretary of State for Wales

19th July 1991

*R. Jarman*  
An Under Secretary, Welsh Office

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**EXPLANATORY NOTE**

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

Articles 2 and 3 of this Order constitute certain specified parts of the Ports of Swansea and Port Talbot as a port health district. A joint board which will be the port health authority for the district is constituted consisting of members of the Swansea City Council and of the Borough Councils of Port Talbot, Neath, Ogwr and Vale of Glamorgan. In articles 4 and 5 provision is made for the retirement of members of the board and for the election of a chairman. Article 6 and Schedule 1 apply certain provisions of the Local Government Act 1972 to the members and proceedings of the joint board. Article 7 confers jurisdiction on the board in relation to the waters and land of the Port Health District. Article 8 and Schedule 2 gives the board functions under general Acts relating to public health, food, control of pollution and similar purposes.

Audit provisions for the board are contained in article 9. This Order supersedes similar previous Orders made under the Public Health Acts in relation to the Port Health District (article 10).