



Public Health (Control of Disease) Act 1984

1984 CHAPTER 22

PART I

ADMINISTRATIVE PROVISIONS

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—

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- (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(6) above, they give notice to the Secretary of State that they object to the proposal and the objection is not withdrawn, any order made by the Secretary of State which will impose any such liability on that authority shall be subject to special parliamentary procedure.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.
- (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

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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).