

1980 No. 1320

PORT HEALTH AUTHORITIES, ENGLAND AND WALES

The Weymouth Port Health Authority Order 1980

Made - - - - 1st September 1980

Coming into Operation 1st October 1980

The Secretary of State for Social Services, in exercise of powers conferred by sections 2, 3 and 9 of the Public Health Act 1936(a), as extended by section 108 of and paragraph 6 of Schedule 3 to the Control of Pollution Act 1974(b), and now vested in him(c), and of all other powers enabling him in that behalf, having given the notices required by the aforesaid sections 2 and 9 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 Weymouth Port Health Authority Order 1980 and shall come into operation on 1st October 1980.

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

“the Act” means the Public Health Act 1936;

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

“the joint board” means the joint board established by virtue of Article 3 of this order;

“valuation list” has the meaning assigned to it by section 115 of the General Rate Act 1967(d).

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

Specified riparian authorities

2. The riparian authorities specified for the purposes of this order shall be Weymouth and Portland Borough Council, Purbeck District Council and West Dorset District Council.

Port health district

3. That part of the Port of Weymouth which lies between the eastern boundary of that Port at St Alban's Head (reference point SY96207519) and a line running due south from the point where the boundary of Punccknowle and Abbotsbury parishes meets the coast (reference point SY53988580) to the seaward limit of the territorial waters shall be a port health district.

(a) 1936 c. 49.

(b) 1974 c. 40.

(c) See The Secretary of State for Social Services Order 1968 (S.I. 1968/1699) Art. 2.

(d) 1967 c. 9.

Port health authority

4.—(1) A joint board which shall be called the Weymouth Port Health Authority shall be the port health authority for the port health district constituted by Article 3 of this order.

(2) The joint board shall consist of fifteen members of whom eleven shall be appointed by Weymouth and Portland Borough Council and two each by Purbeck District Council and West Dorset District Council.

Appointment of members to the joint board

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

(2) Any vacancies 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 practicable after such occurrence.

(3) Not less than 3 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, address and occupation 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 board if he ceases to be a member of the council of the specified riparian authority by which he was appointed.

Retirement of members

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

(2) A retiring member of a 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

7.—(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 person presiding at the annual meeting shall give a casting vote in addition to any other vote he may have.

(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.

Jurisdiction

8. The joint board shall have jurisdiction as port health authority over all waters within the port health district and also over such part of the district of

the specified riparian authorities as comprises the whole of any wharf and of the area within the gates of any dock and the buildings thereon respectively.

Functions assigned to joint board

9.—(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 the Schedule to this order so far as they are applicable to a port health authority and to any lands, waters, premises, vessels or persons within their jurisdiction.

(2) For the purposes of the functions, rights and liabilities assigned to the joint board by virtue of this order, the enactments mentioned in the Schedule to this order shall have effect as if

- (a) any vessel lying within their jurisdiction 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(a) apply by virtue of section 1 of that Act.

Expenses

10.—(1) The specified riparian authorities shall contribute towards the expenses incurred or to be incurred by the joint board by virtue of the authority conferred upon them by this order in accordance with the following provisions of this article.

(2) In this article “the sum” means the sum which is obtained by adding together the following—

- (a) an amount equal to the whole of the rateable value of Weymouth and Portland Borough Council, and
- (b) half the rateable value of the maritime parishes situate within the area of West Dorset District Council, that is to say, the parishes of Abbotsbury, Chickerell, Fleet, Langton Herring, Osmington and Owermoigne, and
- (c) half the rateable value of the maritime parishes situate within the area of Purbeck District Council, that is to say, the parishes of Chaldon Herring, Corfe Castle, East Lulworth, Kimmeridge, Steeple, Tyneham, West Lulworth and Worth Matravers.

(3) Weymouth and Portland Borough Council shall contribute towards the said expenses in the proportion which the rateable value of that authority bears to the sum.

(4) West Dorset District Council shall contribute towards the said expenses in the proportion that the half of the rateable value referred to in sub-paragraph (b) of paragraph (2) of this article bears to the sum.

(5) Purbeck District Council shall contribute towards the said expenses in the proportion that the half of the rateable value referred to in sub-paragraph (c) of paragraph (2) of this article bears to the sum.

(a) 1952 c. 67.

(6) For the purposes of this Article, the rateable value shall be ascertained from the Valuation Lists for the time being in force.

Audit

11. All accounts of the joint board or of any committee of the board shall be audited in accordance with the provisions of Part VIII of the Local Government Act 1972(a) by the District Auditor.

Revocations

12. The order of the Local Government Board constituting the Weymouth Port Health Authority and dated 11th September 1897(b), together with the amending orders of the Minister of Health dated 27th May 1938(c) and 23rd May 1941(d), Article 70 of the Dorsetshire Review Order 1933(e) and the reference to Weymouth Port Health Authority in the Schedule to the Port Health Authority (Election and Retirement of Members) Order 1950(f), are hereby revoked.

Signed by authority of the
Secretary of State for Social Services.

Ian Gilbert,
Under Secretary,
Department of Health and Social Security.

1st September 1980.

	SCHEDULE	Article 9
<i>Public Health Act 1936 (c. 49)</i>		
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 83-86	Filthy or verminous premises or articles and verminous persons.	
Part III	Nuisances and Offensive Trades.	
Sections 140 and 141	Provisions for the protection of the public from polluted water.	
Part V	Prevention, Notification and Treatment of Disease.	
Part XII	General.	
<i>Food and Drugs Act 1955 (4 & 5 Eliz. 2. c. 16)</i>		
Part I	General Provisions as to Food.	
Part V	Administration, Enforcement and Legal Proceedings.	
Part VI	Miscellaneous and General.	

(a) 1972 c. 70.

(c) S.R. & O. 1938/934.

(e) S.R. & O. 1933/1233.

(b) S.R. & O. 1897/718.

(d) S.R. & O. 1941/805.

(f) S.I. 1950/1386.

Clean Air Act 1956 (c. 52)

Public Health Act 1961 (c. 64)

Section 26	Defective premises.
Section 36	Power to require vacation of premises during fumigation.
Section 38	Power of justices to order a medical examination.
Section 39	Information to be furnished by occupier in case of notifiable disease or food poisoning.
Section 41	Compensation for stopping employment to prevent spread of disease.

Clean Air Act 1968 (c. 62)

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

Local Government Act 1972 (c. 70)

Sections 79–82	Qualifications and disqualifications.
Section 84	Resignations.
Section 88(1) and (2)	Filling casual vacancy in case of chairman.
Section 92	Proceedings for disqualification.
Sections 94–98	Disability of members.
Section 99 and Schedule 12, Parts I and VI	Meetings and proceedings of local authorities.
Sections 101–106	Discharge of functions.
Section 111	Subsidiary powers of local authorities.
Sections 112–119	Staff.
Sections 120–123 and 128–131	Land transactions.
Section 132	Provision of offices.
Section 135	Contracts.
Section 140	Insurance against accidents to members.
Section 143	Subscriptions to associations.
Sections 154–167	Accounts and audit.
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.

The Slaughterhouses Act 1974 (c. 3)

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

Part III (except sections 70(2), (3) and (5) and 71)	Noise.
Section 76	Regulations about sulphur content of oil fuel for furnaces or engines.
Section 77 (in so far as it is supplementary to section 76)	Provisions supplementary to section 76.
Sections 79–83	Information about atmospheric pollution.
Section 84	Interpretation of Part IV.
Section 86	Protection of members and officers of authorities from personal liability.
Sections 91 and 92	Rights of entry and inspection, 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.

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.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order constitutes part of the Port of Weymouth as a port health district and constitutes a joint board, with members appointed by the Weymouth and Portland Borough Council, Purbeck District Council and West Dorset District Council, to be port health authority for that district. Provision is also made for each of those authorities to contribute towards the expenses of the joint board. Articles 8 and 9 relate to the jurisdiction and functions of the joint board. The order also supersedes the orders referred to in Article 12 of the Order.