
STATUTORY INSTRUMENTS

2010 No. 1215

The Cornwall Port Health Authority Order 2010

Citation, commencement, application and interpretation

1.—(1) This order may be cited as the Cornwall 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 Council” means the Council for the County of Cornwall;

“the Port of Falmouth”, “the Port of Fowey”, “the Port of Penzance” and “the Port of Truro”, mean respectively the ports of those names established for the purposes of the enactments relating to customs and excise; and

“the proper officer”, in relation to any purpose and any body, means the officer appointed for that purpose by that body.

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

The Port Health Authority

2.—(1) For the purposes of the Act, the Port of Fowey, the Port of Penzance, the Port of Truro, together with the parts of the Port of Falmouth, and 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 the following ports—

(a) the Port of Truro together with that part of the Port of Falmouth which lies within the area bounded—

(i) to the north-east by a line from Ordnance Survey reference point SW 8715 3220 (Killigeran Head) south-east to a point at sea at Ordnance Survey reference point SW 9040 2913;

(ii) to the south-east by a line from the point at sea at Ordnance Survey reference point SW 9040 2913 south-west to a point of land at Ordnance Survey reference point SW 7790 1606 (Black Head); and

(iii) by the mean high water line along the coast between the points at Ordnance Survey reference points SW 8715 3220 (Killigeran head) and SW 7790 1606 (Black Head); together with—

(aa) docks and harbours, including the approaches to them; and

(bb) as far as the tide flows, all rivers, canals, bays, creeks, streams, channels, waters and watercourses,

giving on to the area specified in this Article.

- (b) the Port of Fowey, together with that part of the Port of Falmouth which lies to the east of Portholland (Ordnance Survey reference point SW 9595 4107); and
- (c) that part of the Port of Penzance that lies to the landward side of a line drawn between Carn-du (Ordnance Survey reference point SW 4564 2382) and Cudden Point (Ordnance Survey reference point SW 5484 2750) and to the landward side of a line drawn between St Ives Head (Ordnance Survey reference point SW 5214 4112) and Godrevy Point (Ordnance Survey reference point SW 5810 4341).

Jurisdiction

3. The Council shall have jurisdiction as port health authority over all waters and land within the said port health district and also over such part of the district as—

- (a) is adjacent to or abuts on those waters; and
- (b) includes the whole of any wharf and the area within the gates of any dock and the buildings on either of them.

Functions of the 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 authority 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(1) applies by virtue of section 1 of that Act.

Revocation

5.—(1) The Fowey Port Health Authority Order 1979(2), the Penwith Port Health Authority Order 1980(3) and the Falmouth & Truro Port Health Authority Order 1988(4) are revoked.

Signed by authority of the Secretary of State for Health

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

1st April 2010

(1) 1952 c.67.
(2) S.I. 1979/1085.
(3) S.I. 1980/1330.
(4) S.I. 1988/2075.