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STATUTORY INSTRUMENTS

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**2010 No. 1218**

**The Southampton Port Health Authority Order 2010**

**Citation, commencement, application and interpretation**

1.—(1) This Order may be cited as the Southampton 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 cartilage of a dock, harbour or marina;

“the Council” means the City Council of Southampton; and

“the Port of Cowes”, “the Port of Portsmouth” and “the Port of Southampton” mean respectively the ports of those names established for the purpose of the enactments relating to customs and excise.

(4) The riparian authorities specified for the purposes of this Order are the Council, Eastleigh, Fareham, Gosport and New Forest District Councils and the Isle of Wight Council.

(5) 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 parts of the Port of Cowes, the Port of Portsmouth and the Port of Southampton, 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 Cowes, the Port of Portsmouth and the Port of Southampton and the land and water which is within the area bounded—

(a) by a line—

(i) from Ordnance Survey reference point SU533022 (Hillhead) southeast to Ordnance Survey reference point SZ565993 (Lee Point Sewer Buoy), then

(ii) south east to Ordnance Survey reference point SZ606975 (Gilkicker Point), then

(iii) south-south-west to Ordnance Survey reference point SZ594937 (the northerly point of the pier at Ryde), then

(iv) north-west to Ordnance Survey reference point SZ500974 (Prince Consort Buoy), then

(v) west-south-west to Ordnance Survey reference point SZ485970 (Gurnard Buoy), then

(vi) south-west to Ordnance Survey reference point SZ464957 (Gurnard Ledge Buoy), then

(vii) south-west to Ordnance Survey reference point SZ337898 (Sconce Point), then

- (viii) west to Ordnance Survey reference point SZ319898 (Hurst Castle), then
- (ix) north-east to Ordnance Survey reference point SZ349935 (Starting Platform), then
- (x) north-east to Ordnance Survey reference point SZ364952 (the seaward end of Tanners Lane, East End);
- (b) by the mean high-water line along the coast between Ordnance Survey reference point SZ364952 (the seaward end of Tanners Lane, East End) and Ordnance Survey reference point SZ425977 (Sailing Club building);
- (c) by a line from Ordnance Survey reference point SZ425977 (Sailing Club building) north-east to Ordnance Survey reference point SZ432987 (Inchmery Quay);
- (d) by the mean high water line along the coast and river banks between Ordnance Survey reference point SZ432987 (Inchmery Quay) and Ordnance Survey reference point SU533022 (Hillhead), but excluding—
  - (i) the waters of Bartley Water above the bridge at Eling (Ordnance Survey reference point SU365125),
  - (ii) the waters of the Rivers Test and Blackwater above the A336 road bridge at Totton (Ordnance Survey reference point SU370137),
  - (iii) the waters of the River Itchen above the boundary of the City of Southampton (Ordnance Survey reference point SU452156), and
  - (iv) the waters of the River Hamble above the M27 road bridge (Ordnance Survey reference point SU497107),
 together with—
  - (aa) all docks, harbours and marinas, including the approaches to them; and
  - (bb) as far as the tide flows, all river, canal, bays, creeks, streams, channels, waters and watercourses,
 giving on to 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 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 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(1) apply by virtue of section 1 of that Act.

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(1) 1952 c.67.

## Revocations

5. The Southampton Port Health Authority Order 1990(2) is revoked.

Signed by authority of the Secretary of State for Health

1st April 2010

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