STATUTORY INSTRUMENTS

2017 No. 558

PORT HEALTH AUTHORITIES, ENGLAND

The Weymouth Port Health Authority Order 2017

Made - - - - 30th March 2017

Coming into force in accordance with article 1(1)

The Secretary of State for Health makes the following Order in exercise of powers conferred by sections 2(3) and (4)(b), 3, 4(1) and 5(2) of the Public Health (Control of Disease) Act 1984(**1**) and section 241 of the Local Government Act 1972(**2**).

The Secretary of State for Health has given notice as required by sections 2(6) and 4(2) of the Public Health (Control of Disease) Act 1984(**3**) and has not received any notice of objection.

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Weymouth Port Health Authority Order 2017 and comes into force on the day after the day on which it is made.

(2) This Order applies to England.

(3) In this Order –

"the joint board" means the joint board established under article 3;

"the Port of Weymouth" means the port of that name as appointed for the purposes of customs and excise under section 19(1) of the Customs and Excise Management Act 1979 (**4**) (appointments of ports etc.); and

"the relevant riparian authorities" means Weymouth and Portland Borough Council, Purbeck District Council and West Dorset District Council(**5**).

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

(**1**) 1984 c.22; section 3 of the Public Health (Control of Disease) Act 1984 ("the Act") was amended by the Food Safety Act 1990 (c.16), Schedule 3, paragraph 26. In addition, section 5(2) was amended by the Health and Social Care Act 2008 (c.14), Schedule 11, paragraph 4.

(**2**) 1972 c.70; section 241 has been extended by section 3(3) of the Act.

(**3**) Where the Secretary of State proposes to make an order under section 2 of the Act, the Secretary of State is required, under section 2(6), to 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. In addition, if a port health authority order is to be revoked, under section 4(2), the Secretary of State must also give notice to the port health authority concerned and every authority which is, or under the proposed order will be, a constituent authority.

(**4**) 1979 c.2; the Port of Weymouth was appointed for these purposes under section 19(1) by S.I.1980/1369.

(**5**) *See* section 2(2) of the Act for the meaning of "riparian authority".

The port health district

2.—(1) For the purposes of section 2 of the Public Health (Control of Disease) Act 1984 (port health districts and authorities), the area described in paragraph (2) is to constitute a port health district.

(2) The area described in this paragraph consists of the Port of Weymouth together with such land and water as is specified in sub-paragraphs (a) to (f)—

(a) on the landward side, the boundary is the mean high water line of the English Channel;

(b) on the eastern side, the boundary is a line extending due south from St Alban's Head (OS reference point SY 96207519) to the seaward limit of the territorial waters;

(c) on the western side, the boundary is a line extending due south from the point at which the parish boundaries of Abbotsbury and Puncknowle meet the sea (OS reference point SY53988580) to the seaward limit of the territorial waters;

(d) on the seaward side, the boundary is the limit of the territorial waters;

(3) The area described in paragraph (2) includes—

(a) any wharf, dock, jetty or similar structure on the seaward side of the Port of Weymouth to the limit of the territorial waters; and

(b) any structures and buildings on areas within the gates of any wharf, dock, jetty or similar structure within the districts of the relevant riparian authorities.

The port health authority

3.—(1) The port health authority for the port health district constituted under article 2 is a joint board consisting of 15 members.

(2) The members of the joint board must be appointed by the relevant riparian authorities from the members of their respective councils as follows—

(a) eleven members from Weymouth and Portland Borough Council;

(b) two members from Purbeck District Council; and

(c) two members from West Dorset District Council.

(3) The joint board constituted under paragraph (1) is to be a body corporate called the Weymouth Port Health Authority.

Appointment of members to and meetings of the joint board

4.—(1) The relevant riparian authorities must appoint members to the joint board at meetings to be held in June of each year.

(2) The joint board must meet at least four times in each year.

(3) If a person appointed to the joint board is unable to attend any meeting of the joint board, another member of the council of the relevant riparian authority of which that person is a member may attend that meeting instead.

(4) Any vacancy occurring amongst members of the joint board must be filled by the relevant riparian authority in relation to whose representation the vacancy occurred at a meeting to be held as soon as possible after each such occurrence.

(5) At least 3 days before a meeting of a relevant riparian authority at which it is proposed to appoint a member of the joint board, the proper officer(**6**) of that authority must give notice of the meeting, and of the proposed appointment, to every member of that authority.

(6) The proper officer of a relevant riparian authority must immediately give notice in writing to the proper officer of the joint board of the name, address and occupation of any person appointed by that officer's authority to be a member of the joint board.

(7) A person appointed to the joint board ceases to be a member of the board if that person ceases to be a member of the council of the relevant riparian authority by which the person was appointed.

Retirement of members

5.—(1) All members of the joint board must retire from office and the newly appointed members come into office on 1 July each year.

(2) If, but for paragraph (1), a retiring member of a joint board is qualified to be appointed to the board, that member may be re-appointed for a further term of office.

Chair of the joint board

6.—(1) The members of the joint board must elect the chair of the joint board annually from amongst the members.

(2) The election of the chair must be the first business transaction at the annual meeting of the joint board which takes place on the first Friday in June of each year.

(3) If, in the election of the chair, there is an equality of votes, the person presiding at the annual meeting has a casting vote in addition to any other vote which that person may have.

(4) Unless the chair resigns or becomes disqualified to act as chair, the chair is to continue in office until a successor is elected as chair.

(5) During a person's term of office as chair, that person is to continue to be a member of the joint board.

Jurisdiction

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

Application of provisions of Local Government Act 1972 to the joint board

8.—(1) For the purposes of section 241 of the Local Government Act 1972 (power to apply provisions of Act to joint boards etc.), the provisions of that Act which are listed in Schedule 1 are to apply to the joint board as port health authority.

(2) In the application of those provisions by paragraph (1), a reference in that Act—

(a) to local authorities or to any council, is to be read as a reference to the joint board;

(b) to an office held under that Act or otherwise, is to be read as a reference to the office of member of the joint board; and

(c) to functions, is to be read as functions conferred on the joint board as port health authority under this Order.

(**6**) Under section 74 of the Act (Interpretation), a "proper officer" means, in relation to a purpose and to an authority, an officer appointed for that purpose by that authority.

Functions assigned to the joint board

9.—(1) The functions, rights and liabilities of a local authority or a food authority under the enactments specified in Schedule 2 are assigned to the joint board as port health authority in so far as they are applicable to a port health authority and to any land, waters, premises, vessels or persons within its jurisdiction.

(2) Subject to paragraph (3), the enactments specified in Schedule 2 in respect of the functions, rights and liabilities that are assigned to the joint board under paragraph (1), are to have effect as if—

(a) any vessel lying within the jurisdiction of the joint board is a house, building or premises; and

(b) the master or other officer or person in charge of the vessel is the occupier.

(3) This article does not apply to—

(a) any vessel belonging to Her Majesty; or

(b) any vessel engaged in the service of Her Majesty, whether belonging to Her Majesty or not; or

(c) any vessel belonging to the armed forces of any country to which the provisions of the Visiting Forces Act 1952(**7**) apply by virtue of section 1(**8**) (countries to which Act applies) of that Act.

Expenses

10.—(1) The relevant riparian authorities must contribute towards the expenses incurred by the joint board by virtue of the authority conferred upon it by this Order in accordance with this article.

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

(a) the number of Band D equivalent properties in the area of Weymouth and Portland Borough Council;

(b) half the number of Band D equivalent properties in the maritime parishes in the area of West Dorset District Council, namely Abbotsbury, Chickerell, Fleet, Langton Herring, Osmington and Owermoigne; and

(c) half the number of Band D equivalent properties in the maritime parishes in the area of Purbeck District Council, namely Chaldon Herring, Corfe Castle, East Lulworth, Kimmeridge, Steeple, Tyneham, West Lulworth and Worth Matravers.

(3) Weymouth and Portland Borough Council must contribute towards the expenses in the proportion which the number referred to in paragraph (2)(a) bears to the sum.

(4) West Dorset District Council must contribute towards the expenses in the proportion that the number referred to in paragraph (2)(b) bears to the sum.

(5) Purbeck District Council must contribute towards the expenses in the proportion that the number referred to in paragraph (2)(c) bears to the sum.

(**7**) 1952 c. 67.

(**8**) Section 1 was amended by the Zanzibar Act 1963 (c.55), Schedule 1, paragraph 7; the Zambia Independence Act 1964 (c.65), Schedule 1, paragraph 7; the Botswana Independence Act 1966 (c.23), Schedule 1, paragraph 7; the Lesotho Independence Act 1966 (c.24), Schedule 1, paragraph 7; the Singapore Act 1966 (c.29), Schedule 1, paragraph 4; the Swaziland Independence Act 1968 (c.56), Schedule 1, paragraph 7; the Tonga Act 1970 (c.22), Schedule 1, paragraph 6; the Papua New Guinea, Western Samoa and Nauru (Miscellaneous Provisions) Act 1980 (c.2), Schedule, paragraph 9; the New Hebrides Act 1980 (c.16), Schedule 1, paragraph 4; the Bangladesh Act 1973 (c.49), Schedule 1, paragraph 2; the Brunei and Maldives Act 1985 (c.3), Schedule, paragraph 6; the Pakistan Act 1990 (c.14), Schedule, paragraph 5; the Namibia Act 1991 (c.4), Schedule, paragraph 4; the South Africa Act 1995 (c.3), Schedule 1, paragraph 5(1); the Commonwealth Act 2002 (c.39), Schedule 2, paragraph 3(1); S.I. 1978/1030, 1978/1899, 1979/917, 1980/701, 1981/1105 and 1983/882. There are other amending enactments but none is relevant.