

SCHEDULE 1

Article 6

BRIGHTLINGSEA HARBOUR COMMISSIONERS

(Brightlingsea Harbour Acts and Orders 1927 to 2002)

DECLARATION OF ACCEPTANCE OF OFFICE

I (Full Name)

Having been duly appointed to act as a member of the Brightlingsea Harbour Commissioners do solemnly declare—

1. that I will faithfully and impartially, according to the best of my skill and judgement, execute all the powers and authorities reposed in me as a member of the Brightlingsea Harbour Commissioners by virtue of the Brightlingsea Harbour Acts and Orders 1927 to 2002;
2. that I undertake to be guided in the performance of my functions as one of the Commissioners by the guidance for the time being issued by the Commissioners concerning their conduct; and
3. that, in particular, I have disclosed to the chief executive details of every financial or other interest such as is mentioned in paragraph 16 of Schedule 2 to the Brightlingsea Harbour Revision (Constitution) Order 2002 and that I will comply with the requirements as to the disclosure of such interests and will also, in the future, notify the chief executive to the Commissioners of any alteration in those interests, and of any new interest which I may acquire.

Dated this    day of

Signature of commissioner

Witnessed:

Note: Where the declaration is to be made by the chief executive, the form shall be amended so that, for references to “the chief executive”, there shall be substituted references to “the Chairman”.

SCHEDULE 2

Article 10

INCIDENTAL PROVISIONS RELATING TO COMMISSIONERS

**Appointment of chairman and vice-chairman of Commissioners**

1. Subject to article 4(2) there shall be a chairman of the Commissioners who shall be appointed by those of the Commissioners who are appointed under article 3(1)(a) or 7(1) above from among their number.
2. The chairman appointed under article 4(2) above shall, subject to paragraph 7 below, and unless he resigns his office as chairman or ceases to be a Commissioner, continue in office as chairman until his initial term of office as a Commissioner has expired.
3. Subject to paragraph 7 below, every chairman subsequently appointed under paragraph 1 above shall, unless he resigns his office as chairman or ceases to be a Commissioner, hold office for a period of four years.
4. There shall be a vice-chairman of the Commissioners who shall be appointed by those of the Commissioners who are appointed under article 3(1)(a) or 7(1) above from among their number.
5. The first vice-chairman holding office after the new constitution date shall be appointed as soon as practicable after that date and, subject to paragraph 7 below, shall, unless he resigns his office as vice-chairman or ceases to be a Commissioner, continue in office as vice-chairman until his initial term of office as a Commissioner has expired.

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6. Subject to paragraph 7 below, every vice-chairman subsequently appointed under paragraph 4 above shall, unless he resigns his office as vice-chairman or ceases to be a Commissioner, hold office for a period of four years.

7. If those of the Commissioners who are appointed under article 3(1)(a) or 7(1) above are satisfied that the chairman or vice-chairman should cease to hold his office as such, they may terminate his office as such and appoint another Commissioner to be the chairman or vice-chairman during the remainder of the term for which the former chairman or vice-chairman was appointed.

8.—(1) On a casual vacancy occurring in the office of chairman or vice-chairman of the Commissioners, the vacancy shall be filled by one of those of the Commissioners who are appointed under article 3(1)(a) or 7(1) above at a meeting held as soon as practicable after the vacancy occurs.

(2) A Commissioner appointed under this paragraph to fill a casual vacancy in the office of chairman or vice-chairman shall, unless he resigns that office or ceases to be a Commissioner, hold that office during the remainder of the term for which the chairman or vice-chairman whom he replaced was appointed.

### **Meetings and procedure**

9.—(1) The Commissioners shall hold a public Annual General Meeting in October each year.

(2) The Commissioners shall hold not less than five further meetings each year.

(3) The quorum required for a meeting of the Commissioners shall be four.

(4) In the absence of the chairman, the vice-chairman shall have and may exercise all the powers of the chairman.

(5) If, at any meeting of the Commissioners, neither the chairman or the vice-chairman is present the Commissioners present at the meeting shall elect one of their number to be chairman of the meeting.

(6) If, at any meeting of the Commissioners, there is an equality of votes on any question the chairman of the meeting shall have a second and casting vote.

(7) The Commissioners may act notwithstanding a vacancy among the Commissioners and no act of the Commissioners or of any committee of the Commissioners shall be deemed invalid by reason of any irregularity in the appointment of a Commissioner or their chairman or vice-chairman.

(8) Subject to the provisions of this Schedule, the procedure and business of the Commissioners and of any committee of the Commissioners shall be regulated in such manner as the Commissioners may from time to time determine.

### **Resignation of Commissioner**

10. A Commissioner (other than the chief executive) may at any time resign from office by notice in writing to the chief executive.

### **Reappointment of Commissioners**

11.—(1) Subject to the provisions of this Schedule, a vacating appointed commissioner shall be eligible for reappointment as a Commissioner unless he has been disqualified from office under article 8 above.

(2) A vacating appointed Commissioner shall not be eligible for reappointment as a Commissioner where, immediately before the date in question, he has held office for two consecutive periods unless he is the chairman of the Commissioners.

(3) A chairman of the Commissioners who is an appointed Commissioner shall not be eligible for reappointment as a Commissioner where, immediately before the date in question, he has held office as a Commissioner for three consecutive periods.

(4) For the purposes of this paragraph, “period” does not include:—

- (a) a period referred to in article 4(2) or (3) above;
- (b) the remainder of a period during which the Commissioner was appointed to fill a casual vacancy under article 7(1) above; or
- (c) any period served by the Commissioner prior to the new constitution date.

### **Reappointment of chairman**

**12.**—(1) A chairman of the Commissioners shall not be eligible for reappointment as chairman where, immediately before the date in question, he has served as chairman for three consecutive periods of office.

(2) For the purposes of this paragraph, “period of office” does not include—

- (a) any period served by the Commissioner as chairman under paragraph 2 above where that period is less than four years;
- (b) the remainder of a period of office during which the Commissioner was appointed to fill a casual vacancy in the office of chairman under paragraph 8 above; or
- (c) any period of office served by the Commissioner as chairman prior to the new constitution date.

### **Fees**

**13.** The Commissioners may pay to each of the Commissioners such fees and expenses in respect of their work as a Commissioner as they may determine.

### **Appointment of officers**

**14.** The Commissioners shall appoint a chief executive and a harbour master and may appoint such other officers and employees as they may determine, in each case upon such terms and conditions as they see fit.

### **Committees**

**15.** The Commissioners may, consistent with their duties and subject to such conditions as they think fit, delegate any of their functions (other than the functions set out in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964) to a committee of the Commissioners<sup>(1)</sup>.

### **Declaration of interests**

**16.**—(1) If a Commissioner has any interest, direct or indirect—

- (a) in any contract or proposed contract to which the Commissioners are or would be a party or is a director of a company or body with which the contract or proposed contract is made or proposed to be made; or
- (b) in any other matter which the Commissioners are concerned,

he shall declare that interest.

(2) If a Commissioner is present at a meeting of the Commissioners or of any committee of the Commissioners at which a contract or other matter in which he has an interest is to be considered he shall—

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(1) Paragraph 9B was inserted by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 9.

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- (a) as soon as is practicable after the commencement of that meeting disclose his interest;
  - (b) not vote on any question with respect to that contract or matter; and
  - (c) withdraw from the meeting—
    - (i) at any time if the Commissioners present by resolution require him so to do,and
    - (ii) while a decision on that contract or matter is being made.
- (3) This paragraph shall not apply to any interest—
- (a) which a Commissioner has in respect of the payment to the Commissioners of harbour dues;
  - (b) which arises in respect of the provision of harbour services or facilities affecting the public in general;
  - (c) which a Commissioner has as an employee of a public utility undertaking or as a shareholder, not being a director of a company, unless he possesses more than 5 per cent of the issued share capital of that company; or
  - (d) which the Commissioners present at the meeting by resolution declare to be too remote.

### **Register of interests**

17. The Commissioners shall maintain and regularly update a register of interests declared by Commissioners, and shall make the register available to members of the public at all times during normal office hours.

### **Authentication of seal and other documents**

18.—(1) The application of the seal of the Commissioners shall be authenticated by the signature of the chairman of the Commissioners or some other Commissioner authorised by the Commissioners to authenticate the application of the seal, and of the chief executive of the Commissioners or some person authorised by the Commissioners to act in his place in that behalf.

(2) The Commissioners may authorise a person to act instead of the chief executive under this paragraph whether or not the chief executive is absent or incapable of acting.

(3) Any notice, licence or other document given or issued by the Commissioners shall, unless the contrary intention is expressed, be sufficiently authorised if signed by the chief executive of the Commissioners or a duly authorised officer of the Commissioners.