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STATUTORY INSTRUMENTS

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**2003 No. 2574**

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Teignmouth Harbour Revision Order 2003**

*Made* - - - - - *6th October 2003*

*Coming into force* - - - - - *13th October 2003*

Whereas the Teignmouth Harbour Commissioners have applied for a harbour revision order under section 14 of the Harbours Act 1964(1):

And whereas objections to the application made pursuant to paragraph 10(2)(f) of Schedule 3(2) to the said Act have been withdrawn;

Now, therefore, the Secretary of State for Transport (being the appropriate Minister under subsection (7) of the said section 14(3)), in exercise of the powers conferred by that section and now vested in him(4), and of all other powers enabling him in that behalf, hereby makes the following Order:

**PART I**  
**PRELIMINARY**

**Citation and commencement**

1.—(1) This Order may be cited as the Teignmouth Harbour Revision Order 2003 and shall come into force on 13th October 2003.

(2) The Teignmouth Harbour Order 1924(5), the Teignmouth (Pilotage) Harbour Revision Order 1998(6), the Teignmouth Harbour Revision Order 1992(7) and this Order may be cited together as the Teignmouth Harbour Orders 1924 to 2003.

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(1) 1964 c. 40; section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2 to 4 and 14, and by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 1.  
(2) Schedule 3 was substituted by S.I. 1999/3445, as amended by S.I. 2000/2391.  
(3) For the definition of “the Minister” (mentioned in section 14(7)) see section 57(1).  
(4) S.I. 1981/238.  
(5) Confirmed by 1924 c.lxxxii.  
(6) S.I. 1988/1496.  
(7) S.I. 1992/1049.

### **Incorporation of section 60 of Commissioners Clauses Act 1847**

2. Section 60 of the Commissioners Clauses Act 1847(8) shall be incorporated with this Order.

### **Interpretation**

3. In this Order—

- “the Commissioners” means the Teignmouth Harbour Commissioners;
- “the new constitution date” means 1st November 2003;
- “the approaches” means any seaward approaches to the harbour;
- “general direction” means a direction authorised by article 18 below;
- “the harbour” has the same meaning as in the Teignmouth Harbour Order 1924;
- “the harbour master” means the harbour master of the Commissioners and includes his authorised deputies and assistants and any person authorised by the Commissioners to act in that capacity;
- “special direction” means a direction authorised by article 20 below or by section 52 of the Harbours, Docks and Piers Clauses Act 1847(9);
- “vessel” means every description of vessel, however propelled or moved, and includes hovercraft, any floating manufactured article, anything constructed or used to carry persons or goods by water, and, except for the purpose of levying rates, a seaplane on or in the water.

## **PART II**

### **NEW CONSTITUTION**

#### **Constitution of Commissioners**

- 4.—(1) Subject to article 7, on and after the new constitution date the Commissioners shall consist of—

- (a) nine members appointed by the Commissioners; and
- (b) the Clerk for the time being of the Commissioners or such other officer of the Commissioners as they shall determine.

(2) Subject to article 5 below, each Commissioner appointed under paragraph (1)(a) above shall be a person who appears to the Commissioners to have special knowledge, experience or ability appropriate to the efficient, effective and economic discharge by the Commissioners of their functions including in particular (but without prejudice to the generality of the foregoing) special knowledge, experience or ability in one or more of the following matters—

- (a) the ports industry;
- (b) maritime and commercial activities;
- (c) local public service;
- (d) boating, tourism and other leisure activities;
- (e) environmental matters;
- (f) finance and administration;

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(8) 1847 c. 16.

(9) 1847 c. 27.

- (g) any other skills and matters considered relevant from time to time by the Commissioners in order for them to discharge their functions.
- (3) The Commissioners shall secure, so far as reasonably practicable, that—
  - (a) the Commissioners appointed by them will, between them, have special knowledge, experience and ability in a broad and complementary range of matters relevant to the efficient, effective and economic discharge by them of their functions; and
  - (b) in particular at least three of the Commissioners have special knowledge, experience and ability in the matters specified in paragraph (2)(a) and (b) above and at least three of them have special knowledge, experience and ability in the matters specified in paragraph (2)(c) to (e) above.
- (4) In making an appointment under paragraph (1)(a) above or article 9 below, the Commissioners shall act in accordance with any guidance issued by the Secretary of State from time to time with respect to the exercise of such functions.

#### **Appointment and terms of office of first Commissioners**

- 5.—(1) The first appointments under article 4(1)(a) above shall be made on, or as soon as reasonably practicable after, the date on which this Order comes into force.
- (2) Of the first Commissioners to be appointed by the Commissioners—
    - (a) six shall be persons who at the date of the appointment held office as Commissioners; and
    - (b) the remaining three shall be persons having special knowledge, experience and ability in one or more of the matters specified in article 4(2)(a) to (g).
  - (3) The first Commissioners appointed as mentioned in paragraph (2)(a) above shall be selected by such procedures as the Commissioners shall determine; and of those Commissioners—
    - (a) three shall hold office from the new constitution date until 31st December 2003; and
    - (b) three shall hold office from the new constitution until 31st December 2004,as the Commissioners shall specify when they make each of those appointments.
  - (4) The first Commissioners appointed as mentioned in paragraph (2)(b) above shall hold office from the new constitution date until 31st December 2005.

#### **Terms of office of subsequent Commissioners**

6. A Commissioner appointed under article 4(1)(a) above (other than a first Commissioner appointed as mentioned in article 5 above) shall, unless appointed to fill a casual vacancy and subject to articles 8 and 10 of, and paragraph 10 of Schedule 2 to, this Order, hold office for the period of three years from 1st January next following his appointment.

#### **Power to co-opt additional Commissioners**

7. The Commissioners referred to in article (4)(1)(a) above may at any time co-opt not more than two persons to serve as Commissioners for such period not exceeding twelve months as the co-opting Commissioners may specify at the time of co-option.

#### **Declaration to be made by Commissioners**

8. No person shall act as a Commissioner until he has made the declaration set out in Schedule 1 to this Order (or a declaration to that effect); and a person shall cease to be a Commissioner if he fails to make that declaration within three months of the date of his appointment.

### **Casual vacancies**

9.—(1) A casual vacancy arising in the office of a Commissioner appointed by the Commissioners shall, unless it is not reasonably practicable to do so, be filled by the appointment of a Commissioner by the Commissioners, and any such appointment shall be made in accordance with article 4(2) to (4) above.

(2) A Commissioner appointed to fill a casual vacancy under this article shall, subject to articles 8 and 10 of, and paragraph 10 of Schedule 2 to, this Order hold office during the remainder of the term for which the Commissioner whom he replaces was appointed.

### **Disqualification of Commissioners**

10. If the Commissioners are satisfied that a Commissioner—

- (a) has without the permission of the Commissioners been absent from meetings of the Commissioners—
  - (i) for a period during which three such meetings have been held; or
  - (ii) for a period of six consecutive months,whichever of those periods is the longer; or
- (b) has become bankrupt or made an arrangement with his creditors; or
- (c) is incapacitated by physical or mental illness from discharging the functions of a Commissioner; or
- (d) is otherwise unable, unwilling or unfit to discharge the functions of a Commissioner,

the Commissioners may declare his office as a Commissioner to be vacant and thereupon his office shall become vacant.

### **Indemnity insurance for Commissioners**

11. The Commissioners, may enter into, and pay premiums for, a contract of insurance to indemnify the Commissioners jointly or severally against personal liability arising from any act or omission of the Commissioners or of any of them; not being an act or omission which the Commissioner or Commissioners in question knew to be a breach of his or their duty or, concerning which, he or they were reckless as to whether it was such a breach.

### **Incidental provisions relating to Commissioners**

12. On and after the new constitution date the provisions of Schedule 2 to this Order shall have effect with respect to the Commissioners.

### **Financial year and annual statement of accounts**

13.—(1) The Commissioners' financial year shall begin on 1st April and end on the following 31st March in each year.

(2) As soon as reasonably practicable after their annual statement of accounts is audited and approved, the Commissioners shall—

- (a) make available a copy of the statement for a period of three months at the offices of the Commissioners for inspection free of charge by members of the public and shall, subject to the payment of a reasonable charge, supply a copy of the statement to any person who requests to be supplied a copy; and
- (b) send a copy of the statement to the Teignbridge District Council.

### **Consultative bodies**

14.—(1) The Commissioners shall establish one or more consultative body or bodies which the Commissioners shall consult on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of the harbour and its navigation.

(2) The Commissioners shall make arrangements for every such consultative body to meet not less than twice a year.

(3) The Commissioners shall take into consideration any matter, recommendation or representation which may from time to time be referred or made to them by such a consultative body whether or not that consultative body has been consulted by the Commissioners on the matter, recommendation or representation so referred or made.

(4) The consultative body or bodies established pursuant to this article shall consist of such number or numbers of persons appointed by the Commissioners as the Commissioners shall from time to time consider appropriate being persons who, in the opinion of the Commissioners, are representative of persons having an interest in the functioning of the harbour.

(5) Any such consultative body may determine its own quorum and procedure and shall appoint a chairman.

(6) An individual member of a consultative body may, on giving notice in writing to the chairman of that body, send a substitute to any meeting of the body.

(7) A member of a consultative body shall hold office for the period of three years from the date of his appointment and at the end of the period shall be eligible for re-appointment.

(8) A member of a consultative body may resign his office at any time by notice in writing given to the chief executive.

## **PART III**

### **BORROWING POWERS**

#### **Borrowing powers**

15.—(1) Subject to paragraph (2) below, the Commissioners may from time to time borrow upon the security of their assets for the time being or of their revenues or both their assets and their revenues, by any methods they see fit—

(a) such sums of money as they think necessary not exceeding one million pounds (or that sum as adjusted in accordance with article 17 below); and

(b) with the consent of the Secretary of State, such further sums of money as they may require.

(2) In calculating the aggregate sums of money borrowed by the Commissioners under paragraph (1) above, there shall be excluded any sums borrowed for the purpose of repaying, within twelve months of the date of borrowing, any sum for the time being outstanding by way of principal on any amount previously borrowed.

(3) Moneys borrowed by the Commissioners under this article shall be applied only to purposes to which capital money is properly applicable.

(4) For the purposes of paragraph (3) above, but without prejudice to the generality of that paragraph, purposes to which capital money is properly applicable shall be deemed to include—

(a) the payment of any interest, falling due within five years immediately following the date of borrowing, on any sum of money borrowed by the Commissioners under this article; and

(b) the repayment, within twelve months from the date of borrowing, of any sum for the time being outstanding by way of principal on any amount previously borrowed.

### **Temporary borrowing powers**

16. The Commissioners may borrow temporarily, by way of overdraft or otherwise, such sums of money as the Commissioners may require but the total amount outstanding at any one time of money so borrowed shall not exceed one hundred thousand pounds (or that sum as adjusted in accordance with article 17 below).

### **RPI adjustment of borrowing limits**

17.—(1) On each anniversary of the new constitution date, the sums mentioned in articles 15(1) (a) and 16 above shall be adjusted in line with any movement (calculated to one decimal place) in RPI which occurred during the year ended on 31st December immediately preceding the anniversary in question.

(2) Any adjustment referred to in paragraph (1) above, shall be recorded in the next following annual statement of accounts prepared by the Board.

(3) In paragraph (1) above, “RPI” means the general index of retail prices for all items published in the monthly publication of the Office for National Statistics known as “Monthly Digest of Statistics”, or any successor from time to time of that index.

## **PART IV**

### **MANAGEMENT OF THE HARBOUR**

#### **General directions to vessels**

18.—(1) The Commissioners may, after consultation with the Chamber of Shipping and the Royal Yachting Association in each case of an exercise of the powers, give directions for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation in the harbour and the approaches thereto and, without prejudice to the generality of the foregoing, for any of the following purposes—

- (a) for designating areas, routes or channels in the harbour and the approaches thereto which vessels are to use, or refrain from using, for movement or mooring;
  - (b) for securing that vessels move only at certain times or during certain periods;
  - (c) for requiring the master of a vessel to give to the harbour master information relating to the vessel reasonably required by the harbour master for the purposes of this paragraph.
- (2) Directions given under paragraph (1) above may apply—
- (a) to all vessels or to a class of vessels designated, or the designation of which is provided for, in the direction; and
  - (b) to the whole of the harbour and the approaches thereto, or to a part designated, or the designation of which is provided for, in the direction; and
  - (c) at all times or at times designated, or the designation of which is provided for, in the direction;

and every direction given under this article shall specify the extent of its application in relation to the matters referred to in sub-paragraphs (a), (b) and (c) above.

(3) The Commissioners may, after consultation with the Chamber of Shipping and the Royal Yachting Association, revoke or amend directions given under this article.

### **Publication of general directions**

**19.**—(1) Notice of the giving of a general direction and of any amendment or revocation of a general direction shall, except in case of emergency, be published by the Commissioners as soon as practicable once in Lloyd’s List or some other newspaper specialising in shipping news; and, if the notice relates to the giving or amendment of a direction, the notice shall state a place at which copies thereof may be inspected and bought, and the price thereof.

(2) In an emergency, notice of the giving of a general direction or of any amendment or revocation of a general direction may be given in any manner the Commissioners consider appropriate.

### **Special directions to vessels**

**20.**—(1) In addition to the directions which he may give under section 52 of the Harbours, Docks and Piers Clauses Act 1847 the harbour master may give a direction under this article—

- (a) requiring any vessel anywhere within the harbour or the approaches thereto to comply with a requirement made in or under a general direction;
- (b) prohibiting the mooring of vessels in any particular part or parts of the harbour;
- (c) regulating or requiring the movement, mooring or unmooring of a vessel, and
- (d) regulating the manner in which a vessel takes in or discharges cargo, fuel, water or ship’s stores otherwise than at a dock or pier.

(2) A special direction may be given in any manner considered by the harbour master to be appropriate.

(3) The harbour master may revoke or amend a special direction.

### **Master’s responsibility to be unaffected**

**21.** The giving of a general direction or a special direction shall not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to his vessel, persons on board, its cargo or any other person or property.

### **Failure to comply with directions**

**22.** The master of a vessel who fails without reasonable excuse to comply with a general direction or a special direction shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

### **Enforcement of directions**

**23.**—(1) Without prejudice to any other remedy available to the Commissioners, if a special direction is not complied with within a reasonable time the harbour master may, where practicable, put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no one on board the vessel to comply with a special direction, the harbour master may proceed as if the direction had been given and not complied with; but he shall not do so unless, after reasonable inquiry has been made, the master cannot be found.

(3) Expenses incurred in the exercise of the powers conferred by this article shall be recoverable by the Commissioners from the owner of the vessel as if they were a charge of the Commissioners in respect of the vessel.

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## PART V

### SUPPLEMENTARY

#### **Repeals and revocation**

**24.** On the new constitution date the enactments mentioned in the first and second columns of Schedule 3 to this Order shall be repealed or revoked to the extent specified in the third column of that Schedule.

Signed by the authority of the Secretary of State for Transport

6th October 2003

*Phil Carey*  
Head of Ports Division,  
Department for Transport



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## SCHEDULES

### SCHEDULE 1

Article 8

#### FORM OF DECLARATION BY COMMISSIONERS TEIGNMOUTH HARBOUR COMMISSIONER TEIGNMOUTH HARBOUR ORDERS 1924 TO 2003 DECLARATION

I, [FULL NAME] do solemnly declare

(1) that I will faithfully and impartially, according to the best of my skill and judgment, execute all the powers and authorities vested in me as a Teignmouth Harbour Commissioner by virtue of the Teignmouth Harbour Orders 1924 to 2003;

(2) that I have read and understood the notes entitled "Note for the Guidance of Commissioners on the Disclosure of Financial and Other Interests" and "Duties of Commissioners" and that I will comply with the requirements as to the disclosure of such interests, laid down by paragraph 16 of Schedule 2 to the Teignmouth Harbour Revision Order 2003, and in particular that:

- (a) I have disclosed to the Clerk details of every financial or other interest such as is mentioned in those notes;
- (b) I will in future notify the Clerk of any alteration in those interests, or any new interest, such as is mentioned in those notes, which I may acquire.

Made and signed in Teignmouth, County of Devon, on the .....day of .....  
 )  
 ) (signature)  
 )

Witnessed by the Clerk.....  
 )  
 ) (signature)  
 ) as a Teignmouth Harbour Commissioner

*Note: Where the declaration is to be made by the Clerk, the Form shall be amended so that, for references to "the Clerk", there are substituted references to "the Chairman".*

### SCHEDULE 2

Article 12

#### INCIDENTAL PROVISIONS RELATING TO COMMISSIONERS

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

1. There shall be a chairman of the Commissioners who shall be appointed by those of the Commissioners who are appointed under article 4(1)(a) or 9 above from among their number.

2. The first chairman taking office after the new constitution date shall be appointed at the first meeting of the Commissioners referred to in paragraph 9 below and, subject to paragraph 7 below, shall, 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.

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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 three 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 4(1)(a) or 9 above from among their number.

5. The first vice-chairman holding office after the new constitution date shall be appointed at the first meeting of the Commissioners referred to in paragraph 9 below 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.

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 three years.

7. If those of the Commissioners who are appointed under article 4(1)(a) or 9 above are satisfied that the chairman or vice-chairman should cease to hold office as such, they may terminate his office as such and appoint another Commissioner to be 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 those of the Commissioners who are appointed under article 4(1)(a) or 9 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 replaces was appointed.

#### *Meetings of Commissioners*

9.—(1) The first meeting of the Commissioners after the new constitution date shall be convened as soon as practicable by the Clerk for such date as he may fix; and he shall make arrangements for notice of that meeting to be sent by post to each of the other Commissioners.

(2) The Commissioners shall meet at least once in every two months and shall hold an annual general meeting no more than nine months after the end of the preceding financial year.

#### *Vacation of office by Commissioners*

10. A Commissioner (other than the Clerk) may resign his office at any time by notice in writing given to the chairman of the Commissioners or, if that Commissioner is the chairman, the vice-chairman.

#### *Reappointment of Commissioners*

11.—(1) Subject to the following 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 10 of this Order.

(2) A vacating appointed Commissioner shall not be eligible for reappointment as a Commissioner where, immediately before his appointment, he has held office for three consecutive terms 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 his appointment, he has held office as a Commissioner for four consecutive terms.

(4) For the purposes of this paragraph “term” does not include—

- (a) a term referred to in article 5(3)(a) or (b) of this Order;
- (b) the remainder of a term during which the Commissioner was appointed to fill a casual vacancy under article 9 of this Order; or
- (c) any term served by the Commissioner prior to the new constitution date.

(5) In this paragraph “appointed Commissioner” means a Commissioner appointed under article 4(1)(a) above.

#### *Reappointment of chairman*

**12.**—(1) A chairman of the Commissioners shall not be eligible for reappointment as the chairman where, immediately before his appointment, he has served as chairman for three consecutive terms.

(2) For the purposes of this paragraph “term” does not include—

- (a) a term served by the Commissioner as chairman under paragraph 2 above where that term is less than 3 years;
- (b) the remainder of a term during which the Commissioner was appointed to fill a casual vacancy in the office of chairman under paragraph 8 above; or
- (c) any term served by the Commissioner as a chairman prior to the new constitution date.

#### *Committees*

**13.** The Commissioners may, consistently with their duties and subject to such conditions as they think fit, delegate any of their functions (other than functions set out in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964<sup>(10)</sup>) to a committee of the Commissioners.

#### *Proceedings of Commissioners and committees*

**14.** The acts and proceedings of the Commissioners, or of any committee of the Commissioners, shall not be invalidated by any vacancy in their number or by any defect in the appointment, or the qualification for appointment, of any person as a Commissioner, or as chairman or vice-chairman, of the Commissioners or committee.

**15.** The quorum required for a meeting of the Commissioners shall be five.

**16.** 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 with 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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<sup>(10)</sup> 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 trading community 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 five 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.

**17.** The person for the time being holding office as vice-chairman shall have and may exercise in the absence or incapacity of the chairman all the functions of the chairman.

**18.** If at any meeting of the Commissioners neither the chairman nor the vice-chairman are present the Commissioners present at the meeting shall choose one of their number to be the chairman of the meeting.

**19.—(1)** Every question at a meeting of the Commissioners or of a committee of the Commissioners shall be decided by a majority vote of the Commissioners present and voting.

(2) If at any meeting of the Commissioners or of a committee of the Commissioners there is an equality of votes on any question the chairman of the meeting shall have a second or casting vote which he may exercise for or against the status quo.

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

**20.—(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 Clerk 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 Clerk under this paragraph whether or not the Clerk 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 Clerk of the Commissioners or a duly authorised officer of the Commissioners.

#### *Officers and servants*

**21.** The Commissioners may appoint a Clerk, a harbour master and such other officers and servants as they may think necessary or expedient, on such terms and conditions as they think fit; and references in the Teignmouth Harbour Order 1924 to the Clerk to the Commissioners shall be construed as references to such person as the Commissioners may designate for that purpose.

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### *Remuneration of the Commissioners*

22. The Commissioners may pay to the chairman and other Commissioners such salary, allowances and expenses as the Commissioners from time to time determine.

### *General*

23. 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.

## SCHEDULE 3

Article 24

### REPEALS AND REVOCATION

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal or revocation</i>
1924 c.lxxxii	Pier and Harbour Orders Confirmation (No. 2) Act 1924	Sections 5(3) to (5), 7 to 11 and 28 to 31 of the Teignmouth Harbour Order 1924.
S.I.1992/1049	Teignmouth Harbour Revision Order 1992	The whole Order.

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order reconstitutes the Teignmouth Harbour Commissioners (“the Commissioners”) as from 1st November 2003. It provides for the Commissioners to consist of a body of ten Commissioners. Nine Commissioners will be appointed by the Commissioners and will have experience in relevant matters. The Clerk will also hold office as a member of the Commissioners. Under the terms of the Order the appointed Commissioners will retire in rotation.

The Order includes other provisions with respect to the Commissioners' constitution including provisions for the co-option of up to two additional Commissioners and for the protection of Commissioners from personal liability in the discharge of their functions. The Order amends existing statutory requirements as to the Commissioners' accounts, increases the Commissioners' borrowing powers and repeals or revokes certain statutory provisions.

The Order also confers on the Commissioners powers to give general and special directions to vessels in the harbour and its approaches.