
STATUTORY INSTRUMENTS

1989 No. 1737

HARBOURS, DOCKS, PIERS AND FERRIES

The Great Yarmouth Port Authority
Harbour Revision Order 1989

Made - - - - 22nd August 1989

Coming into force - - 21st September 1989

Whereas objections to the application of this Order have been duly made and not withdrawn and the Secretary of State for Transport is required, in accordance with the procedure prescribed in paragraph 4A of Schedule 3 to the Harbours Act 1964(1) to give notice of the making of this Order and its effect to the persons opposing the Order:

And whereas this Order shall come into force 28 days after the giving of such notice unless such persons within that period give notice to the Secretary of State that they maintain their opposition to the Order, and their opposition is not withdrawn within that period, in which case it shall come into force at such time as is prescribed by the Statutory Orders (Special Procedure) Act 1945(2);

Now therefore the Secretary of State for Transport in exercise of the powers conferred by sections 14 and 15 of the Harbours Act 1964 and now vested in him(3) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation

1.—(1) This Order may be cited as the Great Yarmouth Port Authority Harbour Revision Order 1989.

(2) The Great Yarmouth Port and Haven Acts and Orders 1866 to 1986 and this Order may be cited together as the Great Yarmouth Port Authority Acts and Orders 1866 to 1989.

Interpretation

2. In this Order, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them—

“the Act of 1866” means the Great Yarmouth Port and Haven Act 1866(4);

(1) 1964 c. 40; section 14 and Schedule 3 were amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6 paragraphs 2 to 4.
(2) 1945 c. 18, as amended by the Statutory Orders (Special Procedure) Act 1965 (c. 43).
(3) See section 57(1) of the Harbours Act 1964 and S.I.1981/238.
(4) 1866 c.ccxlvii.

- “the Chief Executive” means the Chief Executive and Clerk of the Commissioners;
- “the Commissioners” means the Great Yarmouth Port and Haven Commissioners;
- “the 1984 Order” means the Great Yarmouth Port and Haven (Constitution) Revision Order 1984(5);
- “pleasure boat” has the meaning given by section 2 of the Great Yarmouth Port and Haven Act 1963(6);
- “the Port Authority” means (on and after the reconstitution date) the body constituted in accordance with article 4;
- “the reconstitution date” means the first day of the third month after the expiry of the month current at the coming into force of the Order.

Change of name

3. On and after the reconstitution date the Commissioners as a body shall be called “the Great Yarmouth Port Authority” and individual Commissioners shall be known as Members.

Reconstitution of the Port Authority

4.—(1) On and after the reconstitution date the Port Authority shall, subject to any casual vacancies, consist of—

- (a) Three Members appointed by the following local authorities, that is—
 - (i) by the Great Yarmouth Borough Council two.
 - (ii) by the Norfolk County Council one.
 - (b) Seven Members appointed as follows—
 - (i) by the General Council of British Shipping after consultation with persons appearing to them to be representative of owners and operators of vessels other than pleasure boats using the port two
 - (ii) by the British Shippers' Council incorporated in the Freight Transport Association after consultation with the Great Yarmouth Chamber of Commerce one.
 - (iii) by the British Shippers' Council incorporated in the Freight Transport Association after consultation with the Great Yarmouth Port Users' Association and any other persons seeming to them to be, or to represent the interests of, commercial users of the port two.
 - (iv) by the Royal Yachting Association after consultation with the Broads Hire Boat Federation one.
 - (v) by the Transport and General Workers' Union one.
 - (c) the Chief Executive.
- (a) (2) (a) The General Council of British Shipping shall endeavour, in making the appointments referred to in paragraph (1)(b)(i) of this article, to secure the representation of different groups of owners and operators of vessels using the port.
- (b) The British Shippers' Council shall have regard to the desirability, in making the appointments referred to— (i) in paragraph (1)(b)(ii) and (iii) of this article, of appointing persons with local knowledge and experience;

(5) S.I. 1984/1067.
(6) 1963 c.xxvi.

- (ii) in paragraph (1)(b)(iii) of this article, of appointing one person to be representative of the oil and gas industries using the port.
- (c) The Transport and General Workers' Union in exercising its power under paragraph (1)(b)(v) of this article, shall appoint a person involved in port activities in Great Yarmouth.

Rivers Committee

5. On the coming into force of this Order the Rivers Committee shall cease to exist and all members of the Committee shall cease to hold office therein.

Appointment of Members and tenure of Office

6.—(1) All Commissioners appointed in accordance with article 5 of the 1984 Order except the Chief Executive shall cease to hold office immediately before the reconstitution date, which date shall be deemed to be the end of their normal term of office for the purposes of the proviso to article 8(1) of the 1984 Order.

- (a) (2) (a) Not less than one month before the reconstitution date and not later than 1st March in every third year following the year 1989 the appointing authorities referred to in paragraphs (a) and (b) of article 4(1) of this Order shall appoint the Members in accordance with this Order, and shall notify their appointments in writing as soon as possible to the Chief Executive.
- (b) No Member appointed in accordance with paragraph (a) or (b) of article 4(1) of this Order shall act until notification of his appointment has been received by the Chief Executive.
- (3) Each Member shall (unless he shall previously die or resign or become disqualified from holding office) hold office—
 - (a) in the case of the first appointments of Members, from the reconstitution date until 31st March 1992;
 - (b) in the case of subsequent appointments of Members (other than appointments to fill a casual vacancy) from 1st April next following appointment for a term of three years.

Amendment of the Act of 1866

7. Section 8 of the Act of 1866 (incorporation of the Great Yarmouth Port and Haven Commissioners) shall have effect as if for the words“the Great Yarmouth Port and Haven Commissioners” there were substituted the words“the Great Yarmouth Port Authority”.

Amendment of the 1984 Order

8.—(1) In the 1984 Order for the word“Commissioners” wherever it appears there shall be substituted the word“Members”.

(2) Article 10(1) of the 1984 Order shall have effect as if after the word“Commissioner” where it first appears were inserted the words“except the Chief Executive” and as if the following sub-paragraph were inserted after sub-paragraph (d)—

- “(e) persistently acts in a manner calculated seriously to impede or prejudice the carrying on of the business of the Members.”

(3) Paragraphs 1(1) and 7 of Schedule 1 to the 1984 Order shall have effect as if in each case“April” were substituted for“March”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Repeal

9. The provisions of the enactments specified in the Schedule to this Order shall be repealed on the dates shown.

Signed by authority of the Secretary of State

22nd August 1989

Michael Portillo
Minister of State,
Department of Transport

SCHEDULE

Article 9

PROVISIONS OF ENACTMENTS TO BE REPEALED

Provisions to be repealed when this order comes into force

- Great Yarmouth Port and Haven Act 1911(7)
- Section 38 (river committees)
- Great Yarmouth Port and Haven Act 1948(8)
- Section 5 (river committees)
- The 1984 Order
- Article 6 (Rivers Committee)

Provisions to be repealed on reconstitution date

- The 1984 Order
- Article 5 (reconstitution of Commissioners)
- Article 7(a) (appointment of Commissioners)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order reconstitutes the Great Yarmouth Port and Haven Commissioners as the Great Yarmouth Port Authority, with individual Commissioners to be known in future as Members.

The Members are to consist of the Chief Executive and ten other persons to be appointed as follows:

- (a) two by the Great Yarmouth Borough Council and one by the Norfolk County Council;
- (b) two by the General Council of British Shipping after consultation with persons appearing to them to be representative of owners and operators of ships using the port of Great Yarmouth;
- (c) one by the British Shippers' Council after consultation with the Great Yarmouth Chamber of Commerce;
- (d) two by the British Shippers' Council after consultation with the Great Yarmouth Port Users' Association and any other persons appearing to them to be, or to represent the interests of, commercial users of the port of Great Yarmouth;
- (e) one by the Royal Yachting Association after consultation with the Broads Hire Boat Federation;
- (f) one by the Transport and General Workers' Union, being a person involved in port activities in Great Yarmouth.

(7) 1911 c.xcix.

(8) 1948 c.xlvi.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

The Rivers Committee shall cease to exist from the commencement of the Order.

The Order introduces an additional ground for declaring the office of a Member to be vacant, namely persistently acting in a manner calculated seriously to impede or prejudice the carrying on of the business of the Port Authority.

The Order makes consequential amendments and repeals of enactments relating to the constitution of the Commissioners and contains procedural and incidental provisions.