
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 211

The Lerwick Harbour Revision (Constitution) Order 2003

PART II

CONSTITUTION

Nomination, election and appointment of Members

8.—(1) By the last Friday in March in 2003 and on each anniversary thereafter as shall occur in any year in which an election occurs of shipowners or ratepayers or both as the case may be, the Chief Executive or Deputy Chief Executive shall have prepared a list/lists of the names of all shipowners and/or ratepayers eligible to vote for or to be nominated and, subject to the provisions of articles 4 and 5, elected as Members of the Authority.

(2) By the first Friday in April in 2003 and on each anniversary thereafter as shall occur in any year in which an election occurs of shipowners or ratepayers or both as the case may be the Chief Executive or Deputy Chief Executive shall have caused notice to be published in a newspaper circulating in the Shetland Islands that the list or lists is/are available for public inspection at the principal office of the Authority during normal business hours for a specified period of not less than 10 days.

(3) Any person who has cause for complaint that the list or lists is/are inaccurate, whether by commission or omission, shall be entitled, only during the period for public inspection, to make representations in writing to the Authority who shall without delay acknowledge in writing receipt of such representations.

(4) The Authority shall within 14 days of the expiry of the period for complaint give written notification of its decision to those persons having made representations. The Authority's decision shall be final and not subject to appeal.

(5) By the second Friday of May in 2003 and on each anniversary thereafter as shall occur in any year of election of shipowner or ratepayer Members to the Authority the Chairman shall have appointed a returning officer who may be an official of the Authority. The returning officer shall give at least 10 days notice in a newspaper circulating in the Shetland Islands of an election to be held on a specified Tuesday in July at a specified time and venue in Lerwick for the purpose of election of Members who are shipowners or ratepayers or both whose names have been intimated in writing to the Authority in accordance with articles 6 and 7 and who have been approved as candidates in the election as provided for in article 5.

(6) Any application by a candidate may be withdrawn by notice of withdrawal to the returning officer and such notice of withdrawal shall be signed by the person who made the application.

(7) If there are more approved candidates for any of the classes than the number to be elected the returning officer shall order a poll which shall take place on the day at the place fixed for the election and shall be by secret ballot.

(8) The poll shall be taken by ballot including but not limited to postal ballot in the manner of a Parliamentary election or in such manner as may be determined by the returning officer.

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

(9) No returning officer or polling officer appointed by him and officiating at any election shall vote at that election.

(10) At the close of polling the returning officer shall count the votes. In the event of an equality in the number of votes at an election the returning officer shall, if necessary to prevent an excess in the number of elected Members, determine by lot which of the persons having such equality of votes shall be the Member or Members.

(11) The returning officer shall then announce the names of the successful candidates who shall, subject to the provisions of article 3(2)(i) hereof, be declared duly elected Members of the Authority.