
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 211

The Lerwick Harbour Revision (Constitution) Order 2003

PART III

BOARD PROCEEDINGS

Chairman of Members etc.

13.—(1) At the first meeting of the Board of the Authority after the revised constitution date the Members shall appoint one of their number to be Chairman and another to be Deputy Chairman whose periods of office shall subsist for one year from their respective appointments.

(2) On the expiry of the respective periods of office of the Chairman and Deputy Chairman, the Board of the Authority shall at the first meeting of the Board following the expiry of said respective periods of office appoint one or two of their number to be Chairman and/or Deputy Chairman as the case may be and he or they shall remain in office as hereinbefore provided.

(3) If the Chairman and Deputy Chairman are ever both absent from any meeting, one of the other Members shall be chosen to be chairman of the meeting. At all meetings the presiding chairman shall, in the case of equality of votes, have a deliberative as well as a casting vote.

Failure of election or nomination

14.—(1) In the case of the failure or partial failure at any time of election or nomination by the Council to fill any vacancy under the terms of this Order, the Members may fill up such a vacancy.

(2) For the avoidance of doubt, if fewer candidates are approved to take part in the election or fewer nominees are nominated by the Council and approved by the appointing body than the number of vacancies in any category, then the election or nomination for the remaining number shall be deemed to have failed.

Casual Vacancies

15.—(1) If a Member, not being a Member nominated by the Council, refuses to accept office, or dies, or resigns, or becomes disqualified or ceases for any reason to be a Member then at the discretion of the Members the resulting vacancy shall either be left vacant or shall be filled in the manner following:—

- (a) The Members shall fill the vacancy by co-opting as a Member any person and the Member so substituted shall continue in office for the period that the person in whose place the co-opted Member is appointed would in the ordinary course have continued in office;
- (b) At the end of such period the co-opted Member shall go out of office but shall be eligible for re-election, if qualified.

(2) If a Member, being a Member nominated by the Council, refuses to accept office, or dies, or resigns, or becomes disqualified or ceases for any reason to be a Member then at the discretion of the Council the resulting vacancy shall either be left vacant or shall be filled in the manner following:—

- (a) The Council shall nominate a person to fill the vacancy;

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- (b) The person so nominated shall submit an application form containing the information specified in Article 4(3) hereof to the Authority;
- (c) Said application shall be considered by the appointing body who shall decide whether or not the applicant shall be appointed as a Member having regard to the considerations set out in Article 5(6) hereof.
- (d) In the event of the applicant being appointed as a Member, the Member substituted shall continue in office for the period that the person in whose place the substituted Member is appointed would in the ordinary course have continued in office.
- (e) At the end of such period the substituted Member shall go out of office but shall be eligible for re-appointment if qualified.