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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 422**

**The Stornoway Harbour Revision (Constitution) Order 2008**

**Citation and commencement**

1.—(1) This Order may be cited as the Stornoway Harbour Revision (Constitution) Order 2008 and shall come into force on the day after the day on which it is made.

(2) The Stornoway Harbour Act and Orders 1976 to 2003 and this Order may be cited together as the Stornoway Harbour Act and Orders 1976 to 2008.

**Interpretation**

2. In this Order—

“the Authority” means the Stornoway Port Authority; and

“the new constitution date” means 1st May 2009.

**Constitution of Authority**

3.—(1) On and after the new constitution date, the Authority shall, subject to article 6, consist of—

- (a) nine members appointed by the Authority; and
- (b) the Chief Executive of the Authority.

(2) Each member appointed under paragraph (1) shall be a person who appears to the Authority to have special knowledge, experience or ability appropriate to the efficient, effective and economic discharge by the Authority of its 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) management of harbours;
- (b) shipping or other forms of transport;
- (c) usage of port facilities;
- (d) industrial, commercial and financial matters including, in particular, but without prejudice to the foregoing, matters relating to onshore and offshore energy sectors;
- (e) local government;
- (f) administration;
- (g) the organisation of employees;
- (h) the fishing industry;
- (i) financial management;
- (j) the laws relating to Scotland;
- (k) safety management systems and auditing protocol;
- (l) commercial marketing;
- (m) information technology;

- (n) environmental matters affecting harbours;
- (o) civil engineering;
- (p) harbour and marine related leisure activities; and
- (q) any other skills and abilities considered from time to time by the Authority to be relevant to the discharge by them of its functions;

and the Authority shall ensure, so far as reasonably practicable, that the members appointed by it 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 its functions.

(3) A person who is employed by the Authority shall not be eligible for appointment as a member of the Authority under paragraph (1)(a) or articles 6 or 8(1) while he or she is so employed.

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

4.—(1) The first appointments under article 3(1)(a) shall be made on, or as soon as reasonably practicable after, 1st February 2009.

(2) The members shall appoint the person who is, at the date when they make the first appointments under paragraph (1), the chair of the Authority to be one of the first of such appointed members and he or she shall hold office as a member from the new constitution date until 30th April 2012; and on and from the new constitution date shall be the chair of the Authority.

(3) Of the remaining first such appointed members—

- (a) three shall hold office on and from the new constitution date until 30th April 2010;
- (b) three shall hold office on and from the new constitution date until 30th April 2011;
- (c) two shall hold office on and from the new constitution date until 30th April 2012.

#### **Terms of office of subsequent members**

5. Subject to article 4, a member appointed under article 3(1)(a) shall, unless appointed to fill a casual vacancy and subject to articles 7 and 9, and paragraph 12 of Schedule 2, hold office for the period of three years on and from 1st May next following his or her appointment.

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

6. The members referred to in article 3(1) and article 8 may at any time co-opt not more than two persons to serve as members for such period not exceeding twelve months as the co-opting members may specify at the time of co-option.

#### **Declaration to be made by members**

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

#### **Casual vacancies**

8.—(1) A casual vacancy arising in the office of a member appointed by the Authority shall, unless it is not reasonably practicable to do so, be filled by the appointment of a member by the Authority in accordance with article 3(2).

(2) A member appointed to fill a casual vacancy under this article shall, subject to articles 7 and 9, and paragraph 12 of Schedule 2, hold office during the remainder of the term for which the member whom he or she replaces was appointed.

### **Disqualification of members**

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

the Authority may declare his or her office as a member to be vacant and thereupon his or her office shall become vacant.

### **Incidental provisions relating to Authority**

10. On and from the new constitution date the provisions of Schedule 2 shall have effect with respect to the Authority.

### **Repeals and revocations**

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

St Andrew's House,  
Edinburgh  
17th December 2008

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