

SCHEDULES

SCHEDULE 1

Article 9

FORM OF DECLARATION BY COMMISSIONERS

Whitehills Harbour Commissioners

Whitehills Harbour Orders 1895 to 2013

DECLARATION

I, [FULL NAME] do solemnly declare—

(1) that I will faithfully and impartially, according to the best of my skill and judgement, execute all the powers and authorities vested in me as a Commissioner of the Whitehills Harbour by virtue of the Whitehills Harbour Orders 1895 to 2013;

(2) that I have read and understood the notes in “Modern Trust Ports for Scotland – Guidance for good governance” relating to probity and interests and that I will comply with the requirements as to the disclosure of such interests, laid down by paragraph 14 of Schedule 2 to the Whitehills Harbour and Marina (Constitution) Order 2013, and in particular that—

- (a) I have disclosed to the Clerk to the Commissioner details of every financial interest or business interest that might lead to a conflict of interest;
- (b) I will in future notify, the Clerk to the Commissioner forthwith of any alteration in those interests, and of any new interest which I may acquire.

Made and signed in Whitehills, on the

[] day of []

.....
(signature)

Witnessed by
.....

Clerk to the Whitehills Harbour Commissioners

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SCHEDULE 2

Article 12

INCIDENTAL PROVISIONS RELATING TO COMMISSIONERS

Appointment of convenor and vice-convenor of Commissioners

1. There shall be a convenor of the Commissioners who shall be appointed by the Commissioners from among their number.
2. The first convenor taking office after the new constitution date shall be appointed at the first meeting of the Commissioners referred to in paragraph 9.
3. Subject to paragraph 7, every convenor appointed under paragraph 1 shall, unless resigning office as convenor or ceasing to be Commissioner, hold office for a period of one year.
4. There shall be a vice-convenor of the Commissioners who shall be appointed by the Commissioners from among their number.
5. The first vice-convenor holding office after the new constitution date shall be appointed as soon as practicable after that date.
6. Subject to paragraph 7, every vice-convenor appointed under paragraph 4 shall, unless resigning office as vice-convenor or ceasing to be a Commissioner, hold office for a period of one year.
7. If the Commissioners are satisfied that the convenor or vice-convenor should cease to hold office as such, they may terminate the appointment and appoint another member to be convenor or vice-convenor during the remainder of the term for which the former convenor or vice-convenor was appointed.
- 8.—(1) On a casual vacancy occurring in the office of convenor or vice-convenor of the Commissioners, the vacancy shall be filled by the Commissioners 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 convenor or vice-convenor shall, unless resigning that office or ceasing to be a Commissioner, hold that office during the remainder of the term for which the convenor or vice-convenor who is replaced 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 after that date, and arrangements shall be made for notice of that meeting to be sent by post to each of the Commissioners.
(2) Subject to paragraph (9) the Commissioners shall meet at least six times in every year and may hold such further meetings or as the Commissioner thinks fit on such day and at such hour as they shall by resolution appoint.

Reappointment of Commissioners

- 10.—(1) A vacating Commissioner shall be eligible for reappointment as a Commissioner unless that Commissioner has been disqualified from office under article 10.
(2) A vacating Commissioner shall not be eligible for reappointment as a Commissioners where immediately before appointment, the Commissioner has held office for three consecutive terms.

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- (3) For the purposes of this paragraph, “term” does not include—
- (a) the remainder of a term during which the Commissioner was appointed to fill a casual vacancy under article 8 above; or
 - (b) any term served by the Commissioner prior to the new constitution date.

Committees

11. The Commissioners may, consistently with their duties and subject to such conditions as they think fit, delegate any of their functions to a committee of the Commissioners.

Proceedings of Commissioners and committees

12. The acts and proceedings of the Commissioners, or 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 convener or vice-convenor, of the Commissioners or committee.

13. The quorum required for a meeting of the Commissioners or any committee of the Commissioners shall be five.

14. If a Commissioner is in any way directly or indirectly interested in any contract or proposed contract to which the Commissioners are, or would be, a party and is present at a meeting of the Commissioners or of any committee of the Commissioners at which that contract is the subject of consideration, that Commissioner shall as soon as practicable after the commencement of the meeting disclose that fact at the meeting and shall leave the meeting and not take part in any deliberation or decision of the Commissioners or committee with respect to that contract.

15. The person for the time being holding office as vice-convenor shall have and may exercise in the absence of the convenor all the powers of the convenor.

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

17.—(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 convenor of the meeting shall have a second or casting vote.

Authentication of seal

18.—(1) The application of the seal of the Commissioners shall be authenticated by the signature of the convenor of the Commissioners or some other Commissioner authorised by the Commissioners to authenticate the application of the seal, and of the Harbour Master or some person authorised by the Commissioners to act in the place of the Harbour Master in that behalf.

(2) The Commissioners may authorise a person to act instead of the Harbour Master under this paragraph whether or not the Harbour Master 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 Harbour Master or a duly authorised officer of the Commissioners.

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Remuneration of Commissioners

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

General

20. Subject to the provisions of this Schedule, the procedure, business conduct towards each other and activities of the Commissioners and of any committee of the Commissioners shall be regulated in such manner as the Commissioners from time to time determine and see fit.

SCHEDULE 3

Article 15

REPEALS

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of repeal</i>
1895 c. iv	Pier and Harbour Orders Confirmation (No. 2) Act 1895, Session 2	Sections 5 to 11, 13, 15, 16, 52 to 54 and 60 of Schedule 5 relating to the Whitehills Harbour Order 1895
1924 c. iii.	Whitehills Harbour Order Confirmation Act 1924	The whole Act