
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 76

The Stornoway Port Authority Harbour Revision Order 2019

PART 2

CONSTITUTION

Persons who may not be members

6.—(1) The appointing body may not appoint a person as a member of the Authority if the person—

- (a) has within 5 years of the date on which the appointment would take effect, been sentenced (following conviction for an offence in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic) to imprisonment for a period of not less than 3 months, whether suspended or not, without the option of a fine,
 - (b) is an undischarged bankrupt,
 - (c) with the exception of the Chief Executive of the Authority is an employee of the Authority, or
 - (d) has been disqualified under article 8.
- (2) For the purposes of sub-paragraph (1)(b), “undischarged bankrupt” means a person—
- (a) whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force),
 - (b) who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it),
 - (c) who is the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 2016 or the Insolvency Act 1986,
 - (d) who is the subject of a bankruptcy restriction undertaking entered into under either of those Acts,
 - (e) who has been adjudged bankrupt (and has not been discharged), or
 - (f) who is subject to any other kind of order, arrangement or undertaking analogous to those described in paragraphs (a) to (e), anywhere in the world.

(3) No person shall be capable of acting as a member without having signed and delivered to the Chief Executive of the Authority a declaration in the terms set out in schedule 2 of this Order and a person shall cease to be a member if that declaration has not been made within three months of the date of appointment.

Commencement Information

II Art. 6 in force at 1.3.2019, see [art. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Stornoway Port Authority Harbour Revision Order 2019, Section 6.