

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the  
Pilotage Act 1983(repealed 30.4.1991), SCHEDULE I. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE I

Section 2(3).]

#### FURTHER PROVISIONS RELATING TO CONSTITUTION ETC. OF PILOTAGE COMMISSION

##### Textual Amendments

- F1** Act repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), ss. 32(5), 33(2), [Sch. 3](#) (the repeal being in force on or before 1.10.1988 as regards all provisions other than ss. 1(1), 2, 4, 5(4), 8 and Sch. 1 as to which provisions the repeal remains *prosp.*)

##### *Tenure of members*

- 1 Subject to paragraphs 2 to 4 below, a person shall hold and vacate office as a Commissioner or the Chairman in accordance with the terms of the instrument appointing him to that office.
- 2 A person shall not be appointed as a Commissioner and a Commissioner shall not be appointed as the Chairman for a term of more than three years ; but a person may be reappointed as a Commissioner and a Commissioner may be reappointed as the Chairman on or after the date on which he ceases to be a Commissioner or, as the case may be, ceases to be the Chairman.
- 3
  - (1) A person may at any time resign his office as a Commissioner or the Chairman by giving to the Secretary of State a notice in writing signed by that person and stating that he resigns that office.
  - (2) If the Chairman ceases to be a Commissioner he shall cease to be the Chairman.
- 4 If the Secretary of State is satisfied that a Commissioner—
  - (a) has been absent from the meetings of the Commission for a period longer than six consecutive months without the permission of the Commission ; or
  - (b) is incapacitated by physical or mental illness ; or
  - (c) is otherwise unable or unfit to discharge the functions of a Commissioner,the Secretary of State may declare his office as a Commissioner to be vacant and shall notify the declaration in such manner as the Secretary of State thinks fit ; and thereupon the office shall become vacant.

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### *Remuneration of members*

5           The Commission shall pay to each Commissioner such remuneration and allowances as the Secretary of State may determine with the consent of the Treasury.

6           Where a person ceases to be a Commissioner otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may with the consent of the Treasury direct the Commission to make to that person a payment of such amount as the Secretary of State may determine with the consent of the Treasury ; and it shall be the duty of the Commission to comply with that direction.

### *Proceedings*

7           The quorum of the Commission and the arrangements relating to meetings of the Commission shall be such as the Commission may determine.

8           (1) A Commissioner who is in any way directly or indirectly interested in a contract made or proposed to be made by the Commission, or in any other matter whatsoever which falls to be considered by the Commission, shall disclose the nature of his interest at a meeting of the Commission and the disclosure shall be recorded in the minutes of the meeting ; and the Commissioner shall not—

(a) in the case of a contract, take part in any deliberation or decision of the Commission with respect to the contract ; and

(b) in the case of any other matter, take part in any decision of the Commission with respect to the matter if the Commission decides that the interest in question might affect prejudicially the Commissioner's consideration of the matter.

(2) A notice given by a Commissioner at a meeting of the Commission to the effect that he is a member or employee of a specified company or firm and is to be regarded as interested in any contract which is made after the date of the notice with the company or firm shall, for the purposes of the preceding sub-paragraph, be a sufficient disclosure of his interest in relation to any contract so made.

(3) A Commissioner need not attend in person at a meeting of the Commission in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.

9           The validity of any proceedings of the Commission shall not be affected by any vacancy among the Commissioners or by any defect in the appointment of a Commissioner.

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### *Staff*

- 10 The Commission may employ such persons as it considers are needed to assist the Commission in the performance of its functions and may pay to them such remuneration and allowances as the Commission considers appropriate.

**Modifications etc. (not altering text)**

**C1** Sch. 1 para. 10 excluded by Pilotage Act 1987 (c. 21, SIF 111), s. 25(8)

- 11 The Commission may—
- (a) pay, to or in respect of persons formerly employed by the Commission, pensions, allowances or gratuities of such amounts as the Commission may determine ;
  - (b) make such payments towards the provision of any of the said benefits as the Commission may determine ;
  - (c) maintain such schemes as the Commission may determine, whether contributory or not, for the payment of any of the said benefits.
- 12 If a person employed by the Commission becomes a Commissioner and was by reference to his employment by the Commission a participant in a pension scheme maintained by the Commission in pursuance of the preceding paragraph, the Commission may determine that his service as a Commissioner shall be treated for the purposes of the scheme as service as an employee of the Commission.

### *Instruments*

- 13 The fixing of the common seal of the Commission shall be authenticated by the signature of the Chairman or of another Commissioner authorised by the Commission to authenticate it.
- 14 A document purporting to be duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

### *Interpretation*

- 15 In the preceding provisions of this Schedule “the Chairman” and “a Commissioner” mean respectively the chairman of the Commission and a member of the Commission.

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