
STATUTORY INSTRUMENTS

1969 No. 97

**The West Midlands Passenger Transport
Area (Designation) Order 1969**

Appointment and tenure of office of members of the Authority

5.—(1) Subject to the provisions of this Order—

- (a) each constituent council named in column 1 of part I of Schedule 2 shall on or before the appointed day appoint such number of persons to be a member or members of the Authority as is specified in relation to that council in column 2 of the said Part I, and
- (b) the constituent councils in each of the groups of such councils which are specified in column 1 of Part II of Schedule 2 shall on or before the appointed day jointly appoint such number of persons to be a member or members of the Authority as is specified in relation to that group in column 2 of the said Part II.

(2) Subject to the provisions of this Order, each member of the Authority appointed under paragraph (1) of this Article or by the Minister on or before the appointed day shall come into office on the appointed day, and a member appointed by the Minister after that day but before the meeting mentioned in paragraph (3) of this Article shall come into office on such day as may be fixed by his appointment, and of the members appointed under paragraph (1) of this Article or by the Minister and holding office at the date of the said meeting—

- (a) 8 shall retire on the 31st May 1970,
- (b) 9 shall retire on the 31st May 1971, and
- (c) the remainder shall retire on 31st May 1972.

(3) For the purposes of paragraph (2) of this Article, the members who are to hold office until the dates respectively specified in that paragraph shall be determined in default of agreement by lot at a meeting of the Authority within four months after the appointed day, the lots being drawn under the direction of the person presiding at the meeting.

(4) The five constituent councils named in column 2 of the Table in Part III of Schedule 2 shall also be entitled to appoint two members of the Authority by rotation in the manner specified in the said Part III over periods comprising five consecutive terms of office as member of the Authority.

(5) Subject to the provisions of this Order, every vacancy, other than a casual vacancy, arising in the office of a member of the Authority, whether appointed under any of the foregoing provisions of this Article (other than paragraph (4)) or under this paragraph or under any of the following provisions of this Article, shall be filled by the appointment, on or before the date on which that vacancy will occur, of a person to fill the vacancy and that appointment shall be made by the council or councils by whom the person vacating office was appointed or by the Minister if that person was appointed by him, and every person appointed under this paragraph shall come into office on the said date and shall continue in office for a period of three years from that date.

(6) Where for any reason the office of any member of the authority becomes vacant before the end of his term of office, the casual vacancy so arising—

- (a) shall, if the unexpired portion of his term of office is four months or more, be filled by the appointment under this paragraph of a new member, and

(b) may be so filled in any other case,

and every appointment under this paragraph in respect of any such vacancy shall, subject to paragraph 5 of Part I of Schedule 5 to the Act of 1968, be made by the constituent council or councils by whom the member vacating office was appointed or, if he was appointed by the Minister, by the Minister.

(7) Subject to the provisions of the Act of 1968 and of this Order, a person appointed under paragraph (6) of this Article to fill a casual vacancy shall hold office so long only as the vacating member would have held office.

(8) Any member of the Authority shall, subject to the provisions of the Act of 1968 and of this Order, be eligible to be re-appointed as such a member for a further term of office beginning on or after the expiration of his current term.

(9) Notwithstanding anything contained in the foregoing provisions of this Article or in the provisions of Part III of Schedule 2, if a constituent council or group of councils have not been able to appoint a member or members of the Authority by the date on or before which they are required under those provisions to make that appointment, they may make that appointment as soon as practicable thereafter unless the Minister has previously made the appointment on behalf of that council or those councils under paragraph 5 of Part I of Schedule 5 to the Act of 1968. A person appointed to be a member by an appointment made under this paragraph shall come into office forthwith and shall hold office until the date on which he would have held office if he had been appointed by an appointment made on or before the date by which the appointment was required to be made as aforesaid.

(10) Where the Minister has under paragraph 5 of Part I of Schedule 5 to the Act of 1968 appointed a member or members of the Authority on behalf of any constituent council or councils, the member or members so appointed shall come into office on such date as may be fixed by that appointment and shall hold office until the date on which he or they would under the foregoing provisions of this Article or the provisions of Part III of Schedule 2 have held office if he or they had been appointed by the council or councils on whose behalf the Minister has made the appointment, and for the purposes of the application of the foregoing provisions of this Article and of the provisions of Part III of Schedule 2 with respect to the filling of vacancies in the membership of the Authority the member or members so appointed shall be treated as if he or they had been appointed by that council or those councils.

(11) Subject to the following provisions of this Article, a person appointed as a member of the Authority by any one of the appointing authorities, that is to say, the Minister, a constituent council or a group of constituent councils, may not be appointed as such a member by any other of the appointing authorities for any term of office which coincides with, or falls partly within, his term of office under the first mentioned appointment.

(12) If it happens that a person is appointed as a member of the Authority by more than one of the said appointing authorities for a term which coincides or overlaps as mentioned in paragraph (11) above, that person shall within one month of the making of the last of those appointments choose under which appointment he will serve as a member and give notice in writing of his choice to the Secretary of the Authority, or, if no such Secretary has been appointed, to the town clerk mentioned in paragraph 1(1) of Schedule 3, and thereupon the other appointment or appointments shall be deemed void.

(13) If a person who should have given notice of his choice under paragraph (12) above fails to do so within the period specified in that paragraph, he shall be deemed to have chosen to serve under the appointment first made and to have given notice of his choice under that paragraph immediately before the end of that period.

(14) Where an appointment is deemed void under the provisions of paragraph (12) above, a further appointment shall be made as if a casual vacancy in the Authority had arisen.