
STATUTORY INSTRUMENTS

1974 No. 991

HARBOURS, DOCKS, PIERS AND FERRIES

The Harwich Harbour Revision Order 1973

Made - - - - - 28th November 1973

Laid before Parliament 22nd January 1974

Coming into Operation 30th May 1974

The Secretary of State for the Environment in exercise of the powers conferred by section 14 of the Harbours Act 1964(a) and now vested in him(b) and of all other powers enabling him in that behalf and on the application of the Harwich Harbour Conservancy Board, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Harwich Harbour Revision Order 1973, and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 to 1965(c).

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“the appointed day” means the first day of the third month after the expiry of the month current at the coming into operation of this Order;

“appointing authority” means each of the persons by whom conservators are, or are to be, appointed in accordance with article 3 (Constitution of the Board) of this Order;

“the Board” means the Harwich Harbour Conservancy Board;

“the Trinity House” means the Corporation of Trinity House of Deptford Strond.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if the Order repealed by article 10 of this Order were an Act of Parliament thereby repealed.

(a) 1964 c. 40.

(c) 9 & 10 Geo. 6, c. 18; 1965 c. 43.

(b) S.I. 1970/1681 (1970 III, p. 5551).

Constitution of the Board

3. On and after the appointed day the Board shall consist of the chairman and seven other conservators appointed as follows:—

- (a) the Chairman and three other Conservators appointed by the Secretary of State for the Environment, one of whom shall be a person appearing to the Secretary of State after consultation with the National Ports Council to have knowledge and experience of environmental matters affecting the area of the harbour, and one of whom shall be a person appearing to the Secretary of State after consultation with the Essex County Council and the Suffolk County Council to have knowledge and experience of local government in the area of the harbour.
- (b) one conservator appointed by the Ipswich Dock Commission;
- (c) one conservator appointed by the British Railways Board;
- (d) one conservator appointed by the Felixstowe Dock and Railway Company;
- (e) one conservator appointed by the Harwich Dock Company Limited;
- (f) one conservator appointed by the Secretary of State for Trade and Industry; and
- (g) one conservator appointed by the Trinity House.

Appointment of Conservators

4.—(1) Each appointing authority shall, not later than the tenth day preceding the appointed day in the case of the first appointments, and not later than the 1st November in every third year following the year 1973 in the case of subsequent appointments, make the respective appointments to the Board specified in article 3 (Constitution of the Board) of this Order.

(2) Each conservator so appointed shall (unless he shall previously die or resign) hold office—

- (a) in the case of the first appointments from the appointed day until the 31st December 1976; and
- (b) in the case of subsequent appointments (other than appointments to fill a casual vacancy) from the 1st January next following his appointment for a term of three years;

and upon ceasing to hold office shall be eligible for reappointment.

(3) The appointments made under this article shall be notified in writing to the chief executive officer of the Board.

Resignation of conservators

5. A conservator may at any time while he is in office resign his office by notice in writing to the chief executive officer of the Board and to the appointing authority by whom he was appointed.

Casual vacancies

6.—(1) A casual vacancy arising in the office of a conservator shall be filled by the appointing authority by whom that conservator was appointed by the appointment of another person to fill the vacancy.

Provided that a casual vacancy occurring less than two months before the end of the vacating conservator's normal term of office may, at the discretion of the appointing authority, be left unfilled.

(2) A person appointed to fill a casual vacancy shall (unless he shall previously die or resign) hold office during the remainder of the term for which the person in whose place he has been appointed was appointed.

Disqualification of conservators

7.—(1) If the Board are satisfied that a conservator—

(a) has been absent from meetings of the Board for six consecutive months or more without the permission of the Board; or

(b) has become bankrupt or has made an arrangement with his creditors; or

(c) is incapacitated by physical or mental illness from discharging the functions of a conservator; or

(d) is otherwise unable or unfit to discharge the functions of a conservator;

the Board may declare his office as a conservator to be vacant and thereupon the office shall become vacant.

(2) For the purposes of paragraph (1)(a) of this article the attendance of a conservator at a meeting of any committee of the Board of which he is a member shall be treated as attendance at a meeting of the Board.

Expenses

8. The Board may pay to any conservator such allowances and expenses as the Board may determine, and the total amount of such payments shall be shown in the accounts of the Board.

Provisions applying to the Board

9. The provisions set out in the Schedule to this Order shall have effect with respect to the Board.

Amendment and repeal

10.—(1) As from the appointed day section 3 (Harwich Harbour Conservancy Board incorporated) of the Harwich Harbour Act 1863(a) shall have effect subject to the omission of the word "ten".

(a) 1863 c. 71.

(2) As from the appointed day the following enactments shall be hereby repealed:—

Harwich Harbour Act 1863—

Section 4 (Appointments and election of the several Conservators, originally and on vacancies; tenure of office).

Harwich Harbour Act 1865(a)—

Section 6 (Time for annual election);

Section 7 (Returning officer);

Section 8 (Mode of election);

Section 9 (Appointment in case of failure to elect);

Section 10 (Error &c. in election not to vitiate acts done);

Section 12 (Allowance of travelling expenses).

Harwich Harbour Act 1949(b)—

Section 12 (Provisions as to election of elective conservator).

Harwich Harbour Revision Order 1965(c).

Costs of Order

11. All costs, charges and expenses of, or in connection with, the preparation, submission and making of this Order (other than costs, charges and expenses which any person is lawfully ordered to pay by the Secretary of State or a joint committee of both Houses of Parliament, or any costs, charges and expenses incurred in opposing the Order) shall be paid by the Board.

Signed by authority of the Secretary of State
28th November 1973.

John Peyton,
Minister for Transport Industries,
Department of the Environment.

(a) 1865 c. cxx.
(c) S.I. 1965/1964.

(b) 1949 c. xvii.

SCHEDULE

PROVISIONS APPLYING TO THE BOARD

1. At the first meeting of the Board held on or after the appointed day and in each year thereafter, the conservators present at the meeting shall choose one of their number to act as deputy chairman and the deputy chairman shall, unless he resigns his office or ceases to be a member of the Board, continue in office until the next annual appointment of a deputy chairman.

2. If a casual vacancy occurs in the office of deputy chairman the conservators may choose some other conservator to fill the vacancy, and the conservator so chosen shall continue in office for so long as the person in whose place he has been chosen would have been entitled to continue in office if such vacancy had not occurred.

3. In the absence of the chairman the person for the time being holding office as deputy chairman shall have and may exercise all the powers of the chairman.

4. If at any meeting of the Board neither the chairman nor the deputy chairman is present the conservators present at the meeting shall choose one of their number to be chairman of the meeting.

5. The Board may act notwithstanding a vacancy in the number of conservators and no act of the Board shall be deemed to be invalid by reason of any irregularity in the appointment of any conservator, or by reason of any person irregularly acting as a conservator.

6. The Board may, subject to such conditions as they think fit, delegate any of their functions to a committee of the Board.

7. If at any meeting of the Board or of a committee of the Board there is an equality of votes on any question the chairman of the meeting shall have a second or casting vote.

8. The quorum required for a meeting of the Board shall be three and the Board shall meet at least once in each quarter of each year.

9.—(1) If a conservator has any pecuniary interest, direct or indirect—

(a) in any contract or proposed contract to which the Board are or would be a party or is a director of a company or body with which the contract or proposed contract is made or proposed to be made; or

(b) in any other matter with which the Board are concerned;

and is present at a meeting of the Board or of any committee of the Board at which that contract or matter is considered, he shall—

(i) so soon as practicable after the commencement of that meeting disclose his interest;

(ii) not vote on any question with respect to that contract or matter; and

(iii) withdraw from the meeting if the conservators present by resolution require him to do so.

(2) This paragraph shall not apply to any interest—

(a) which a conservator has in respect of the payment to the Board of harbour dues;

(b) which arises in respect of the provision of harbour services or facilities affecting the trading community in general;

(c) which a conservator has as an employee of a public utility undertaking or as a shareholder, not being a director of a company, unless he possesses more than five per cent of the issued share capital of that company; or

(d) which the conservators present at the meeting by resolution declare to be too remote.

10.—(1) The Board shall cause minutes to be made in bound or loose-leaf books provided for that purpose—

(a) of the names of conservators present at each meeting of the Board and of committees of the Board; and

(b) of all resolutions and proceedings of meetings of the Board and of committees of the Board;

and any such minutes as aforesaid, if signed by any person purporting to be the chairman of any meeting of the Board or committee of the Board (as the case may be), shall be admissible in evidence without any further proof.

(2) If loose-leaf books are used each leaf comprising the minutes shall be consecutively numbered and shall be initialled at the same time as the minutes are signed.

11. Subject to the provisions of this Schedule the procedure and business of the Board shall be regulated in such manner as the Board may from time to time determine.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order alters the constitution of the Harwich Harbour Conservancy Board and amends and repeals certain enactments relating to the constitution of the Board.

It empowers the Board in its discretion to pay allowances and expenses to any conservator.