

1975 No. 1890

HARBOURS, DOCKS, PIERS AND FERRIES
The Port of London Authority (Constitution) Revision
Order 1975

<i>Made</i> - - - -	<i>2nd June 1975</i>
<i>Laid before Parliament</i>	<i>24th June 1975</i>
<i>Coming into Operation</i>	<i>20th November 1975</i>

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 Port of London Authority hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Port of London Authority (Constitution) Revision Order 1975 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(c).

Interpretation

2.—(1) In this Order—

“the 1968 Act” means the Port of London Act 1968 (d);

“the new constitution date” means the first day of the third month after the expiry of the month current at the commencement of this Order;

“the Port Authority” means the Port of London Authority.

(2) The Interpretation Act 1889(e) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

New constitution of the Port Authority

3.—(1) On and after the new constitution date the Port Authority shall, subject to paragraph (2) of this article, consist of not less than nine and not more than seventeen members.

(2) Notwithstanding the provisions of paragraph (1) of this article and the substitution effected by article 5(2) of this Order, if the number of members

(a) 1964 c. 40.

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

(e) 1889 c. 63.

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

(d) 1968 c. xxxii.

appointed under article 4(1) of this Order is less than nine, the Port Authority shall consist of the members so appointed until the Port Authority have appointed an officer of the Port Authority to serve as a member of the Port Authority in accordance with article 4(5) of this Order.

First appointments under new constitution

4.—(1) The Secretary of State shall before the new constitution date appoint to the Port Authority a chairman and not less than seven and not more than ten other members not being officers of the Port Authority and each member so appointed shall come into office on that date.

(2) The Secretary of State shall consult the chairman of the Port Authority on the appointments to be made under paragraph (1) of this article other than that of the chairman and shall also consult the National Ports Council on the appointment of the chairman.

(3) The members of the Port Authority to be so appointed shall be selected from amongst persons appearing to the Secretary of State to have wide experience of, and to have shown capacity in, one or more of the following—

- (a) business management,
- (b) financial matters,
- (c) sea transport,
- (d) inland transport,
- (e) international commerce,
- (f) the organisation of workers,
- (g) riverside activities,
- (h) environmental matters affecting the area of the port of London, and
- (i) navigation,

and at least one of the members so selected shall be a person with wide experience of navigation (including the command of sea-going ships, pilotage and navigational aids).

(4) The chairman so appointed shall continue in office until the 31st December 1976, and the other members so appointed shall continue in office as follows, as the Secretary of State shall specify when he makes each appointment—

- (a) not less than two and not more than three members until the 31st December 1976;
- (b) not less than two and not more than three members until the 31st December 1977; and
- (c) not less than three and not more than four members until the 31st December 1978.

(5) On or as soon as practicable after the new constitution date the Port Authority shall meet and as the first item of business shall appoint at least one but not more than six officers of the Port Authority to serve as members of the Port Authority, and every member so appointed shall continue in office as a member until he ceases to be an officer of the Port Authority.

(6) A person in office as a member of the Port Authority immediately before the new constitution date shall be deemed to complete his term of office immediately before that date but, subject to the 1968 Act, shall be eligible to serve again.

Substitution of provisions in the 1968 Act

5.—(1) On the new constitution date section 3 of and Schedule 2 to the 1968 Act shall be amended as provided by this article.

(2) For section 3 there shall be substituted the following section—

“3. The Port Authority shall consist of not less than nine and not more than seventeen members, and Part I of Schedule 2 to this Act shall have effect with respect to the constitution and members of the Port Authority.”.

(3) For Part I of Schedule 2 there shall be substituted the provisions set out in the Schedule to this Order.

(4) For paragraph 1 of Part II of Schedule 2 there shall be substituted the following paragraph—

“1. Those members of the Port Authority who are not officers of the Port Authority may choose from amongst themselves one to act as vice-chairman of the Port Authority during such period as may be specified by them:

Provided that the period so specified shall not extend beyond the date upon which the appointment of that member will expire.”.

Signed by authority of
the Secretary of State
2nd June 1975.

Fred Mulley,
Minister for Transport,
Department of the Environment.

Article 5(3)

THE SCHEDULE

PART I OF SCHEDULE 2 OF 1968 ACT AS AMENDED

“PART I

PROVISIONS RELATING TO MEMBERS OF THE PORT AUTHORITY

1. References in this Part of this Schedule to numbered paragraphs are to the paragraphs of this Part of this Schedule.

2.—(1) The Secretary of State shall, not later than the 1st December in 1976 and in each third year thereafter, after consultation with the National Ports Council, appoint a person not being an officer of the Port Authority to be chairman of the Port Authority for three years commencing on the 1st January following the appointment.

(2) The appointment as chairman of the Port Authority of a member of the Port Authority shall create a casual vacancy in the office of a member.

3. The Secretary of State shall not later than the 1st December in the year 1976 and in each year thereafter, after consultation with the chairman of the Port Authority, appoint not less than two and not more than four other persons not being officers of the Port Authority to serve, subject to this Part of this Schedule, as members of the Port Authority for three years commencing on the 1st January following the appointment:

Provided that the number of members including the chairman not being officers of the Port Authority shall not at any time be less than eight or more than eleven.

4. The chairman and the members to be appointed under paragraph 3 shall be selected from amongst persons appearing to the Secretary of State to have wide experience of, and to have shown capacity in, one or more of the following—

- (a) business management,
- (b) financial matters,
- (c) sea transport,
- (d) inland transport,
- (e) international commerce,
- (f) the organisation of workers,
- (g) riverside activities,
- (h) environmental matters affecting the area of the port of London, and
- (i) navigation;

Provided that the members not being officers of the Port Authority shall always include at least one person with wide experience of navigation (including the command of sea-going ships, pilotage and navigational aids).

5. An appointment made by the Secretary of State under this Part of this Schedule shall be notified in writing by the Secretary of State to the secretary of the Port Authority.

6.—(1) The object of this paragraph is to secure that at all times at least one but not more than six officers of the Port Authority are members of the Port Authority.

(2) Where—

- (a) a member of the Port Authority is the only member of the Port Authority who is an officer of the Port Authority and his period of office as a member of the Port Authority expires or he ceases for any other reason to be a member of the Port Authority; or
- (b) there are two or more members of the Port Authority who are the only members of the Port Authority who are officers of the Port Authority and simultaneously their periods of office as members of the Port Authority expire or they cease for any other reason to be members of the Port Authority,

the Port Authority shall appoint an officer of the Port Authority to serve, subject to this Part of this Schedule, as a member of the Port Authority until such time as he ceases to be an officer of the Port Authority.

(3) The Port Authority may at any time appoint one or more officers of the Port Authority to serve, subject to this Part of this Schedule, as members of the Port Authority and every member so appointed shall continue in office as a member until he ceases to be an officer of the Port Authority:

Provided that the number of members of the Port Authority who are officers of the Port Authority shall not at any time be more than six.

7. A person shall not be qualified to be a member of the Port Authority unless at the time of first taking office he has not yet attained his sixty-fourth birthday.

8.—(1) A member of the Port Authority appointed by the Secretary of State may resign his membership by a notice in writing to the Secretary of State and to the secretary of the Port Authority.

(2) A member of the Port Authority not appointed by the Secretary of State may resign his membership by a notice in writing to the chairman of the Port Authority.

9. Subject to this Part of this Schedule a person who has completed his term of office as the chairman or other member of the Port Authority shall be eligible to serve again.

10. A member shall retire from the Port Authority on the 31st December being or next following his seventieth birthday and, unless the member would otherwise have retired on that date, a vacancy so arising shall be deemed to be a casual vacancy.

11. If the Secretary of State is satisfied that a member of the Port Authority—

- (a) has been absent from meetings of the Port Authority for three consecutive months or more without the permission of the Port Authority; or
- (b) has become bankrupt or made an arrangement with his creditors; or
- (c) is incapacitated by physical or mental illness from discharging the functions of a member; or
- (d) is otherwise unable or unfit to discharge the functions of a member;

the Secretary of State may declare his office as a member of the Port Authority to be vacant and thereupon the office shall become vacant.

12.—(1) A casual vacancy in the office of the chairman of the Port Authority shall be filled by the appointment by the Secretary of State, after consultation with the National Ports Council, of another person not being an officer of the Port Authority, and where such person is a member of the Port Authority paragraph 2(2) shall apply.

(2) A casual vacancy in the office of any other member of the Port Authority who was not immediately before the vacancy arose an officer of the Port Authority shall be filled by the appointment by the Secretary of State after consultation with the chairman of the Port Authority of another person not being an officer of the Port Authority in accordance with paragraph 4.

(3) A person appointed to fill a casual vacancy in accordance with sub-paragraphs (1) or (2) of this paragraph shall, subject to this Part of this Schedule, hold office during the remainder of the term for which the person whom he replaces was appointed.

13. The Port Authority may—

- (a) pay to a member of the Port Authority such salary, fee, allowance and expenses as the Port Authority may determine; and
- (b) make provision for or pay to or in respect of a person who is or has been a member of the Port Authority such pension, grant or like benefit as the Port Authority may determine.”

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order reconstitutes the Port of London Authority as from the new constitution date therein mentioned. The membership becomes not less than nine and not more than seventeen. The Secretary of State is to appoint the chairman and between seven and ten other members from among persons qualified in one or more relevant fields. The Port Authority must appoint at least one and may appoint a further five members of the Port Authority to serve as members.