
STATUTORY INSTRUMENTS

1978 No. 941

HARBOURS, DOCKS, PIERS AND FERRIES

The Tees and Hartlepool Port Authority (Constitution)

Revision Order 1978

<i>Made - - - -</i>	<i>8th May 1978</i>
<i>Laid before Parliament</i>	<i>23rd May 1978</i>
<i>Coming into Operation</i>	<i>4th July 1978</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 15 of the Harbours Act 1964(a) and now vested in him(b) and of all other powers enabling him in that behalf, and on a representation made to him by the National Ports Council, hereby makes the following Order:—

PART I

PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the Tees and Hartlepool Port Authority (Constitution) Revision Order 1978 and shall come into operation on the date fixed in accordance with the Statutory Orders (Special Procedure) Acts 1945 and 1965(e).

(2) The Tees and Hartlepool Port Authority Acts and Orders 1966 to 1974(d) and this Order may be cited together as the Tees and Hartlepool Port Authority Acts and Orders 1966 to 1978.

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

“the Authority” means the Tees and Hartlepool Port Authority;

“the Council” means the National Ports Council;

“harbour” has the same meaning as in the Tees and Hartlepool Port Authority Act 1966(e);

(a) 1964 c. 40.

(b) S.I. 1970/1681.

(c) 1945 c. 18 (9 & 10 Geo. 6); 1965 c. 43.

(d) 1966 c. xxv; 1969 c. iv; S.I. 1971/2004; S.I. 1975/693.

(e) 1966 c. xxv.

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“the local authorities” means the Cleveland County Council and the Hartlepool, Langbaugh, Middlesbrough and Stockton-on-Tees Borough Councils and “local authority” means any one of the said councils;

“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;

“panel” means such a panel as is described in article 3(3) of this Order.

(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.

PART II

CONSTITUTION OF THE AUTHORITY

The new constitution

3.—(1) On and after the new constitution date the Authority shall consist of:—

(a) not less than seven and not more than ten members appointed by the Secretary of State, and

(b) (as from the time when officers of the Authority are appointed to serve as members thereof in accordance with paragraph 2 of the Schedule to this Order) not less than two and not more than five full-time officers of the Authority appointed on the occasion of the first appointment of such officers under the said paragraph 2 by the members referred to in sub-paragraph (a) above and on subsequent occasions by the Authority.

(2) Of the members appointed under paragraph (1)(a) above, not less than two and not more than three shall be appointed in the following manner, that is to say, the Secretary of State shall select them from a panel after consulting the local authorities, the Council and the person then holding office as chairman of the Authority.

(3) The Secretary of State, whenever he proposes to appoint a member or members in accordance with paragraph (2) above, shall notify each of the local authorities in writing and upon being so notified the Cleveland County Council, in consultation with the other local authorities, shall as soon as reasonably practicable prepare, and shall furnish the Secretary of State with, a written panel consisting of the names of ten persons each of whom is a member of one or more of the local authorities. Each of the local authorities shall nominate two of their members whose names shall be included in such panel.

(4) Before making any appointments under paragraph (1)(a) above (other than those referred to in paragraph (2) above) the Secretary of State shall consult—

(a) the person then holding office as chairman of the Authority, and

(b) the Council,

and in considering the appointments which are the subject of such consultation the chairman of the Authority and the Council shall each consult with such bodies, being bodies which in the opinion of either the chairman of the Authority or the Council are likely to be substantially affected by the way

(a) 1889 c. 63.

in which the functions of the Authority are discharged or which appear to the chairman of the Authority or the Council to be representative of interests likely to be so affected, as the chairman of the Authority or the Council consider appropriate.

(5) In selecting persons for appointment as members of the Authority the Secretary of State shall—

(a) select persons who appear to him to have wide experience of, and to have shown capacity in, one or more of the matters mentioned in paragraph (6) below or to have in some other respect knowledge or experience that would be of value to the Authority in the discharge of their functions, and

(b) have regard to the desirability of having members who are familiar with the area served by the harbour.

(6) The matters referred to in paragraph (5)(a) above are—

(a) the management of harbours;

(b) shipping or other forms of transport;

(c) industrial matters including, but without prejudice to the generality of the foregoing, those relating to the chemical, oil and steel industries;

(d) commercial or financial matters;

(e) administration;

(f) the organisation of workers;

(g) planning or environmental matters affecting the area of the harbour; and

(h) navigation.

(7) The Secretary of State shall appoint one of the members of the Authority appointed by him under paragraph (1)(a) above to be chairman of the Authority and the person so appointed shall, unless he resigns the office of chairman, continue to hold that office until his current term of office as a member of the Authority expires or is otherwise determined.

(8) Before appointing a chairman of the Authority under paragraph (7) above the Secretary of State shall consult—

(a) the person then holding office as chairman of the Authority, and

(b) the Council.

(9) When consulted by the Secretary of State under paragraphs (2), (4) or (8) above the chairman of the Authority shall consult the Authority before advising the Secretary of State and shall also consult the Authority on which bodies should be consulted by him and by the Council under the said paragraph (4).

(10) References in paragraphs (2), (4), (8) and (9) above to the chairman of the Authority (except the first such reference in paragraph (8)) shall, if at the relevant time there is no chairman of the Authority or in the opinion of the Secretary of State the chairman is incapable of acting or is not reasonably available, be construed as references to the deputy chairman of the Authority.

(11) In the event of a casual vacancy occurring in the office of chairman, the Authority shall, as soon as they conveniently can after the occurrence of such vacancy, choose some other member (appointed under article 3(1)(a) above) of the Authority to fill the vacancy and the member so chosen shall hold that office until such time as a chairman appointed by the Secretary of State (whether by the appointment of that member or any other member) assumes that office.

Appointment and terms of office of members appointed by Secretary of State

4.—(1) The Secretary of State shall appoint the first members to be appointed by him under article 3(1)(a) above before the new constitution date and each member so appointed shall come into office on that date and, subject to the provisions of section 8(2) and (3) of, and paragraph 6 of Schedule 3 to, the Tees and Hartlepool Port Authority Act 1966(a) and of paragraph (3) below shall continue in office until either the last day of February 1980 or the last day of February 1981 as the Secretary of State may specify when he makes the appointment. The members of the Authority holding office immediately before the new constitution date shall go out of office on the new constitution date.

(2) A member subsequently appointed by the Secretary of State under the said article 3(1)(a) shall come into office on the 1st March following his appointment and, subject to the provisions of section 8(2) and (3) of, and paragraph 6 of Schedule 3 to, the Tees and Hartlepool Port Authority Act 1966, and of paragraph (3) below, shall continue in office until the last day of February in either the second or third year thereafter as the Secretary of State may specify when he makes the appointment:

Provided that if at any time the number of members of the Authority appointed under the said article 3(1)(a) is less than ten and the Secretary of State appoints an additional member such member shall come into office on such date as the Secretary of State may specify when he makes the appointment and, subject as aforesaid, shall continue in office until the last day of February in either the second or third year thereafter as the Secretary of State may specify when he makes the appointment. In this proviso the reference to the appointment of an additional member includes the filling of a casual vacancy, and the foregoing shall apply in relation to the appointment of a member to come into office when a casual vacancy which is known to be about to occur takes effect notwithstanding that at the time when such appointment is made there are ten members of the Authority appointed under the said article 3(1)(a).

(3) If a member appointed in accordance with article 3(2) above ceases to be a member of the local authority which nominated him for inclusion in the panel from which he was selected by the Secretary of State he shall thereupon cease to be a member of the Authority:

Provided that such member of the Authority shall not be deemed for the purposes of this paragraph to have ceased to be a member of the local authority in question if on or before the day on which he goes out of office as a member of that local authority he has been re-elected a member thereof.

(4) In making appointments under paragraph (1) above the Secretary of State shall secure that at least half the members in question are appointed

(a) 1966 c. xxv.

to hold office until the last day of February 1981 and in making subsequent appointments under paragraph (2) above shall secure that at least half the members of the Authority appointed under article 3(1)(a) above holding office at any time were either appointed to hold office until the last day of February 1981 or until the last day of February in the third year after the date of appointment.

Incidental provisions relating to Authority

5. On and after the new constitution date the provisions of the Schedule to this Order shall have effect with respect to the members and proceedings of the Authority (in addition to the provisions in this regard of the Tees and Hartlepool Port Authority Act 1966 which are not repealed by this Order).

Repeal of certain provisions relating to existing constitution etc.

6. On the new constitution date sections 6, 7 and 9 of, and paragraphs 1, 2, 9 and 13 of Schedule 3 to, the Tees and Hartlepool Port Authority Act 1966 shall be repealed and section 8(3) of the said Act shall have effect as if for the words "on the 31st December" there were substituted the words "on the last day of February".

8th May 1978.

William Rodgers,
Secretary of State for Transport.

SCHEDULE

INCIDENTAL PROVISIONS WITH RESPECT TO THE AUTHORITY

1. The first meeting of the Authority after the new constitution date shall be convened by the chairman of the Authority for such date and at such place as he may fix and the chairman shall make arrangements for notice of that meeting to be sent by post to each of the other members of the Authority appointed by the Secretary of State.
2. At the first meeting of the Authority after the new constitution date the members appointed by the Secretary of State (or as many of them as are present) shall, as the first item of business, appoint not less than two and not more than five full-time officers of the Authority to serve as members thereof.
3. The Authority shall at their first meeting after the new constitution date and subsequently at their first meeting in each year appoint one of their number (being a member appointed by the Secretary of State) to be deputy chairman and the deputy chairman shall, unless he resigns his office or ceases to be a member of the Authority, continue in office until the next annual appointment of a deputy chairman.

4. On a casual vacancy occurring in the office of deputy chairman of the Authority the vacancy shall be filled by the appointment by the Authority of one of their number (being a member appointed by the Secretary of State) at a meeting held as soon as practicable after the vacancy occurs and the person so appointed shall hold office until the date on which the person in whose place he is appointed would ordinarily have retired and shall then retire.

5. A full-time officer of the Authority who is appointed to serve as a member thereof under paragraph 2 of this Schedule or subsequently by the Authority shall hold and vacate his office as a member at the discretion of the Authority but may at any time resign his membership by notice in writing given to the chairman of the Authority. If such a member shall cease to be a full-time officer of the Authority he shall thereupon cease to be a member of the Authority but the termination by the Authority of the appointment as a member thereof of a full-time officer shall be without prejudice to his appointment as an officer of the Authority.

6. At meetings of the Authority the quorum shall be five:

Provided that there shall not be a quorum unless the majority of the members present are persons other than full-time officers of the Authority.

7. Subject to the provisions of this Schedule and of Schedule 3 to the Tees and Hartlepool Port Authority Act 1966 the Authority shall have power to regulate their own procedure.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order reconstitutes the Tees and Hartlepool Port Authority so as to consist of

(a) a chairman appointed by the Secretary of State;

(b) not less than six nor more than nine members appointed by the Secretary of State after consultation with the chairman of the Authority, the National Ports Council and, in the case of certain of the appointments, the local authorities of the area; and

(c) not less than two nor more than five full-time officers of the Authority.

This Order being subject to special parliamentary procedure, the provisions of the Statutory Orders (Special Procedure) Act 1945 determine the date upon which it comes into operation.