

SCHEDULES

SCHEDULE 2

Article 12

INCIDENTAL PROVISIONS RELATING TO AUTHORITY

Appointment of chairman and vice-chairman of Authority

1. Subject to paragraph 2 below, there shall be a chairman of the Authority who shall be appointed by those of the members who are appointed under article 4(1)(a) or 9 above from among their number.

2. The first chairman of the Authority shall be the person who, immediately before the new constitution date, was the chairman of the Authority and, subject to paragraph 7 below, he shall, unless he resigns his office as chairman or ceases to be a member, continue in office as chairman until his initial term of office as a member has expired.

3. Subject to paragraph 7 below, every chairman subsequently appointed under paragraph 1 above shall, unless he resigns his office as chairman or ceases to be a member, hold office for a period of three years.

4. There shall be a vice-chairman of the Authority who shall be appointed by those of the members who are appointed under article 4(1)(a) or 9 above from among their number.

5. The first vice-chairman holding office after the new constitution date shall be appointed at the first meeting of the Authority referred to in paragraph 9 below and, subject to paragraph 7 below, shall, unless he resigns his office as vice-chairman or ceases to be a member, continue in office as vice-chairman until his initial term of office as a member has expired.

6. Subject to paragraph 7 below, every vice-chairman subsequently appointed under paragraph 4 above shall, unless he resigns his office as vice-chairman or ceases to be a member, hold office for a period of three years.

7. If those of the members who are appointed under article 4(1)(a) or 9 above are satisfied that the chairman or vice-chairman should cease to hold his office as such, they may terminate his office as such and appoint another member to be chairman or vice-chairman during the remainder of the term for which the former chairman or vice-chairman was appointed.

8.—(1) On a casual vacancy occurring in the office of chairman or vice-chairman of the Authority, the vacancy shall be filled by those of the members who are appointed under article 4(1)(a) or 9 above at a meeting held as soon as practicable after the vacancy occurs.

(2) A member appointed under this paragraph to fill a casual vacancy in the office of chairman or vice-chairman shall, unless he resigns that office or ceases to be a member, hold that office during the remainder of the term for which the chairman or vice-chairman whom he replaces was appointed.

Meetings of Authority

9.—(1) The first meeting of the Authority after the new constitution date shall be convened as soon as practicable by the Chief Executive for such date as he may fix; and he shall make arrangements for notice of that meeting to be sent by post to each of the other members.

(2) The Authority shall meet at least once in every two months.

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Vacation of office by members

10. A member (other than the Chief Executive) may resign his office at any time by notice in writing given to the chairman of the Authority or, if that member is the chairman, the vice-chairman.

Reappointment of members

11.—(1) Subject to the provisions of this Schedule, a vacating member shall be eligible for reappointment as a member unless he has been disqualified from office under article 10 above.

(2) A vacating appointed member shall not be eligible for reappointment as a member where, immediately before the date in question, he has held office for three consecutive terms unless he is the chairman of the Authority.

(3) A chairman of the Authority who is an appointed member shall not be eligible for reappointment as a member where, immediately before the date in question, he has held office as a member for four consecutive terms.

(4) For the purposes of this paragraph, “term” does not include—

- (a) a term referred to in article 5(2)(a) or (b) above;
- (b) the remainder of a term during which the member was appointed to fill a casual vacancy under article 9 above; or
- (c) any term served by the member prior to the new constitution date.

(5) In this paragraph “appointed member” means a member appointed under article 4(1)(a) above.

Reappointment of chairman

12.—(1) A chairman of the Authority shall not be eligible for reappointment as chairman where, immediately before the date in question, he has served as a chairman for three consecutive terms.

(2) For the purposes of this paragraph, “term” does not include—

- (a) a term served by the member as chairman under paragraph 2 above where that term is less than 3 years;
- (b) the remainder of a term during which the member was appointed to fill a casual vacancy in the office of chairman under paragraph 8 above; or
- (c) any term served by the member as chairman prior to the new constitution date.

Committees

13. The Authority may, consistently with their duties and subject to such conditions as they think fit, delegate any of their functions (other than the functions set out in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964 (1)) to a committee of the Authority.

Proceedings of Authority and committees

14. The acts and proceedings of the Authority, or of any committee of the Authority, shall not be invalidated by any vacancy in their number or by any defect in the appointment, or the qualification for appointment, of any person as a member, or as chairman or vice-chairman, of the Authority or committee.

15. The quorum required for a meeting of the Authority shall be four.

(1) Paragraph 9B was inserted by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 9.

16. If a member has any interest, direct or indirect—

- (a) in any contract or proposed contract to which the Authority 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 Authority are concerned,

he shall declare that interest.

(2) If a member is present at a meeting of the Authority or of any committee of the Authority at which a contract or other matter in which he has an interest is to be considered he shall—

- (a) as soon as is practicable after the commencement of that meeting disclose his interest;
- (b) not vote on any question with respect to that contract or matter; and
- (c) withdraw from the meeting—
 - (i) at any time if the members present by resolution require him so to do; and
 - (ii) while a decision on that contract or matter is being made.

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

- (a) which a member has in respect of the payment to the Authority 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 member 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 members present at the meeting by resolution declare to be too remote.

17. The person for the time being holding office as vice-chairman shall have and may exercise in the absence or incapacity of the chairman all the functions of the chairman.

18. If at any meeting of the Authority neither the chairman nor the vice-chairman are present the members present at the meeting shall choose one of their number to be the chairman of the meeting.

19.—(1) Every question at a meeting of the Authority or of a committee of the Authority shall be decided by a majority vote of the members present and voting.

(2) If at any meeting of the Authority or of a committee of the Authority there is an equality of votes on any question the chairman of the meeting shall have a second or casting vote which he may exercise for or against the status quo.

20. Written notice of any meeting of the Authority shall be served on each member of the Authority not less than seven clear days before the date of the meeting specifying the time, date and place of the meeting.

Authentication of seal and other documents

21.—(1) The application of the seal of the Authority shall be authenticated by the signature of the chairman of the Authority or some other member authorised by the Authority to authenticate the application of the seal, and of the Chief Executive of the Authority or some person authorised by the Authority to act in his place in that behalf.

(2) The Authority may authorise a person to act instead of the Chief Executive under this paragraph whether or not the Chief Executive is absent or incapable of acting.

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(3) Any notice, licence or other document given or issued by the Authority shall, unless the contrary intention is expressed, be sufficiently authorised if signed by the Chief Executive of the Authority or a duly authorised officer of the Authority.

General and miscellaneous

22. Subject to the provisions of this Schedule, the procedure and business of the Authority and of any committee of the Authority shall be regulated in such manner as the Authority may from time to time determine.

23. The Authority may pay to the chairman and other members of the Authority such fees and allowances as the Authority think fit.

24. The Authority shall employ a Chief Executive and such other persons as from time to time they think necessary or desirable for and incidental to the performance of their functions and shall pay to them such remuneration as the Authority think fit.