

SCHEDULES

SCHEDULE 1

Article 5

NEATH PORT AUTHORITY (“THE AUTHORITY”)

I, [FULL NAME]
of
do solemnly declare—

- (a) that I will faithfully and impartially, according to the best of my skill and judgement, execute all the powers and authorities reposed in me as a member of Neath Port Authority by virtue of the Neath Harbour Acts and Orders 1843 to 2009;
- (b) that I will be guided in the performance of my functions as one of the members of the Authority by the guidance for the time being issued by the Authority concerning the conduct of its members and in particular that—
 - (i) I will disclose to the chair and the Operations Manager details of every financial or other interest such as is mentioned in paragraph 17 of Schedule 2 to the Neath Harbour Revision (Constitution) Order 2009; and
 - (ii) I will in future notify the chair and the Operations Manager of any alteration in those interests, and of any new interest, as may acquire.

Date this day of

Signature of member:

Witnessed:

Chair:

SCHEDULE 2

Article 6 and 12

INCIDENTAL PROVISIONS APPLYING TO MEMBERS

Appointment of chair and vice-chair of Authority

1. There shall be a chair of the Authority who, subject to article 6(4) shall be appointed by the members from among the members holding office under article 3(1).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2. Subject to paragraph 7, the person appointed under article 6(4) as the first chair shall, unless that person resigns as chair or ceases to be a member, continue in office until 30th September 2013.

3. Subject to paragraph 7, every person appointed as chair under paragraph 1 shall, unless that person resigns as chair or ceases to be a member, hold office for a period of three years.

4. There shall be a vice-chair of the Authority who shall be appointed by the members from among the members holding office under article 3(1).

5. The first vice-chair shall be appointed at the first meeting of the Authority referred to in paragraph 10 or as soon as practicable thereafter and, subject to paragraph 7 the person so appointed shall, unless that person resigns as vice-chair or ceases to be a member, continue in office for the period of one year.

6. Subject to paragraph 7, every person appointed under paragraph 4 shall, unless that person resigns as vice-chair or ceases to be a member, hold office for a period of two or three years.

7. If at least eight of the members appointed under articles 3(1) and 8 are satisfied that the chair or vice-chair should cease to hold office as such, they may terminate that office and appoint another member to be the chair or vice-chair during the remainder of the term for which the former chair or vice-chair was appointed.

8.—(1) On a casual vacancy occurring in the office of chair or vice-chair, the vacancy must be filled by the members at a meeting held as soon as practicable after the vacancy occurs.

(2) Subject to paragraph 7, a member appointed under this paragraph to fill a casual vacancy in the office of chair or vice-chair shall, unless that member resigns that office or ceases to be a member, hold that office during the remainder of the term for which the chair or vice-chair whom that person replaces was appointed.

9. A chair or vice-chair is eligible for reappointment to that office but may not hold office for more than five consecutive terms.

Meetings of Authority

10.—(1) The first meeting of the Authority after the new constitution date must be convened as soon as practicable by the chair appointed under article 6(4) for such date and such place as the chair may fix; and the chair must make arrangements for notice of that meeting to be sent by post to each of the other members.

(2) The members must meet at least four times in each year starting on the new constitution date and each anniversary of that date and at intervals of not more than four months.

Vacation of office by members

11.—(1) Subject to sub-paragraph (2), a member may resign as a member at any time by notice in writing given to the chair of the Authority or, if that member is the chair, the vice-chair.

(2) If the Operations Manager resigns as a member, that person must also resign from the post of Operations Manager.

Reappointment of members

12.—(1) Subject to the provisions of this Schedule, a vacating member is eligible for reappointment as a member.

(2) Subject to sub-paragraphs (3) and (4), a vacating member who has held office for three consecutive terms is not be eligible for reappointment as a member where that member has held office for three consecutive terms.

(3) A chair of the Authority may hold office as chair for not more than five consecutive terms notwithstanding that that person may have previously held office as a member (including holding the office of vice-chair) for up to three consecutive terms immediately preceding their appointment as chair.

(4) A vice-chair of the Authority may hold office as vice-chair for not more than five consecutive terms notwithstanding that that person may have previously held office as a member for up to three consecutive terms preceding their appointment as vice-chair.

Committees

13. The Authority may, subject to such conditions as it considers fit, delegate any of its functions (other than the functions set out in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964) 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, and not invalidated by any vacancy in the membership of the Authority or by any defect in the appointment, or the qualification for appointment, of any person as a member, or as chair or vice-chair, of the Authority or committee.

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

16.—(1) A member who has any interest, direct or indirect—

- (a) in any contract or proposed contract to which the Authority is or would be a party; or
- (b) in any other matter with which the Authority is concerned,

must declare that interest.

(2) A member who is present at a meeting of the Authority or of any committee of the Authority at which a contract or other matter in which that member has an interest is to be considered must—

- (a) as soon as is practicable after the commencement of that meeting disclose the 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 other members of the Authority present by resolution so require; and
 - (ii) in any event while a decision on that contract or matter is being made.

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

- (a) which a member has in respect of the payment to the Authority of pilotage charges or 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 the member possesses more than five per cent of the issued share capital of that company; or
- (d) which the other members of the Authority present at the meeting by resolution declare to be too remote.

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(4) The Authority must maintain and regularly update a register of interests declared by each member and make the register available for inspection by members of the public at all times during usual office hours.

17. The person for the time being holding office as vice-chair has, and may exercise in the absence or incapacity of the chair, all the powers and functions of the chair.

18. If at any meeting of the members neither the chair nor the vice-chair is present, the members present at the meeting must choose one of their number to be the chair of the meeting.

19. If at any meeting of the Authority or of a committee of the Authority there is an equality of votes on any question the chair of the meeting has a second or casting vote.

Authentication of seal

20. The application of the seal of the Authority must be authenticated by the signature of the chair of the Authority or some other member authorised by the Authority to authenticate the application of the seal.

General

21. 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 from time to time determines.

SCHEDULE 3

Article 20

REPEALS

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1843 c. lxxi	Neath Harbour Act 1843	Sections 15 to 17, 19, 21, 23, 25 to 27, 29 and 31.
1884 c. cxcvi	Neath Harbour Act 1884	Sections 6 to 16 and the First and Second Schedules.
1886 c. lv	Neath Harbour Act 1886	Sections 5, 7, 8 and 12 to 27.
1891 c. cxvi	Neath Harbour Act 1891	Section 4.
1901 c. xvi	Neath Harbour Act 1901	Section 6.