

SCHEDULE 3

Article 3

The Port of Bristol Security Authority

Composition and membership of the Port of Bristol Security Authority

1.—(1) The Port of Bristol Security Authority (referred to in this Schedule as the “Authority”) must consist of at least three persons, and all members of the Authority must be appointed by the Secretary of State.

(2) A member of the Authority—

- (a) may resign by giving at least 21 days notice in writing to the Secretary of State;
- (b) must hold and vacate office in accordance with the terms of his or her appointment.

(3) The Secretary of State may dismiss a member of the Authority by notice in writing but only on the ground that the member—

- (a) has missed more than three consecutive meetings of the Authority;
- (b) has a financial or other personal interest which is likely to influence the performance of his or her functions as a member;
- (c) has been adjudged bankrupt, has had his or her estate sequestrated, or has made a composition or arrangement with, or granted a trust deed for, his or her creditors;
- (d) has misbehaved in a way that is relevant to his or her position as a member; or
- (e) is unable, unfit or unwilling to perform his or her functions as a member.

(4) Every member of the Authority must, in so far as it is reasonably practicable, attend all meetings of the Authority, or if unable to attend a meeting of the Authority, arrange for another member of the Authority to represent him or her at the meeting.

Proceedings of the Authority

2.—(1) The Authority must hold meetings at least twice a year.

(2) The Authority must determine arrangements for the conduct of its proceedings.

(3) At the first meeting of the Authority after the coming into force of this Order the members of the Authority must appoint one of its members as chairperson of the Authority.

(4) Other than in exceptional circumstances where a meeting of the Authority is unavoidably called at short notice, the Authority must give the Secretary of State reasonable notice of all meetings to be held by the Authority, together with a copy of the agendas for any such meetings.

(5) The Secretary of State may send a representative to attend any meeting of the Authority as an observer.

(6) The Authority must supply the Secretary of State with a copy of the minutes of any meeting of the Authority no later than 30 days after the meeting has been held.

Conflict of interest

3.—(1) If a member of the Authority has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, that member must at the meeting and as soon as practicable after its commencement disclose that fact and, subject to sub-paragraph (4), must not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.

Status: This is the original version (as it was originally made).

(2) Subject to sub-paragraph (3), a member of the Authority must be treated for the purposes of this paragraph as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the member, or a nominee of the member, is a director of a company or other body, not being a public body, with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration, or
- (b) the member is in partnership with, or is in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two persons living together as a couple (whether married or not) the interest of one must, if known to the other, be deemed for the purposes of this article to be also an interest of the other.

(3) A member of the Authority must not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of his or her membership of a company or other body if he or she has no beneficial interest in any securities of that company or other body; or
- (b) of an interest in any contract, proposed contract or other matter which is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in the consideration or discussion of, or voting on, any question with respect to that contract, proposed contract or other matter.

(4) The Secretary of State may, subject to such conditions as he or she may think fit to impose, remove the prohibition imposed by sub-paragraph (1) in any case in which it appears that the prohibition impedes, or is likely to impede, the ability of the Authority to comply with its duties under this Order or under the Port Security Regulations 2009.

(5) A person who fails to comply with the provisions of sub-paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale unless the person proves that he or she did not know that the contract, proposed contract or other matter in which he or she had a pecuniary interest was the subject of consideration at that meeting.

Status of the Authority

4.—(1) The Authority is not to be treated—

- (a) as the servant or agent of the Crown; or
- (b) as enjoying any status, immunity or privilege of the Crown.

(2) The property of the Authority (if any) is not to be regarded as property of the Crown or as held on behalf of the Crown.