

SCHEDULE 3

Article 60

AMENDMENT OF POOLE HARBOUR REVISION ORDER 2001

The 2001 Order is amended as follows—

1. For paragraph (1) of article 3 (Incorporation of the Commissioners' Clauses Act 1847) substitute—

“(1) Sections 41 to 47, 53, 60 and 99 to 101 of the 1847 Act are hereby incorporated with, and form part of, this Order except where the same are inconsistent with or are varied by this Order.”,

and revoke paragraph (4) of that article.

2. In article 4 (Constitution of Commissioners), after “subject to articles 8 and 9 below” insert “and to paragraph A1(5) of Schedule 2 to this Order”.

3. In article 7 (Appointment of Commissioners and terms of office), in paragraph (4), after “paragraphs” insert “A1(5)”.

4. In article 7, after paragraph (6), insert—

“(6A) A person who is or who has been Chairman shall not be eligible to hold office as a Commissioner for more than twelve years.”

5. In article 10 (Casual vacancies), at the end of paragraph (3), insert “or to a Chairman whose term of office as Commissioner has been extended under paragraph A1(5) of Schedule 2 to this Order”.

6. In Schedule 1 (Form of declaration by Commissioners), for “1756 to 2001” in both places where that expression occurs substitute “1756 to 2012”.

7. In Schedule 2 (Provisions applying to Commissioners), before paragraph 1, insert—

“Chairman of Commissioners

A1.—(1) There shall be a Chairman of the Commissioners who shall be elected in accordance with sub-paragraph (2).

(2) The Chairman shall be elected by the Commissioners referred to in article 4(1) from amongst the Commissioners referred to in article 4(1)(c).

(3) Every Chairman appointed under sub-paragraphs (1) and (2) shall, unless he resigns or is removed from his office as Chairman, or ceases to be a Commissioner, hold office as Chairman from and including the meeting at which he is chosen for a period expiring on the date of the meeting of the Commissioners held on or next after 31st October in the third year after the year current at the date of his appointment.

(4) At the meeting of the Commissioners held on the date on which the outgoing Chairman ceases to hold office the Commissioners present at the meeting shall, before proceeding to any other business, appoint a new Chairman.

(5) On a casual vacancy occurring in the office of Chairman, a new Chairman shall be elected by the Commissioners referred to in article 4(1) from amongst the Commissioners referred to in article 4(1)(c) at a meeting held as soon as practicable after the vacancy occurs.

(6) A Commissioner appointed under this paragraph to fill a casual vacancy in the office of Chairman shall, unless he resigns that office or ceases to be a Commissioner, hold that office during the remainder of the term for which the Chairman whom he replaced was appointed.

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(7) If but for sub-paragraph (6) a Chairman's term of office as a Commissioner would have expired before his term of office as Chairman, his term of office as a Commissioner shall be extended until the date upon which his term of office as Chairman expires or (if earlier) the date upon which he otherwise ceases to be the Chairman.

(8) Nothing in sub-paragraph (7) shall prevent the removal of the Chairman under paragraph 9 of this Schedule.”.

8. In Schedule 2, paragraph 9(2), at the beginning insert “Subject to paragraph 10(2) of this Schedule”.

9. In Schedule 2, in paragraph 9(2), after “from his office as a Commissioner” insert “(unless the resolution is passed during the extended term of office of a Chairman as a Commissioner having effect under paragraph A1(6) of this Schedule)”.

10. In Schedule 2, after paragraph 9, insert—

“Further provisions as to removal of Commissioners, etc.

9A.—(1) The Commissioners shall not pass any resolution under paragraph 8 or 9 of this Schedule in relation to a person unless they have complied with the conditions set out in sub-paragraph (2).

(2) The conditions referred to in sub-paragraph (1) are that—

- (a) notice has been given to the person in accordance with sub-paragraph (3);
- (b) a period of 28 days from the giving of the notice has expired; and
- (c) the person has been allowed to resign or to make representations to the Commissioners in response to the notice in writing or (if the person so wishes) in person.

(3) Any notice under sub-paragraph (2)(a)—

- (a) shall state the reasons for which the Commissioners are minded to pass the resolution; and
- (b) shall inform the recipient of the rights conferred by sub-paragraphs (2)(c) and (8).

(4) A person to whom a resolution under paragraph 8 or 9 of this Schedule relates shall not be counted for the purpose of determining whether the meeting at which the resolution is considered is quorate.

(5) Article 57 (Notices) of the Poole Harbour Revision Order 2012 shall apply to any notice under sub-paragraph (2)(a).

(6) Subject to sub-paragraph (7) following the passing of any resolution under paragraph 8 or 9 of this Schedule, the Commissioners shall take reasonable steps to publicise the resolution and the reasons for it.

(7) Nothing in sub-paragraph (6) shall authorise the Commissioners to make any statement or disclose any information so as to contravene any enactment, agreement or rule of law.

(8) A Commissioner or the Chairman who is aggrieved by any resolution under paragraph 8 or 9 of this Schedule may appeal within 28 days to a tribunal consisting of 3 persons (not being past or present Commissioners) appointed by the Commissioners whose decision shall be binding on the Commissioners.”.

11.—(1) In Schedule 2, paragraph 10, renumber the existing paragraph as 10(1) and insert afterwards—

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“(2) Notwithstanding paragraph 9(2) of this Schedule the Commissioners if they think fit may pass a combined resolution under paragraphs 9 and 8 of this Schedule removing the Chairman from his position as such and declaring his office as a Commissioner to be vacant.”.