

SCHEDULE 2

The Cromarty Firth Port Security Authority

Members' interests

3.—(1) A member who has any pecuniary interest, direct or indirect, in any matter that is brought up for consideration at a meeting of the Authority (which expression in this paragraph includes any committee or subcommittee of the Authority) must disclose the nature of the interest to the meeting.

(2) Where such a disclosure is made—

- (a) the disclosure must be recorded in the minutes of the meeting;
- (b) the member must not take any part in any deliberation or decision of the Authority with respect to that matter; and
- (c) the member may be excluded from the meeting whilst the matter is under consideration.

(3) For the purposes of this paragraph, a general notification given at a meeting of the Authority by a member to the effect that the member—

- (a) is a member, director or employee of, or partner in, a specified company or firm, and
- (b) is to be regarded as interested in any matter involving that company or firm,

is a sufficient disclosure of the member's interest in any such matter for the purposes of any meeting where the matter comes up for discussion.

(4) A member need not attend in person at a meeting of the Authority in order to make a disclosure required to be made under this paragraph, provided that the member takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.

(5) Subject to sub-paragraph (6), a member of the Authority is to 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 proxy 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) an interest of one, if known to the other, is deemed for the purposes of this paragraph also to be an interest of the other.

(6) A member is not to be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

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

(7) The Secretary of State may, subject to such conditions as appear to the Secretary of State to be appropriate, remove any prohibition imposed by virtue of this paragraph in any case where the prohibition is impeding or likely to impede the ability of the Authority to perform its functions under this Order or under the Port Security Regulations 2009.

(8) The power of the Secretary of State under sub-paragraph (7) includes power to remove, either indefinitely or for any period, a prohibition which would otherwise attach to any member, or

Changes to legislation: *There are currently no known outstanding effects for the The Port Security (Port of Cromarty Firth) Designation Order 2013, Paragraph 3. (See end of Document for details)*

members of any description, by reason of such interests and in respect of such matters, as may be specified or described by the Secretary of State.

(9) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by sub-paragraph (7).

(10) Any 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.

(11) A person shall not be convicted of an offence under sub-paragraph (10) if it is proved that that person did not know that the contract, proposed contract or other matter in which that person had a pecuniary interest was the subject of consideration at the meeting concerned.

Changes to legislation:

There are currently no known outstanding effects for the The Port Security (Port of Cromarty Firth) Designation Order 2013, Paragraph 3.