

## SCHEDULE 2

### INCIDENTAL PROVISIONS RELATING TO THE COMMISSIONERS

#### *Proceedings of Commissioners and committees*

**14.** The acts and proceedings of the Commissioners, or of any committee of the Commissioners, are not invalidated by any vacancy in their number or by any defect in the appointment, or the qualification for appointment, of any person as a Commissioner, or as chair or vice-chair, of the Commissioners or committee.

**15.** The quorum required for a meeting of the Commissioners is three.

**16.—(1)** If a Commissioner has any interest, direct or indirect—

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

the Commissioner must declare that interest.

(2) If a Commissioner is present at a meeting of the Commissioners or of any committee of the Commissioners at which a contract or other matter in which the Commissioner has an interest is to be considered the Commissioner must—

- (a) as soon as is practicable after the commencement of that meeting disclose that 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 Commissioners present by resolution require that Commissioner to do so; and
  - (ii) while a decision on that contract or matter is being made.

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

- (a) which a Commissioner has in respect of the payment to the Commissioners 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 Commissioner has as an employee of a public utility undertaking or as a shareholder, not being a director of a company, unless the Commissioner possesses more than five per cent of the issued share capital of that company; or
- (d) which the Commissioners present at the meeting by resolution declare to be too remote.

**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 of the chair.

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

**19.—(1)** Every question at a meeting of the Commissioners or of a committee of the Commissioners must be decided by a majority vote of the Commissioners present and voting.

(2) If at any meeting of the Commissioners or of a committee of the Commissioners there is an equality of votes on any question the chair of the meeting has a second or casting vote which the chair may exercise for or against the status quo.