

SCHEDULE 1

Article 10

COLERAINE HARBOUR COMMISSIONERS

PART I

CONSTITUTION OF COMMISSIONERS

1. In this Schedule “the Council” means the Coleraine Borough Council.
 2. The Commissioners shall be a body corporate with perpetual succession and shall, subject to the provisions of this Order, have all the rights, powers and privileges of a body corporate to which Section 19 of the Interpretation Act (Northern Ireland) 1954(1) applies.
 - 3.—(1) The Commissioners shall consist of up to 12 persons who shall be appointed by the Council.
(2) The Commissioners shall consist of:—
 - (a) three members of the Council;
 - (b) two persons representing users of the harbour;
 - (c) six persons who are not members of the Council; and
 - (d) the General Manager or other senior officer of the Commissioners for the time being.
 - (a) (3) (a) A person appointed as Commissioner under sub-paragraph (2) other than a person referred to in sub-paragraphs (2)(a) or (d) shall hold office for a period of 4 years or such lesser period as the Council may determine but shall be eligible for re-appointment.
 - (b) A person appointed under sub-paragraph (2)(a) shall be eligible to serve as Commissioner for a period coterminous with his membership of the Council and any person so appointed who ceases to be a member of the Council shall thereupon cease to be a Commissioner.
 - (c) A person referred to in sub-paragraph (2)(d) shall hold office as Commissioner so long as he holds the qualifying office by virtue of which he was appointed.
 - (a) (4) (a) Subject to sub-paragraph (b) the Council shall designate a Commissioner as Chairman of the Commissioners and may designate another Commissioner as Deputy Chairman.
 - (b) A person referred to in sub-paragraph (2)(d) shall not hold the office of Chairman or Deputy Chairman of the Commissioners.
 - (5) The Commissioners shall appoint a person to act as General Manager to the Commissioners.
- 4.—(1) A casual vacancy arising in the office of a Commissioner shall, unless it is not reasonably practicable to do so, be filled by the appointment of a new Commissioner by the Council but the Commissioner so appointed must have the qualification required in terms of paragraph 3(2) to have entitled the Commissioner whose place he is to fill to be appointed.
(2) A Commissioner appointed to fill a casual vacancy under this paragraph shall hold office during the remainder of the term for which the Commissioner whom he replaces was appointed.
- 5.—(1) Subject to sub-paragraph (2) in the event of a casual vacancy occurring in the office of Chairman the vacancy shall be filled by the Deputy Chairman until a new Chairman is appointed by the Council.

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(2) If there is no Deputy Chairman, the Commissioners shall elect one of their members other than a person referred to in paragraph 3(2)(d), to fill any such vacancy as is mentioned in sub-paragraph (1) and the Commissioner so elected shall hold office as Chairman until a new Chairman is appointed by the Council.

6.—(1) The Council in making appointments under paragraph 3(1) shall select persons who appear to it to have experience of, and to have capacity in, one or more of the matters mentioned in sub-paragraph (2) or to have in some other respect special knowledge or experience which would be of value to the Commissioners in the discharge of their functions, or to have any other skills or abilities considered from time to time by the Council to be relevant or useful to the Commissioners.

(2) The matters referred to in sub-paragraph (1) are the management of harbours, shipping, port usage, industrial, commercial or financial matters, administration, and the organisation of workers.

7. The Department may appoint one of its officials to attend meetings of the Commissioners as an observer. Any observer so appointed shall not take part in any deliberation or decision of the Commissioners.

PART II

PROCEDURE, ETC, OF COMMISSIONERS

8. A meeting of the Commissioners shall be held not later than one month after the date on which the first appointment of Commissioners under this Schedule takes effect and thereafter meetings shall be held on such dates and at such intervals as the Commissioners may determine.

9. The quorum required for a meeting of the Commissioners shall be four.

10.—(1) A Commissioner shall, if he is in any way directly or indirectly interested in any contract or other transaction entered into or proposed to be entered into by the Commissioners which involves or is likely to involve any payment by or on behalf of the Commissioners, disclose the nature of his interest at a meeting of the Commissioners as soon as possible after the relevant circumstances have come to his knowledge.

(2) Any disclosure under sub-paragraph (1) shall be recorded in the minutes of the meeting, and that Commissioner shall withdraw from the meeting while that contract or transaction is being considered and shall not take part after the disclosure in any deliberation or decision of the Commissioners with respect to that contract or transaction.

(3) Where under sub-paragraph (2) a Commissioner is prohibited from taking part in any deliberation or decision, that Commissioner shall be disregarded for the purpose of constituting a quorum for that deliberation or decision.

11. The proceedings of the Commissioners or any Committee appointed by the Commissioners shall not be invalidated by any vacancy in the membership thereof or by any defect in the appointment of or by the disqualification of any person acting as Chairman or Deputy Chairman or a Commissioner.

12. The seal of the Commissioners shall be authenticated by the signature of the Chairman of the Commissioners or some other Commissioner authorised by the Commissioners to act in that behalf and of the Secretary to the Commissioners or some other person authorised by the Commissioners to act in that behalf.