

## SCHEDULES

### SCHEDULE 2

#### INCIDENTAL PROVISIONS RELATING TO AUTHORITY

##### *Appointment of chair and vice-chair of Authority*

1. There shall be a chair of the Authority who shall be appointed by the Authority from among their number.

2. The first chair holding office after the new constitution date shall be appointed at the first meeting of the Authority referred to in paragraph 9 below and, subject to paragraph 7 below, shall, unless he resigns his office as chair or ceases to be a member, hold that office for a period of one year.

3. Subject to paragraph 7 below, every chair subsequently appointed under paragraph 1 above shall, unless he resigns his office as chair or ceases to be a member, hold that office for a period of one year.

4. There shall be a vice-chair of the Authority who shall be appointed by the Authority from among their number.

5. The first vice-chair holding office after the new constitution date shall be appointed as soon as practicable after that date and, subject to paragraph 7 below, shall, unless he resigns his office as vice-chair or ceases to be a member, hold that office for a period of one year.

6. Subject to paragraph 7 below, every vice-chair subsequently appointed under paragraph 4 above shall, unless he resigns his office as vice-chair or ceases to be a member, hold that office for a period of one year.

7. If the Authority are satisfied that the chair or vice-chair should cease to hold his office as such, they may terminate his office as such and appoint another member to be the chair or vice-chair during the remainder of the term for which the former chair or vice-chair was appointed.

8.—(1) On a casual vacancy occurring in the office of chair or vice-chair of the Authority, the vacancy shall be filled by the Authority at a meeting held as soon as practicable after the vacancy occurs.

(2) A member appointed under this paragraph to fill a casual vacancy in the office of chair or vice-chair shall, unless he resigns that office or ceases to be a member, hold that office during the remainder of the term for which the chair or vice-chair whom he replaces was appointed.

##### *Meetings of Authority*

9.—(1) The first meeting of the Authority after the new constitution date shall be convened as soon as practicable by the port manager for such date as he may fix; and he shall make arrangements for notice of that meeting to be sent by post to each of the other members.

(2) The Authority shall meet at least six times in every year.

*Vacation of office by members*

**10.** A member (other than the port manager) may resign his office at any time by notice in writing given to the chair of the Authority or, if that member is the chair, the vice-chair.

*Reappointment of members*

**11.—(1)** Subject to the provisions of this Schedule, a vacating member shall be eligible for reappointment as a member unless he has been disqualified from office under article 9 above.

(2) A vacating appointed member shall not be eligible for reappointment as a member where, immediately before the date in question, he has held office for three consecutive terms unless he is the chair of the Authority.

(3) A chair of the Authority who is an appointed member shall not be eligible for reappointment as a member where, immediately before the date in question, he has held office as a member for four consecutive terms.

(4) For the purposes of this paragraph, “term” means term of office as a member but does not include—

- (a) the term referred to in article 5(2) or (3) above;
- (b) the remainder of a term during which the member was appointed to fill a casual vacancy under article 8 above; or
- (c) any term served by the member prior to the new constitution date.

(5) In this paragraph “appointed member” means a member appointed under article 4(1)(a) above.

*Reappointment of chair*

**12.—(1)** A chair of the Authority shall not be eligible for reappointment as the chair where, immediately before the date in question, he has served as a chair for three consecutive terms.

(2) For the purposes of this paragraph, “term” means term of office as a member but does not include—

- (a) the term referred to in article 5(2) or (3) above;
- (b) the remainder of a term during which the member was appointed to fill a casual vacancy in the office of chair under paragraph 8 above; or
- (c) any term served by the member as a chair prior to the new constitution date.

*Committees*

**13.** The Authority may, consistently with their duties and subject to such conditions as they think fit, delegate any of their functions to a committee of the Authority.

*Proceedings of Authority and committees*

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

**15.** If a member is in any way directly or indirectly interested—

- (a) in any contract or proposed contract to which the Authority are, or would be, a party; or
- (b) in any other matter with which the Authority are concerned;

and is present at a meeting of the Authority or of any committee of the Authority at which that contract or other matter is the subject of consideration, he shall as soon as practicable after the commencement of the meeting disclose that fact at the meeting and shall not take part in any deliberation or decision of the Authority or committee with respect to that contract or that other matter.

**16.** The person for the time being holding office as vice-chair shall have and may exercise in the absence or incapacity of the chair all the powers of the chair.

**17.** If at any meeting of the Authority neither the chair nor the vice-chair are present the members present at the meeting shall choose one of their number to be the chair of the meeting.

**18.—(1)** Every question at a meeting of the Authority or of a committee of the Authority shall be decided by a majority vote of the members present and voting.

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

#### *Authentication of seal and other documents*

**19.—(1)** The application of the seal of the Authority shall be authenticated by the signature of the chair of the Authority or some other member authorised by the Authority to authenticate the application of the seal, and of the port manager or some person authorised by the Authority to act in his place in that behalf.

(2) The Authority may authorise a person to act instead of the port manager under this paragraph whether or not the port manager is absent or incapable of acting.

**20.** Any document given or issued by the Authority shall, unless the contrary intention is expressed, be sufficiently authorised if signed by the port manager or a duly authorised officer of the Authority.

#### *Remuneration of members*

**21.** The Authority may pay to the chair and other members such salary, allowances and expenses as the Authority from time to time determine.

#### *Local or private legislation*

**22.** The Authority may promote or oppose any local or private legislation.

#### *Quorum and procedure*

**23.** Subject to the provisions of this Schedule, the quorum, procedure and business of the Authority and of any committee of the Authority shall be regulated in such manner as the Authority may from time to time determine.