

SCHEDULE 2

Article 11

INCIDENTAL PROVISIONS RELATING TO AUTHORITY

Appointment of convenor and deputy convenor of Authority

1. There shall be a convenor of the Authority who shall be appointed by the members of the Authority from among their number appointed under article 4(1)(a) above.

2. The first convenor taking office after the constitution date shall be appointed at the first meeting of the Authority referred to in paragraph 10 below and shall, subject to paragraph 4 below, and unless he resigns his office as convenor or ceases to be a member, continue in office as convenor until his initial term of office as a member has expired.

3. Subject to paragraph 4 below, every convenor subsequently appointed under paragraph 1 above shall, unless he resigns his office as convenor or ceases to be a member, hold office for a period of three years.

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

5. There shall be a deputy convenor of the Authority who shall be appointed annually by the members of the Authority from among their number appointed under article 4(1)(a) above.

6. The first deputy convenor holding office after the constitution date shall be appointed as soon as practicable after that date and shall, subject to paragraph 8 below, and unless he resigns his office as deputy convenor or ceases to be a member, continue in office as deputy convenor until the first anniversary of the constitution date.

7. Subject to paragraph 8 below, every deputy convenor subsequently appointed under paragraph 5 above shall, unless he resigns his office as deputy convenor or ceases to be a member, hold office for a period of one year.

8. If the Authority are satisfied that the deputy convenor should cease to hold that office, they may terminate his appointment as such and appoint another member to be deputy convenor during the remainder of the term for which the deputy convenor was appointed.

9.—(1) On a casual vacancy occurring in the office of convenor or deputy convenor 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 convenor or deputy convenor shall, subject to either paragraph 4 or 8 above, and unless he resigns that office or ceases to be a member, hold that office during the remainder of the term for which the convenor or deputy convenor whom he replaces was appointed or until the expiration of his appointment as a member, whichever is the sooner.

Meetings of Authority

10.—(1) The first meeting of the Authority after the constitution date shall be convened as soon as practicable by the Chief Executive 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 of the Authority.

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

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Vacation of office by members

11. A member (other than the Chief Executive) may resign his office at any time by notice in writing given to the Chief Executive of the Authority.

Reappointment of members

12.—(1) Subject to the provisions of this Schedule, a vacating appointed member shall be eligible for reappointment as a member unless he has been disqualified from office under article 10 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 convenor of the Authority.

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

(4) For the purposes of this paragraph, “term” does not include—

- (a) a term referred to in article 6(3)(a) or (b) above;
- (b) the remainder of a term during which the member was appointed to fill a casual vacancy under article 9 above; or
- (c) any term served by the member prior to the constitution date.

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

Reappointment of convenor

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

(2) For the purposes of this paragraph, “term” does not include—

- (a) a term served by the member as a convenor under paragraph 2 above where that term is less than 3 years;
- (b) the remainder of a term during which the member was appointed to fill a casual vacancy in the office of convenor under paragraph 9 above; or
- (c) any term served by the member as a convenor prior to the constitution date.

Committees

14. The Authority may, consistently with their duties and subject to such conditions as they think fit, delegate any of their functions (other than the functions set out in subparagraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964(1)) to a committee of the Authority.

Proceedings of Authority and committees

15. 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 convenor or deputy convenor, of the Authority or committee.

(1) Paragraph 9B was inserted by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 9.

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

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

he shall declare that interest.

(2) If a member is present at a meeting of the Authority or of any committee of the Authority at which a contract or other matter in which he has an interest is to be considered he shall—

- (a) as soon as is practicable disclose his 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 members present by resolution require him so to do; and
 - (ii) while a decision on that contract or matter is being made.

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

- (a) which a member has in respect of the payment to the Authority of standard harbour dues;
- (b) which arises in respect of the provision of harbour services or facilities affecting the trading and leisure communities in general;
- (c) which a member has as an employee of a public utility undertaking;
- (d) as a shareholder of a company, not being a director of that company, unless he possesses more than five per cent of the issued share capital of that company; or
- (e) which the members present at the meeting by resolution declare to be too remote.

17. The person for the time being holding office as deputy convenor shall have and may exercise in the absence or incapacity of the convenor all the functions of the convenor.

18. If at any meeting of the Authority neither the convenor nor the deputy convenor are present the members present at the meeting shall choose one of their number to be the convenor of the meeting.

19.—(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 convenor of the meeting shall have a second or casting vote which he may exercise for or against the status quo.

Authentication of seal

20.—(1) The application of the seal of the Authority shall be authenticated by the signature of the convenor of the Authority or some other member authorised by the Authority to authenticate the application of the seal, and of the Chief Executive of the Authority 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 Chief Executive under this paragraph whether or not the Chief Executive is absent or incapable of acting.

(3) Any notice, licence or other document given or issued by the Authority shall, unless the contrary intention is expressed, be sufficiently authorised if signed by the Chief Executive or a duly authorised officer of the Authority.

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Remuneration of members

21. The Authority may—

- (a) pay to a member of the Authority such salary, fee, allowance and expenses as the Authority may determine; and
- (b) make provision for, or pay to or in respect of a person who is or has been a member of the Authority such pension, grant or life benefit as the Authority may determine.

General

22. 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.