



Dundee Port Authority Order Confirmation Act 1975

CHAPTER xviii

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ELIZABETH II



1975 CHAPTER xviii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Dundee Port Authority. [1st August 1975]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said 1936 c. 52. Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation
of Order in
schedule.
2. This Act may be cited as the Dundee Port Authority Order Short title.
Confirmation Act 1975.

SCHEDULE

DUNDEE PORT AUTHORITY

*Provisional Order to reconstitute the Trustees of the harbour of Dundee
and to change their name; and for other purposes.*

Whereas by the Dundee Harbour Orders 1952 to 1975 the harbour of Dundee is vested in the Trustees of the harbour of Dundee, and the Trustees are responsible for the management, maintenance, improvement and regulation of the said harbour:

And whereas it is expedient that the Trustees should be reconstituted as in this Order provided and should change their name, and that the other provisions of this Order should be enacted:

1936 c. 52. And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore, in pursuance of the powers contained in the said Act of 1936, the Secretary of State orders as follows:—

Short and collective titles. 1.—(1) This Order may be cited as the Dundee Port Authority Order 1975.

(2) The Dundee Harbour Orders 1952 to 1975 and this Order may be cited together as the Dundee Port Authority Orders 1952 to 1975.

Interpretation. 2. In this Order—
 “the Authority” means the Dundee Port Authority;
 “the chief executive” means the chief executive for the time being of the Authority;
 “enactment” means any Act or any order, scheme or other instrument made thereunder, and any provision in any such order, scheme or instrument;
 “the new constitution date” means the first day of September, 1975.

Change of name. 3.—(1) The name of the Trustees of the harbour of Dundee is hereby changed to the Dundee Port Authority.

(2) The change of name effected by subsection (1) of this section shall not affect the rights or obligations of any persons or render defective any legal proceedings, and references to the Trustees of the harbour of Dundee or to a trustee thereof in any enactment and in any agreement, deed, lease, licence or other instrument in force immediately before the commencement of this Order shall be read as references to the Authority or, as the case may require, to a member of the Authority.

4.—(1) On and after the new constitution date the Authority shall consist of not less than ten and not more than eleven members, namely:—

- (a) a chairman and two other members appointed by the Secretary of State after consultation with the National Ports Council;
- (b) one member appointed by the Tayside Regional Council;
- (c) one member appointed by the Dundee and Tayside Chamber of Commerce and Industry;
- (d) one member appointed by the Dundee Shipowners and Ship Brokers' Association;
- (e) two members appointed by the Transport and General Workers' Union;
- (f) the Lord Provost for the time being of the City of Dundee District;
- (g) the chief executive;
- (h) one member, if co-opted under the powers of subsection (2) of this section.

(2) The persons holding office as members of the Authority under paragraphs (a) to (g) of subsection (1) of this section may in their discretion appoint by name or office one officer of the Authority (in addition to the chief executive) to be a member of the Authority.

(3) If any appointing body named in paragraph (c), (d) or (e) of subsection (1) of this section shall cease to exist, the appointment or appointments required by the relevant paragraph shall be made by the Secretary of State after consultation with such persons appearing to him to be representative of the interests previously represented by that body as he considers appropriate.

5.—(1) Part I of Schedule 1 to this Order shall have effect with respect to the qualification and appointment of members of the Authority.

(2) Part II of Schedule 1 to this Order shall have effect with respect to the proceedings of the Authority.

6. The Authority may pay to or in respect of a member of the Authority such salary, fee, allowances and expenses as the Authority may determine.

7. Nothing in section 30 of the Harbours Act 1964 shall require the Authority to include in the list of ship, passenger and goods dues kept at the harbour office, as required by subsection (1) of that section, charges subject to a compounding arrangement in respect of or reduced by a rebate allowed on a due included in the said list.

8. On the new constitution date the Dundee Pilotage Order 1920 shall be amended—

(a) by substituting for section 2 thereof the following section:—

“ 2. The Pilotage Authority for the Pilotage District (hereinafter referred to as ‘the Authority’) shall be the Dundee Port Authority.”;

Qualification
and appointment
of members
and
proceedings.

Compounding
arrangements
and rebates.
1964 c. 40.

Amendment
of Dundee
Pilotage
Order 1920.

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- (b) in paragraph (a) of subsection (1) of section 4 thereof by substituting for the words "entitled to vote as shipowners at the election of Trustees under the Acts of 1911 and 1912" the words "nominated by the Dundee Port Authority to represent shipowners";
- (c) in the Schedule thereto, by substituting for paragraph 1 thereof the following paragraph:—

"1. The persons to be appointed by the Authority as members of the Committee shall be chosen at the first meeting of the Authority held in the year 1975 and in every third year thereafter."

Repeals.

9. On the new constitution date the enactments referred to in the first, second and third columns of Schedule 2 to this Order are hereby repealed to the extent specified in the fourth column of that Schedule.

Costs of Order.

10. The costs, charges and expenses of and incidental to the preparing for, obtaining and confirming of this Order, and otherwise in relation thereto, shall be paid by the Authority.

SCHEDULE 1

Section 5.

PART I

PROVISIONS RELATING TO THE QUALIFICATION AND APPOINTMENT OF
MEMBERS OF THE AUTHORITY

1.—(1) The Secretary of State and other appointing bodies shall—

(a) appoint the first members to be appointed by them under section 4 (1) of this Order before the new constitution date, and each member so appointed shall, subject to the provisions of the Dundee Port Authority Orders 1952 to 1975, hold office from that date until 31st December, 1977; and

(b) not later than the 1st December in the year 1977 and in each third year thereafter appoint the members to be appointed by them under section 4 (1) of this Order, and each member so appointed shall, subject to the provisions of the Dundee Port Authority Orders 1952 to 1975, hold office for the period of three years from the 1st January next following his appointment.

(2) A casual vacancy arising in the office of a member of the Authority so appointed shall be filled by the appointment in accordance with the provisions of this Order of a member who shall hold office (unless he previously dies or vacates his office) during the remainder of the term for which the person whom he replaces was appointed.

(3) Appointments under this paragraph shall be notified in writing to the chief executive.

2. A person shall not be qualified to be a member of the Authority unless at the time of first taking office as a member he has not yet attained his sixty-fourth birthday.

3. A member of the Authority shall retire from his office as such on attaining his seventieth birthday.

4. A member of the Authority, other than a co-opted member, may resign his office as such by notice in writing to the body by whom he was appointed and to the chief executive.

5.—(a) An officer of the Authority co-opted to serve as a member thereof under section 4 (2) of this Order shall hold and vacate his office as a member at the discretion of the Authority but may at any time resign membership by notice in writing given to the chief executive.

(b) If a member so co-opted shall cease to be an officer of the Authority he shall thereupon cease to be a member thereof.

6. Subject to this Schedule a person who has completed his term of office as a member of the Authority shall be eligible to serve again.

7.—(1) If a member of the Authority—

(a) has been absent from meetings of the Authority for three consecutive months without the permission of the Authority; or

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- (b) has had an award of sequestration made against his estate or has made a trust deed for the benefit of his creditors or a composition arrangement; or
- (c) is incapacitated by physical or mental illness from discharging the functions of a member; or
- (d) is in the opinion of the Authority otherwise unable or unfit to discharge the functions of a member;

the Authority may declare his office as a member vacant and thereupon the office shall become vacant.

(2) For the purposes of sub-paragraph (1) of this paragraph the attendance of a member at a meeting of any committee of the Authority of which he is a member shall be treated as an attendance at a meeting of the Authority.

PART II

PROCEEDINGS

1. At the first meeting of the Authority held after the new constitution date the members of the Authority shall select from among themselves a deputy chairman and the person so chosen shall hold office as such until the first meeting of the Authority in the year 1976, and at that meeting and at the first meeting in each subsequent year the members of the Authority shall select from among themselves a deputy chairman who shall hold office as such until the next annual selection.

2.—(1) At all meetings of the Authority the chairman or, in his absence, the deputy chairman shall preside and in the absence of the chairman and the deputy chairman a member shall be chosen by the meeting as chairman.

(2) If there is an equality of votes at a meeting of the Authority the presiding chairman shall in addition to his own vote have a second or casting vote.

3. The Authority shall determine the quorum of the Authority and, subject to this Part of this Schedule, the arrangements relating to meetings of the Authority.

4. The validity of any proceedings of the Authority shall not be affected by a vacancy among the members or by a defect in the appointment or co-option of a member.

5. An order made and a resolution adopted by the Authority shall not be altered or revoked unless at some meeting called for that special purpose or unless notice of the intention to propose such an alteration or revocation has been given by a member of the Authority at some previous meeting and has been included in the agenda for the meeting at which it is intended to propose such alteration or revocation.

6.—(1) The Authority may, subject to such conditions as they think fit, delegate any of their functions to a committee of the Authority.

(2) The Authority shall fix the quorum of any such committee and name the convener.

7.—(1) The Authority shall cause records to be kept of all the proceedings of the Authority and of every committee appointed by them, with the names of the members who attend each meeting, and the record of every such proceeding shall be signed by the chairman of the meeting at which the proceeding took place or of the meeting at which such record was confirmed.

(2) The record or minute of such a meeting so signed, or an extract thereof signed by an officer of the Authority appointed by the Authority for the purpose, shall be received as evidence in all courts without proof of such meeting having been duly convened or held or of the persons attending the meeting of the Authority or of a committee thereof having been or being members of the Authority or of the committee, as the case may be, or of the signature of the chairman or of his having been chairman, all of which matters shall be presumed until the contrary is proved.

(3) Such records shall at all reasonable times be open to inspection by a member of the Authority or of any creditor on the security of the assets or of the revenues of the Authority or any holder of bonds or mortgages.

8.—(1) If a member of the Authority or of any committee thereof has a pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the Authority or of such committee at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract or other matter or vote in any question with respect to it.

(2) The provisions of sections 39 to 42 of the Local Government (Scotland) Act 1973, so far as applicable and with any necessary modifications, shall apply under this paragraph in relation to the Authority and any committee thereof as they apply in relation to a local authority within the meaning of that Act. 1973 c. 65.

9. A document purporting to be a document duly executed under the seal of the Authority shall be received in evidence in all courts and shall, unless the contrary is proved, be deemed to be a document so executed.

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Section 9.

SCHEDULE 2

REPEALS

Act or Order	Section, article or schedule	Marginal note or heading	Extent of repeal
(1)	(2)	(3)	(4)
1952 c. xx. Dundee Harbour and Tay Ferries Order 1952	6	Interpretation of terms	The definitions of— “harbour ratepayer” or “harbour ratepayers” “shipowner” or “shipowners”.
	25	Trustees not to hold office nor be concerned in contracts	The section.
	27	Acts of Trustees not invalidated by vacancy or non-appointment or non-election	The section.
	28	Informalities in appointment or election of Trustees not to invalidate proceedings	The section.
	30	Chairman of trust and of meetings	Subsections (2) and (3).
	31	First and other meetings of Trustees	The section.
	32	Quorum of Trustees and adjournment on failure of meetings	The section.
	33	Adjourned meetings	The section.
	34	Special meetings	The section.
	35	How meetings to be called	The section.
	36	Orders and resolutions not to be altered without notice	The section.
37	Power to appoint committees	The section.	

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Act or Order (1)	Section, article or schedule (2)	Marginal note or heading (3)	Extent of repeal (4)	
Dundee Harbour Revision Order 1969	38	Meetings of committees	The section.	
	39	Proceedings to be recorded and when signed to be received as evidence	The section.	
	2	Interpretation	In paragraph (1) the definitions of— “appointing body”, “the city”, “the corporation”, “the day of reconstitution” and “the Minister”. Paragraph (2).	S.I. 1969/1488.
	3 Schedule 1	Reconstitution of Trustees Provisions relating to the appoint- ment of the Trustees and to the constitution and proceedings of the Trustees	The article. The Schedule.	

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