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STATUTORY INSTRUMENTS

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1984 No. 1067

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Great Yarmouth Port and Haven (Constitution) Revision  
Order 1984**

|                               |                |
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| <i>Made</i> - - - -           | 2nd May 1984   |
| <i>Laid before Parliament</i> | 12th June 1984 |
| <i>Coming into Operation</i>  | 23rd July 1984 |

The Secretary of State for Transport, in exercise of the powers conferred by section 14 of the Harbours Act 1964(a) and now vested in him(b) and of all other powers enabling him in that behalf and on the application of the Great Yarmouth Port and Haven Commissioners, hereby makes the following Order:—

*Citation and commencement.*

1.— (1) This Order may be cited as the Great Yarmouth Port and Haven (Constitution) Revision Order 1984 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(c).

(2) The existing enactments and this Order may be cited together as the Great Yarmouth Port and Haven Acts and Orders 1866 to 1984.

*Interpretation.*

2. In this Order, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

“the Act of 1847” means the Commissioners Clauses Act 1847(d);

“the Act of 1866” means the Great Yarmouth Port and Haven Act 1866(e);

“the Act of 1948” means the Great Yarmouth Port and Haven Act 1948(f);

“the Act of 1951” means the Great Yarmouth Port and Haven Act 1951(g);

“the Act of 1963” means the Great Yarmouth Port and Haven Act 1963(h);

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(a) 1964 c.40; Section 14 and Schedule 3 were amended by the Transport Act 1981 (c.56) Schedule 6 paragraph 4(1) to (8).

(b) S.I. 1981/238.

(c) 1945 c.18 (9 & 10 Geo. 6), 1965 c.43.

(d) 1847 c.16.

(e) 1866 c. ccxlvii.

(f) 1948 c. xlvi.

(g) 1951 c. xxvii.

(h) 1963 c. xxvi.

[DET 2687]

- “additional member”, in relation to the Rivers Committee, means an additional member of that Committee appointed in accordance with section 5 (Appointment of representatives of owners of private and hire pleasure boats to rivers committees) of the Act of 1963;
- “appointing authority” means each of the authorities and bodies by whom Commissioners are, or are to be, appointed in accordance with this Order;
- “the Chief Executive” means the Chief Executive and Clerk of the Commissioners;
- “the Commissioners” means the Great Yarmouth Port and Haven Commissioners;
- “the existing enactments” means the Great Yarmouth Port and Haven Acts and Orders 1866 to 1982;
- “the Port” means the Port of Great Yarmouth as defined by section 4 (Limits of the Port of Great Yarmouth) of the Act of 1866;
- “private pleasure boat” has the meaning given by section 2 (Interpretation) of the Act of 1963;
- “the reconstitution date” means 1st January 1984 or the first day of the third month after the expiry of the month current at the commencement of this Order, whichever is the later;
- “the rivers” has the meaning given by section 6 (Interpretation of terms) of the Act of 1866;
- “the Rivers Committee” means the committee created in pursuance of section 5 (Power to amalgamate committees with respect to rivers Yare, Bure and Waveney) of the Act of 1948 by amalgamation of the committees created by section 38 (as to separate committees with respect to Rivers Yare, Bure and Waveney) of the Great Yarmouth Port and Haven Act 1911(a) and includes that Committee as reconstituted in accordance with article 6 of this Order.

*Incorporation of Commissioners Clauses Act 1847.*

3.— (1) The provisions of the Act of 1847 (other than the provisions referred to in paragraph (2) of this article) are hereby incorporated with, and form part of, this Order except where the same are inconsistent with or are varied by this Order and in construing those provisions the expression “the undertakers” shall mean the Commissioners.

Provided that section 16 of the Act of 1847 as so incorporated shall have effect as if the words “or who for six months in succession is absent from all meetings of the Commissioners” were omitted therefrom.

(2) The provisions of the Act of 1847 excepted from incorporation are sections 6 to 10, 17 to 38, 44, 46, 48, 51, 52, 54, 55, 57, 84, 92 and 106.

(3) So much of the existing enactments as incorporates any provisions of the Act of 1847 referred to in paragraph (2) of this article shall cease to have effect.

*Existing Commissioners, etc. to continue in office.*

4. Notwithstanding any provisions of the existing enactments, every

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(a) 1911 c. xcix.

Commissioner and every additional member of the Rivers Committee who holds office at the date of the coming into operation of this Order shall (unless he shall previously die, resign or become disqualified from holding office) continue in office until the reconstitution date.

*Reconstitution of Commissioners.*

5. On and after the reconstitution date the Commissioners shall, subject to any casual vacancies, consist of—

- (a) Six Commissioners appointed by the following local authorities, that is:—
  - (i) By the Great Yarmouth Borough Council ..... two
  - (ii) By the Norwich City Council ..... one
  - (iii) By the Norfolk County Council after consultation with the Suffolk County Council and the Norwich City Council, so as to reflect the need to secure the good administration of the area known as the Broads ..... one
  - (iv) By the Norfolk County Council ..... one
  - (v) By the Suffolk County Council ..... one
- (b) Seven Commissioners appointed as follows:—
  - (i) By the General Council of British Shipping after consultation with persons appearing to them to be representative of owners and charterers of vessels using the Port ..... two
  - (ii) By the British Shippers' Council incorporated in the Freight Transport Association after consultation with the Great Yarmouth Chamber of Commerce ..... one
  - (iii) By the British Shippers' Council incorporated in the Freight Transport Association after consultation with the Great Yarmouth Port Users' Association ..... one
  - (iv) By the Royal Yachting Association after consultation with the Norfolk and Suffolk Yachting Association and such other local organisations as appear to the Royal Yachting Association to represent the interests of the owners of private pleasure boats on the rivers ..... one
  - (v) By the Broads Hire Boat Federation ..... one
  - (vi) By the Transport and General Workers Union from amongst registered dock workers employed in connection with the handling of goods in the Port ..... one
- (c) The Chief Executive.

*Rivers Committee.*

6.— (1) Notwithstanding anything in the existing enactments, as from the reconstitution date there shall be a Rivers Committee which (subject to any casual vacancies and to any vacancies to be filled in accordance with section 5 of the Act of 1963 and article 7(2) of this Order) shall consist of:—

- (a) the Commissioners appointed in accordance with paragraphs (a)(ii),

(iii), (iv) and (v), paragraphs (b)(iv) and (v) and paragraph (c) of article 5 of this Order;

(b) two additional members; and

(c) such other persons (if any) as the Commissioners may from time to time appoint from among their number.

(2) Subject to paragraph (1) of this article, the provisions of the existing enactments as to the separate committees with respect to the rivers Yare, Bure and Waveney and as to the Rivers Committee (as the same have effect in accordance with this Order) shall with all necessary modifications apply to the Rivers Committee as reconstituted in accordance with this article.

*Appointment of Commissioners etc. and tenure of office.*

7.— (1)(a) Not less than one month before the reconstitution date and not later than 1st February in every third year following the year 1984 the appointing authorities referred to in paragraphs (a) and (b) of article 5 of this Order shall appoint Commissioners in accordance with this Order, and shall notify their appointments in writing as soon as possible to the Chief Executive.

(b) No Commissioner appointed in accordance with paragraph (a) or (b) of article 5 of this Order shall act until notification of his appointment has been received by the Chief Executive.

(2) As soon as possible after the reconstitution date and as soon as possible before 1st February in every third year following the year 1984 the Commissioners shall appoint two additional members of the Rivers Committee in accordance with section 5 of the Act of 1963.

(3) Each Commissioner and each additional member of the Rivers Committee so appointed shall (unless he shall previously die or resign or become disqualified from holding office) hold office—

(a) in the case of the first appointments of Commissioners, from the reconstitution date until 28th February 1987;

(b) in the case of first appointments of additional members of the Rivers Committee, from the date of his appointment until 28th February 1987; and

(c) in the case of subsequent appointments of Commissioners and of additional members of the Rivers Committee (other than appointments to fill a casual vacancy), from 1st March next following his appointment for a term of three years.

*Casual vacancies.*

8.— (1) A casual vacancy arising in the office of a Commissioner shall be filled by the appointing authority by whom that Commissioner was appointed by the appointment of another person to fill the vacancy.

Provided that a casual vacancy occurring less than three months before the end of the vacating Commissioner's normal term of office may, at the discretion of the appointing authority, be left unfilled.

(2) A person appointed to fill a casual vacancy shall (unless he shall previously die or resign or become disqualified from holding office) hold office during the remainder of the term for which the person in whose place he has been appointed was appointed.

*Resignation of Commissioners.*

9. A Commissioner may at any time while he is in office resign his office by notice in writing to the Chief Executive and to the appointing authority by whom he was appointed.

*Disqualification of Commissioners.*

10.— (1) If the Commissioners are satisfied that a Commissioner—

- (a) has been absent from meetings of the Commissioners for six consecutive months or more without the permission of the Commissioners; or
- (b) has become bankrupt or has made an arrangement with his creditors; or
- (c) is incapacitated by physical or mental illness from discharging the functions of a Commissioner; or
- (d) is otherwise unable or unfit to discharge the functions of a Commissioner;

the Commissioners may declare his office as a Commissioner to be vacant and thereupon the office shall become vacant and the Chief Executive shall notify the fact to the appointing authority.

(2) For the purposes of paragraph (1)(a) of this article the attendance of a Commissioner at a meeting of any committee of the Commissioners of which he is a member shall be treated as attendance at a meeting of the Commissioners.

(3) A person shall be disqualified from being a Commissioner if he holds any paid office or employment with the Commissioners.

Provided that this paragraph shall not apply to the Commissioners holding office under paragraphs (b)(vi) and (c) of article 5 of this Order.

*Provisions applying to Commissioners.*

11. The provisions set out in Schedule 1 to this Order shall have effect with respect to the Commissioners.

*Amendment of Act of 1911.*

12.— (1) Section 35 (Provision where Commissioner is elected or appointed by more than one body) of the Great Yarmouth Port and Haven Act 1911(a) shall have effect as if, for the words in subsection (2) “in like manner as an occasional vacancy is directed to be filled up by the section of this Act of which

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(a) 1911 c. xcix.

the marginal note is "Notice to be given of occasional vacancies in office of appointed Commissioners", there were substituted the words "as a casual vacancy in accordance with article 8 (Casual vacancies) of the Great Yarmouth Port and Haven (Constitution) Revision Order 1984".

(2) Section 36 (Meetings and quorum of Commissioners) shall have effect as if, for the words in subsection (2) "as hereinbefore provided", there were substituted the words "to the provisions of the Great Yarmouth Port and Haven (Constitution) Revision Order 1984".

*Repeal.*

13. As from the reconstitution date the provisions of the existing enactments specified in Schedule 2 to this Order shall be repealed.

Signed by authority of  
the Secretary of State  
2nd May 1984.

*David Mitchell,*  
Parliamentary Under Secretary of State,  
Department of Transport.

SCHEDULE 1

Article 11

PROVISIONS APPLYING TO THE COMMISSIONERS

1. (1) At the first meeting of the Commissioners held on or after the reconstitution date and at the yearly meeting held in March in each year thereafter the Commissioners present at the meeting shall, before proceeding to any other business, choose two of their number to act respectively as chairman and as vice-chairman.

(2) So long as they continue as Commissioners the persons chosen under sub-paragraph (1) of this paragraph to act respectively as chairman and as vice-chairman shall hold office as such from and including the meeting at which they are chosen until the next appointment of a chairman and a vice-chairman.

2. (1) If any casual vacancy occurs in the office of chairman or (as the case may be) of vice-chairman the Commissioners may choose some other Commissioner to fill the vacancy.

(2) So long as he continues as a Commissioner every person chosen under this paragraph to act as chairman or as vice-chairman shall continue in office as such so long as the person in whose place he has been so chosen would have been entitled to continue in office if such vacancy had not occurred.

3. In the absence of the chairman the person for the time being holding office as vice-chairman shall have and may exercise all the powers of the chairman.

4. If at any meeting of the Commissioners neither the chairman nor the vice-chairman is present the Commissioners present at the meeting shall choose one of their number to be chairman of the meeting.

5. (1) The Commissioners may act notwithstanding a vacancy in their number and no act of the Commissioners shall be deemed to be invalid by reason of any irregularity in the appointment of any Commissioner, or by reason of any person irregularly acting as a Commissioner.

(2) This paragraph shall apply to any committee of the Commissioners.

6. The Commissioners may, subject to such conditions as they think fit, delegate any of their functions to a committee of the Commissioners.

7. The Commissioners shall hold an annual meeting in March in every year.

8. The quorum required for a meeting of the Commissioners shall be five.

9. If at any meeting of the Commissioners or of a committee of the Commissioners there is an equality of votes on any question the chairman of the meeting shall have a second or casting vote.

10. (1) If a Commissioner has any pecuniary 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;

and is present at a meeting of the Commissioners or of any committee of the Commissioners at which that contract or matter is considered, he shall—

- (i) so soon as practicable after the commencement of that meeting disclose his interest;
- (ii) not vote on any question with respect to that contract or matter; and
- (iii) withdraw from the meeting if the Commissioners present by resolution require him so to do.

(2) This paragraph shall 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 he 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.

11. Subject to the provisions of this Order and of the existing enactments the procedure and business of the Commissioners shall be regulated in such manner as the Commissioners may from time to time determine.

12. The Commissioners may pay to individual Commissioners such salary, fees, allowances and expenses as the Commissioners may determine.



**SCHEDULE 2**

**Article 13**

**PROVISIONS OF GREAT YARMOUTH PORT AND HAVEN ACTS AND ORDERS 1866  
TO 1982 REPEALED**

**Great Yarmouth Port and Haven Act 1911**

**Section 21 (Lists to be printed)**

**Section 22 (Revisor of lists)**

**Section 23 (Lists to be revised)**

**Section 24 (Revised lists to be printed)**

**Section 26 (As to voting by co-owners partnerships and bodies corporate)**

**Section 31 (Retirement from office of Commissioners)**

**Section 32 (Supplying occasional vacancies)**

**Section 33 (As to bye-elections)**

**Section 34 (Notice to be given of occasional vacancies in office of appointed Commissioners)**

**Subsections (1) and (3) of section 35 (Provision where Commissioner is elected or appointed by more than one body)**

**Subsections (1), (3) and (4) of section 36 (Meetings and quorum of Commissioners)**

**Section 39 (Errors in election &c. not to vitiate acts of Commissioners)**

**Great Yarmouth Port and Haven Act 1948**

**Section 11 (Revocation of resolutions)**

**So much of section 15 (Amendments of Acts of 1866, 1900, 1911 and 1925) and the Second Schedule as amends sections 14, 16, 19, 31, 33 and 36 of the Great Yarmouth Port and Haven Act 1911.**

**Great Yarmouth Port and Haven Act 1951**

**In section 3 (Interpretation), the definitions of "private yachtowner", "registered shipowners", "registered tollpayers", "registered fishowners and fish tollpayers", "shipowners list", "tollpayers list" and "fishowners and fish tollpayers list"**

**Section 4 (Present Commissioners continued in office)**

**Section 5 (Constitution of Commissioners)**

**Section 7 (General qualification of Commissioners)**

**Section 8 (Appointment of Commissioners by Great Yarmouth Corporation)**

**Section 9 (Appointment of Commissioners by Norwich Corporation)**

**Section 10 (Appointment of Commissioners by Norfolk Justices)**

**Section 11 (Appointment of Commissioners by Suffolk Justices)**

**Section 12 (Evidence of appointment of appointed Commissioners)**

**Section 13 (Collectors of tolls to make lists of shipowners and tollpayers and fishowners and fish tollpayers)**

- Section 14 (Collectors of tolls to make lists of yachtowners)
- Section 15 (Collectors of Customs to afford facilities)
- Section 16 (Owners of vessels not to be on the lists)
- Section 17 (Scale of registered shipowners' votes)
- Section 18 (Scale of registered tollpayers' and fish tollpayers' votes)
- Section 19 (Scale of registered fishowners' votes)
- Section 20 (Scale of registered private yachtowners' and registered boat-letters' votes)
- Section 21 (Maximum number of votes to be given for one candidate in certain cases)
- Section 22 (Returning officer for election of elected Commissioners)
- Section 23 (Rules as to nomination and election) and First Schedule
- So much of section 26 (Amendments of Acts of 1866, 1911 and 1948) and the Second Schedule as amend the Great Yarmouth Port and Haven Act 1911
- Section 28 (Repeal)
- Section 29 (Costs of Act)

#### Great Yarmouth Port and Haven Act 1963

In section 5 (Appointment of representatives of owners of private and hire pleasure boats to rivers committees), the words in subsection (1)(a) "On or before the twenty-fifth day of March, nineteen hundred and sixty four and on or before the same day in every year thereafter" and the words in subsection (2) "An additional member shall act as such for a period of three years commencing on the twenty-fifth day of March in the year of his appointment and shall be eligible for re-appointment for any succeeding period of three years

#### Great Yarmouth Port and Haven Revision Order 1975(a)

- Article 5 (Remuneration of Commissioners)
- Article 6 (Amendment of Act of 1951)

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(a) S.I. 1975/2207.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order reconstitutes the Great Yarmouth Port and Haven Commissioners so as to consist of 13 Commissioners, 12 of whom are to be appointed as follows:—

- (a)* two by the Great Yarmouth Borough Council;
- (b)* one each by the Norwich City Council, the Norfolk County Council and the Suffolk County Council;
- (c)* two by the General Council of British Shipping after consultation with persons appearing to them to be representative of shipowners using the Port of Great Yarmouth;
- (d)* one by the British Shipping Council after consultation with the Great Yarmouth Chamber of Commerce;
- (e)* one by the British Shipping Council after consultation with the Great Yarmouth Port Users' Association;
- (f)* one by the Royal Yachting Association after consultation with the Norfolk and Suffolk Yachting Association and such other local organisations as appear to the Royal Yachting Association to represent the interests of the owners of private pleasure boats on the rivers Yare, Bure and Waveney;
- (g)* one by the Broads Hire Boat Federation;
- (h)* one by the Transport and General Workers Union from amongst registered dock workers employed in connection with the handling of goods in the Port of Great Yarmouth.

In addition, the Chief Executive and Clerk of the Commissioners for the time being is to be a Commissioner.

The Order makes consequential amendments and repeals certain enactments relating to the constitution of the Commissioners and contains procedural and other incidental provisions.

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