

SCHEDULE 1

Article 7

DECLARATION OF ACCEPTANCE OF OFFICE

I, [FULL NAME]

do solemnly declare:

(1) that I will faithfully and impartially, according to the best of my skill and judgement, execute all the powers and authorities vested in me as a commissioner of the Falmouth Harbour Commissioners by virtue of the Falmouth Harbour Act and Orders 1810 to 2004;

(2) that I undertake to be guided in the performance of my functions as one of the Commissioners by the guidance for the time being issued by the Commissioners concerning their conduct and in particular that:

(a) I will disclose to the chief executive details of every financial or other interest such as is mentioned in paragraph 13 of Schedule 2 to the Falmouth Harbour Revision (Constitution) Order 2004;

(b) I will notify the chief executive of any alteration in those interests, and of any new interest, such as is mentioned in paragraph 13 of Schedule 2 to the Falmouth Harbour Revision (Constitution) Order 2004, which I may acquire.

Dated this                      day of

Signature of Commissioner:

Witnessed:

Chief Executive:

*Note: Where the declaration is to be made by the Chief Executive, the form shall be amended so that, for references to "the chief executive", there shall be substituted references to "the Chairman".*

SCHEDULE 2

Article 11

INCIDENTAL PROVISIONS APPLYING TO THE COMMISSIONERS

*Resignation of Commissioners*

1. A commissioner (other than the chief executive) may resign from office at any time by notice in writing given to the chairman or, if that commissioner is the chairman, the deputy chairman or chief executive.

*Reappointment of Commissioners*

2.—(1) Subject to the provisions of this Schedule, a vacating commissioner shall be eligible for reappointment as a commissioner unless he has been disqualified under article 8 above.

(2) A vacating appointed commissioner other than the chairman for the time being shall not be eligible for reappointment as a commissioner where, immediately before the date in question, he has held office for three consecutive terms.

(3) An appointed commissioner who is the chairman for the time being shall not be eligible for reappointment as a commissioner where, immediately before the date in question, that commissioner has held office for four consecutive terms.

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- (4) For the purposes of this paragraph “term” does not include—
- (a) a term referred to in article 5(1) above;
  - (b) the remainder of a term during which the commissioner was appointed to fill a casual vacancy under article 6 above; or
  - (c) any term served by the commissioner prior to the new constitution date.
- (5) In this paragraph “appointed commissioner” means a commissioner appointed under article 4(1)(a) above.

#### *Appointment of chairman and deputy chairman of Commissioners*

3. In addition to the election of a chairman in accordance with article 10, the Commissioners may at each annual meeting also elect another of their number to act as deputy chairman.
4. Subject to paragraph 5, a commissioner elected as chairman or deputy chairman shall, unless that commissioner resigns from that office or ceases to be a commissioner, hold office as such from and including the meeting at which the election takes place until the next election to that office at the next annual meeting.
5. On a casual vacancy occurring in the office of chairman or deputy chairman of the Commissioners, the Commissioners may elect some other commissioner to fill the vacancy. A commissioner elected under this paragraph shall, unless the commissioner resigns the office or ceases to be a commissioner, hold that office during the remainder of the term of the chairman or deputy chairman that the commissioner replaces.
6. In the absence of the chairman, the deputy chairman shall have and may exercise all the powers of the chairman.

#### *Conduct of Meetings*

7. The first meeting of the Commissioners after the new constitution date shall be convened as soon as practicable by the chief executive for such a date as he may fix; and he shall make arrangements for notice of that meeting to be sent by post to the Commissioners.
8. The Commissioners shall hold an annual general meeting in March each year.
- 9.—(1) The Commissioners shall hold not less than ten further meetings per year.  
(2) The Chief Executive shall ensure that at least 14 days' notice of meetings is sent to each Commissioner.
10. If, at any meeting of the Commissioners, neither the chairman nor the deputy chairman is present, the commissioners present at the meeting shall elect one of their number to be chairman of the meeting.
11. The quorum for a meeting of the Commissioners shall be four.
- 12.—(1) Subject to sub-paragraph (2) below, every question of a meeting of the Commissioners or of a committee of the Commissioners shall be decided by a majority present and voting.  
(2) If, at any meeting of the Commissioners, there is an equality of votes on any question the chairman of the meeting shall have a second and casting vote.
- 13.—(1) If a commissioner has any interest, direct or indirect—

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(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 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,

that commissioner shall declare that interest.

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

- (a) so soon as is practicable after the commencement of that meeting disclose the 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 Commissioners present by resolution so require; 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 commissioner has in respect of the payment to the Commissioners of pilotage charges or 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 the commissioner 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 or which is the subject of a general resolution by the Commissioners to that effect.

(4) The Commissioners shall maintain and regularly update a register of interests declared by each commissioner and shall make the register available for inspection by members of the public at all times during usual office hours.

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

#### *Committees*

**15.** The Commissioners 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 sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act of 1964) to a committee of the Commissioners.

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

**16.—(1)** The application of the seal of the Commissioners shall be authenticated by the signature of the chairman of the Commissioners or some other member authorised by the Commissioners to authenticate the application of the seal, and of the chief executive of the Commissioners or some person authorised by the Commissioners to act in his place in that behalf.

(2) The Commissioners 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.

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

#### *Remuneration of Commissioners*

17. The Commissioners may pay to individual commissioners such salary, fees and expenses as they may determine.

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

19. The Commissioners shall appoint a chief executive and such other persons as from time to time they think necessary or desirable for and incidental to the performance of their functions and pay to them such remuneration as the Commissioners think fit.

### SCHEDULE 3

Article 20

#### REPEALS AND REVOCATIONS

<i>Chapter or S.I. number</i>	<i>Short Title</i>	<i>Extent of repeal or revocation</i>
1870 c. clviii	The Pier and Harbour Orders Confirmation Act 1870 (No.2)	Sections 1, 5,13 and 14 to 16 of the Falmouth Harbour Order 1870
1937 c. lxx	Pier and Harbour Order (Falmouth) Confirmation Act 1937	Sections 11 and 13 to 18 of the Falmouth Harbour Order 1937
1958 c. xlvi	Falmouth Harbour Act 1958	Sections 3(1)(a), 6 to 12 and 14 to 19 and the First and Second Schedules
S.I. 1976/494	The Falmouth Harbour Revision Order 1976	The whole Order except article 10
S.I. 1985/1678	Falmouth Harbour Revision Order 1985	Articles 9 and 10