
STATUTORY INSTRUMENTS

2006 No. 2167

The Dover Harbour Revision Order 2006

PART 2

CONSTITUTION AND GENERAL POWERS

Powers and jurisdiction of the Board

3. The jurisdiction of the Board shall extend to the following areas for the following purposes—
- (a) for the enforcement of compliance with directions of the harbour master, to the limits of his jurisdiction for the purposes of the Acts;
 - (b) for the enforcement of compliance with the Pilotage Act 1987⁽¹⁾ and the directions made thereunder, to the limits of the area specified in article 3 of the Dover (Pilotage) Harbour Revision Order 1988⁽²⁾;
 - (c) for the enforcement of the Board's byelaws and any offences under the Acts, to the harbour and to all areas to which such provisions apply;
 - (d) for the enforcement of the powers of constables of the Board and for their protection, to the port police area.

Power to establish committees

4.—(1) The Board may, consistent with its 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 1964 Act) to a committee of the Board.

(2) The Board may—

- (a) appoint to serve on any committee established by the Board persons who are not members of the Board;
- (b) make the exercise of the Board's functions by such a committee subject to such conditions as the Board think fit, including the length of the period during which those functions may be exercised;
- (c) determine the procedure and terms of reference of any such committee.

(3) Any such committee shall include among its members at least three Board members.

(4) The quorum for any meeting of any such committee shall include at least two Board members present and able to vote at such a meeting.

(5) All decisions of such committee which involve performance of functions which are the responsibility of the Board shall be reported in writing as soon as practicable to the Board.

(6) The provisions of section 10 of the 1954 Act relating to pecuniary interests of members of the Board shall apply to members of any such committee as they apply to members of the Board.

(1) 1987 c. 21.

(2) S.I.1988/2298.

Power to form subsidiaries

5.—(1) The Board may form and promote one or more wholly-owned subsidiaries for carrying on any activities which the Board have power to carry on under or by virtue of the Acts or this Order.

(2) The Board shall secure that any company formed in exercise of the powers conferred by paragraph (1) of this article remains such a wholly-owned subsidiary.

(3) The Board may enter into arrangements with a company formed in exercise of the powers conferred by paragraph (1) of this article for the transfer to that company from the Board or from any other company so formed, in such manner and on such terms (including payments by any of the parties to the arrangements to any of them) as may be provided for by the arrangements of any property, rights, liabilities or obligations of the company or of that other company which are relevant to the carrying on of the activities to be carried on by the first mentioned company.

(4) In this article, “wholly-owned subsidiary” has the meaning given by section 736(2) of the Companies Act 1985⁽³⁾.

Contracts

6. The Board shall have power for the purpose of carrying out their functions (including functions which are incidental to those functions) to enter into such contracts and agreements for such consideration (or otherwise) and upon such terms and conditions as they think fit.

Deposits and investments

7. In addition to the power conferred on the Board by section 22(1)(c) of the 1963 Act the Board may place surplus resources consisting of cash or other assets with any bank or on deposit or invest the same in any investments (including land, chattels and assets bearing no income) which they think fit with all the powers of an absolute owner.

Constitutional documents and notices

8.—(1) The Board shall keep available at their principal office a copy of the Acts and this Order and of all byelaws made thereunder and of all appropriations made under article 3 of the 1969 Order.

(2) Any person may inspect any document mentioned in paragraph (1) of this article and of all general directions of the harbour master under article 26(2) and of the table published in accordance with article 18(10) and the List and the Board shall on demand supply to that person a copy of the same upon payment to the Board of a reasonable fee.

(3) Any notice or proceeding required to be served on the Board shall be sufficiently served if put in writing, addressed to the Managing Director and Register of the Dover Harbour Board and left at or sent by registered or recorded delivery post to the principal office of the Board.

Protection of members of Board

9.—(1) No member of the Board or of any committee established under article 4 shall be liable nor shall his estate or effects be liable to execution or legal process by reason of any act or omission of such member done or made in good faith in the purported execution of the powers conferred on the Board and its members by the Acts and this Order.

(2) Every member of the Board and every member of such a committee and his estate and effects shall be indemnified out of the assets and revenues of the Board for all payments made by him and liability incurred in any act done or omission made by him in the purported execution of such powers and against all actions, claims, losses, damages, costs and demands in respect thereof.

(3) 1985 c. 6; section 736 was substituted by the Companies Act 1989 (c. 40), section 144(1).

(3) The Board may enter into, and pay premiums for, a contract of insurance to indemnify the members of the Board jointly or severally against personal liability arising from any act or omission by the Board or any member of the Board; not being an act or omission which the Board member or members in question knew to be a breach of his or their duty or, concerning which, he or they were reckless as to whether it was such a breach.

Validity of proceedings

10.—(1) The validity of proceedings of the Board or of any committee established under article 4 is not affected by any vacancy among the members of the Board.

(2) Acts done by the members of the Board, by a committee established under article 4 or any person acting as a member are valid notwithstanding that it is afterwards discovered—

- (a) that there was some defect in the appointment of any such member or person acting as member of such committee; or
- (b) that any such member, person acting as a member or committee member was disqualified from acting on grounds of interest or had ceased to hold office.