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STATUTORY INSTRUMENTS

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**2007 No. 3463**

**The Maryport Harbour Revision Order 2007**

**PART 2**

*Alteration of Name of Commissioners and Constitution of the Authority*

**New name of Commissioners**

4. On and after the new constitution date the Commissioners shall be known as the Maryport Harbour Authority.

**Constitution of Authority**

5.—(1) On and after the new constitution date, the Authority shall, subject to paragraph (2) and articles 7, 9 and 12, consist of—

- (a) one Member appointed by the County Council or, should they fail to make an appointment, by the Authority;
  - (b) one Member appointed by the Borough Council or, should they fail to make an appointment, by the Authority;
  - (c) one Member appointed by the Town Council or, should they fail to make an appointment, by the Authority;
  - (d) three Members appointed by the Authority; and
  - (e) the general manager.
- (2) The first appointments which are—
- (a) to be made by the Authority under paragraph (1)(d); and
  - (b) (if necessary) made by the Authority under paragraph (1)(a), (b) or (c) shall be made by the selection panel, established under paragraph (3).
- (3) The selection panel shall consist of—
- (a) one person appointed by the Commissioners;
  - (b) one person appointed by the North West Development Agency; and
  - (c) one person appointed by the West Cumbria Development Fund.

**Selection of members**

6.—(1) Each Member appointed under article 5(1)(a) to (d) shall be a person who appears to the body appointing him to have special knowledge, experience or ability appropriate to the efficient, effective and economic discharge by the Authority of their functions including in particular (but without prejudice to the generality of the foregoing) special knowledge, experience or ability in one or more of the following matters—

- (a) management of harbours;

- (b) shipping or other forms of transport;
- (c) navigation;
- (d) boating and water related leisure activities;
- (e) commercial, financial or industrial matters;
- (f) administration;
- (g) the organisation of workers;
- (h) environmental matters;
- (i) the laws of England; and
- (j) any other skills and abilities considered from time to time by the Authority to be relevant to the discharge by them of their functions.

(2) In making an appointment under article 5(1) or article 12(1), the Authority shall act in accordance with any guidance issued by the Secretary of State from time to time with respect to the exercise of such functions.

#### **Appointment and terms of office of first members**

7. The first appointments under article 5(1)(a) to (d) shall be made on, or as soon as reasonably practicable after the date on which this Order comes into force and of the Members so appointed—

- (a) two, one of whom shall be appointed under article 5(1)(b) and one under article 5(1)(d), shall hold office from the new constitution date until 31 January 2009;
- (b) two, one of whom shall be appointed under article 5(1)(a) and one under article 5(1)(c), shall hold office from the new constitution date until 31 January 2010; and
- (c) two, who shall be appointed under article 5(1)(d), shall hold office from the new constitution date until 31 January 2011.

#### **Terms of office of subsequent members**

8. A Member appointed under article 5(1)(a) to (d) (other than a Member holding office for a term prescribed in article 7 or appointed under article 12) shall, subject to articles 10 and 11 of, and paragraphs 3 and 9 of Schedule 2 to, this Order, hold office for the period of three years from 1st February next following his appointment.

#### **Transitional co-opted member**

9.—(1) To ensure that the Authority have sufficient experience for the efficient exercise of their functions on and after the new constitution date, the existing Commissioners shall before that date co-opt from their number one other Commissioner to serve, in addition to the Members appointed under article 5, as a co-opted Member for a period of six months beginning on the new constitution date.

(2) The Member co-opted under paragraph (1) shall not be entitled to vote on any matter to be decided by the Authority or any committee of the Authority.

#### **Declaration to be made by members**

10. No person shall act as a Member until he has made the declaration set out in Schedule 1 to this Order (or a declaration to that effect), and a person shall cease to be a Member if he fails to make that declaration within three months of the date of his appointment.

### **Power to co-opt additional members**

11. Notwithstanding article 5, the Members if they see fit may at any time co-opt up to two additional Members at any time for a fixed term of up to twelve months.

### **Casual vacancies**

12.—(1) A casual vacancy arising in the office of a Member appointed by the Authority shall, unless it is not reasonably practicable to do so, be filled by the appointment of a Member by the Authority and any such appointment shall be made in accordance with the requirements of article 6.

(2) A Member appointed to fill a casual vacancy under this article shall hold office (unless he previously dies or otherwise ceases to be a Member) during the remainder of the term for which the member whom he replaces was appointed.

### **Provisions applying to Members**

13. On and after the new constitution date, Schedule 2 to this Order shall have effect with respect to the Members.

### **Advisory bodies**

14.—(1) The Authority shall establish one or more advisory body or bodies which the Authority shall consult on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of the harbour and its navigation.

(2) The Authority shall make arrangements for every such advisory body to meet not less than twice a year.

(3) The Authority shall take into consideration any matter, recommendation or representation which may from time to time be referred or made to them by such an advisory body whether or not that advisory body has been consulted by the Authority on the matter, recommendation or representation so referred or made.

(4) The advisory body or bodies established pursuant to this article shall consist of such number or numbers of persons appointed by the Authority as the Authority shall from time to time consider appropriate.

(5) Appointments to any such advisory body shall be made by the Authority in accordance with a scheme prepared by them for that purpose and the scheme shall provide for the appointment of persons who, in the opinion of the Authority, are representative of persons having an interest in the functioning of the harbour.

(6) Any such advisory body may determine its own quorum and procedure and shall appoint a chairman.

(7) An individual member of any such advisory body may, on giving notice in writing to the chairman of that body, send a substitute to any meeting of the body.

(8) A member of such an advisory body shall hold office for the period of three years from the date of this appointment and at the end of that period shall be eligible for reappointment.

(9) A member of such an advisory body may resign his office at any time by notice in writing given to the chairman of the Authority.