

## SCHEDULES

### SCHEDULE 2

#### INCIDENTAL PROVISIONS RELATING TO COMMISSIONERS

##### *Proceedings of Commissioners and committees and declaration of interests*

**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 the appointment, or the qualification for appointment, of any person as a Commissioner, or as Chairman or Vice-Chairman, of the Commissioners or committee.

**15.** The quorum required for a meeting of the Commissioners is five.

**16.—(1)** A Commissioner who—

- (a) has any interest, direct or indirect in any contract or proposed contract to which the Commissioners are or would be a party;
- (b) is a director of a company or body with which any such contract or proposed contract is made or proposed to be made; or
- (c) has any interest, direct or indirect, in any other matter with which the Commissioners are concerned,

must declare that interest.

(2) A Commissioner who 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 must—

- (a) as soon as is practicable after the commencement of that meeting disclose that 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 other Commissioners present so require by resolution; and
  - (ii) in any event while a decision on that contract or matter is being made.

(3) This paragraph does 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 that Commissioner possesses more than five per cent of the issued share capital of that company; or
- (d) which the other Commissioners present at the meeting by resolution declare to be too remote.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**17.** In the absence or incapacity of the Chairman, the person for the time being holding office as Vice-Chairman of the Commissioners has and may exercise all the functions of the Chairman of the Commissioners.

**18.** If at any meeting of the Commissioners neither the Chairman of the Commissioners nor the Vice-Chairman of the Commissioners are present, the Commissioners present at the meeting must choose one of their number to be the chairman of the meeting.

**19.—(1)** Every question at a meeting of the Commissioners or of a committee of the Commissioners must be decided by a majority vote of the Commissioners present and voting.

(2) 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 has a second or casting vote which may be exercised for or against the status quo.