
STATUTORY INSTRUMENTS

2012 No. 1984

The Caernarfon Harbour Trust (Constitution) Harbour Revision Order 2012

PART 3

MISCELLANEOUS AND GENERAL

Indemnity insurance for trustees

10. The Trust may enter into, and pay premiums for, a contract of insurance to indemnify the Trustees jointly and severally against personal liability arising from any act or omission of the Trustees or any of them, not being an act or omission which the Trustees or, as the case may be, the trustee knew to be a breach of duty or, concerning which the Trustees or, as the case may be, the trustee was reckless as to whether it was such a breach.

Power to carry on trade or business

11.—(1) The Trust may carry on a trade or business of any kind that conduces to the efficient and economical performance by the Trust of its functions in respect of Caernarfon Harbour, including, without prejudice to the generality of the foregoing, a trade or business carried on in conjunction with another person.

(2) The powers of the Trust under this article are additional to the powers of the Trust under section 37 of the Docks and Harbours Act 1966⁽¹⁾.

Revocation

12. On the new constitution date articles 3(2), 4 to 8, 9(1), (2) and (3), 13 and 14 of the 1989 Order are revoked.

Extension of limits of jurisdiction

13. The limits within which the Trust has jurisdiction shall include the additional area.

Cesser of existing Trustees

14. On the new constitution date the existing Trustees cease to be trustees of the Trust.

Advisory Committee

15.—(1) The Trustees must establish an Advisory Committee which they must consult on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of Caernarfon Harbour.

(1) 1966 c.28; section 37(3) was repealed by the Transport and Works Act 1992 (c.42), Schedule 4 (Part II).

(2) The Trustees must make arrangements for the Advisory Committee to meet not less than twice a year.

(3) The Trustees must take into consideration any matter, recommendation or representation which may from time to time be referred or made to them by the Advisory Committee whether or not the Advisory Committee has been consulted by the Trustees on the matter, recommendation or representation.

(4) The Trustees must appoint the following members of the Advisory Committee—

- (a) one nominated by the Welsh Yachting Association;
- (b) three nominated by sailing clubs or yachting clubs using Caernarfon Harbour, no club being entitled to make more than one nomination;
- (c) one nominated by the Countryside Council for Wales;
- (d) one nominated by the Menai Strait Users Association;
- (e) one nominated by the Environment Agency Wales;
- (f) one nominated by the Welsh Government Fisheries Unit;
- (g) one nominated by Plas Menai National Watersports Centre; and
- (h) one nominated by the operators of Portdiorwic Marina,

and they may appoint up to four members chosen by them to represent persons interested in Caernarfon Harbour other than those mentioned in the preceding sub-paragraphs, but the committee shall be properly constituted at any time if there are no fewer than eight members appointed.

(5) If it appears to the Trustees in the case of any of the nominations referred to in paragraph (4) that the body by which the nomination is to be made has refused or failed to nominate a person for appointment as a member within a reasonable time of being requested by the Trustees to do so, or if the body by which any of nominations is to be made has ceased to have an identifiable existence, the appointment must be made by the Trustees after consultation with the Advisory Committee and the persons (if any) appearing to the Trustees to be representative of the interests represented or formerly represented by the nominating body.

(6) The Chairman of the Trustees, or his representative, and the Harbour Master, or his representative, shall be entitled to attend any meeting of the Advisory Committee.

(7) The Advisory Committee may determine its quorum and procedure and must appoint one of its members to chair the committee with a casting vote.

(8) A member of the Advisory Committee may, on giving notice in writing to the chairman of the committee, send a representative to any meeting of the committee.

(9) A member of the Advisory Committee shall hold office for a term of three years from the date of his appointment and at the end of that term shall be eligible for reappointment.

(10) A member of the Advisory Committee may resign his office at any time by notice in writing to the Chairman of the Trustees.

(11) If a member of the Advisory Committee resigns his office or if his term of office is terminated by the Trustees because, in the opinion of the Trustees, he is no longer able to perform his functions as a member or if for any other reason he ceases to be a member, the Trustees may appoint a person as a member in his place for the remainder of his term of office, after consultation with the persons (if any) appearing to the Trustees to be representative of the interests represented by the former member.