

SCHEDULE 2

Article 15

INCIDENTAL PROVISIONS RELATING TO THE COMMISSIONERS

*Appointment of chairman and vice chairman of Commissioners*

1. Subject to paragraph 8, there must be a chair of Commissioners who must be appointed by the Commissioners from among those Commissioners appointed under article 5(1) or 11.

2. The first chair appointed under paragraph 1 will, subject to paragraph 8, and unless the chair resigns office as chair or ceases to be a Commissioner, hold office until the expiry of a period of three years following the new constitution date.

3. Subject to paragraph 8, every chair appointed under paragraph 1 will unless the chair resigns office as chair or ceases to be a Commissioner, hold office for a period of three years.

4. There must be a vice-chair of the Commissioners who must be appointed by the Commissioners from among those Commissioners appointed under article 5(1) or 11.

5. The first vice-chair holding office after the new constitution date must be appointed as soon as practicable after that date and, subject to paragraph 8, will, unless the vice-chair resigns office as vice-chair or ceases to be a Commissioner, continue in office as vice-chair for a period of three years from the date of appointment as vice-chair.

6. Subject to paragraph 8, every vice-chair appointed under paragraph 4 will, unless the vice-chair resigns office as vice-chair or ceases to be a Commissioner, hold office for a period of three years.

7.—(1) On a casual vacancy occurring in the office of chairman or vice-chairman of the Commissioners, the vacancy must be filled by the Commissioners from among those Commissioners appointed under article 5(1) or 11 at a meeting held as soon as practicable after the vacancy occurs.

(2) A Commissioner appointed under this paragraph to fill a casual vacancy in the office of chair or vice-chair must, unless the Commissioner resigns that office or ceases to be a Commissioner, hold that office during the remainder of the term for which the chair or vice-chair who is replaced was appointed.

8. If the Commissioners are satisfied that the chair or vice-chair should cease to hold office as chair or vice-chair, they may terminate the office and appoint another Commissioner to be chair or vice-chair during the remainder of the term for which the former chair or vice-chair was appointed.

*Meetings of Commissioners*

9.—(1) The first meeting of the Commissioners after the new constitution date must be convened as soon as practicable by the chair for such date as the chair may fix; and the chair must make arrangements for notice of that meeting to be sent by post to the Commissioners.

(2) The Commissioners must meet at least eight times in every year.

*Vacation of office by Commissioners*

10. A Commissioner may resign office at any time by notice in writing given to the chair.

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

### *Reappointment of Commissioners*

**11.**—(1) Subject to the provisions of this Schedule, a vacating Commissioner is eligible for reappointment as a Commissioner unless he or she has been disqualified from office under article 13.

(2) A vacating Commissioner is not eligible for reappointment as a Commissioner where, immediately before the date in question, the Commissioner has held office for three consecutive terms unless he or she is the chair of the Commissioners.

(3) A chair of the Commissioners is not eligible for reappointment as a Commissioner where, immediately before the date in question, the chair has held office as a Commissioner for four consecutive terms.

(4) For the purposes of this paragraph “term” (“*tymor*”) does not include—

- (a) a term referred to in article 8(3);
- (b) the remainder of a term during which the Commissioner was appointed to fill a casual vacancy under article 11; or
- (c) any term served by the Commissioner prior to the new constitution date.

### *Reappointment of chair*

**12.**—(1) A chair of the Commissioners is not eligible for reappointment as the chair where, immediately before the date in question, the chair has served as chair for three consecutive terms.

(2) For the purposes of this paragraph “term” (“*tymor*”) does not include—

- (a) a term referred to in article 8(3);
- (b) the remainder of a term during which the Commissioner was appointed to fill a casual vacancy in the office of chair under paragraph 7; or
- (c) any term served by the Commissioner as a chair prior to the new constitution date.

### *Committees*

**13.** The Commissioners may, consistently with their duties and subject to such conditions as they think fit, delegate any of their functions (other than functions set out in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the 1964 Act) to a committee of the Commissioners.

### *Proceedings of Commissioners and committees*

**14.** The acts and proceedings of the Commissioners, or of any committee of the Commissioners, are not 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 chair or vice-chair, of the Commissioners or committee.

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

**16.**—(1) If a Commissioner has any interest, direct or indirect—

- (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 with 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,
- the Commissioner must 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 the Commissioner has an interest is to be considered the Commissioner 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 Commissioners present by resolution require that Commissioner to do so; and
  - (ii) 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 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.

**17.** The person for the time being holding office as vice-chair has and may exercise in the absence or incapacity of the chair all the powers of the chair.

**18.** If at any meeting of the Commissioners neither the chair nor the vice-chair is present the Commissioners present at the meeting must choose one of their number to be the chair 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 chair of the meeting has a second or casting vote which the chair may exercise for or against the status quo.

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

**20.—(1)** The application of the seal of the Commissioners must be authenticated by the signature of the chair of the Commissioners or some other Commissioner authorised by the Commissioners to authenticate the application of the seal, and of any officer of the Commissioners authorised by the Commissioners to act in that behalf.

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

#### *Remuneration of the Commissioners and Chair*

**21.—(1)** The Commissioners may pay to each Commissioner such allowances and expenses as the Commissioners may from time to time determine.

(2) The Commissioners may pay the Chair such reasonable remuneration as they may determine.

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*General*

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

**23.** The Commissioners may appoint such 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.