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## SCHEDULES

### SCHEDULE 1

Section 9

#### FORM OF DECLARATION BY MEMBERS

#### MILFORD HAVEN PORT AUTHORITY

#### MILFORD HAVEN PORT AUTHORITY ACTS AND ORDERS 1983 TO 2002

#### DECLARATION

I [FULL NAME] do solemnly declare

- (1) that I will faithfully and impartially, according to the best of my skill and judgment, execute all the powers and authorities vested in me as a member of the Milford Haven Port Authority by virtue of the Milford Haven Port Authority Acts and Orders 1983 to 2002;
- (2) that I have read and understood the notes entitled “Note for Guidance of Members on the Disclosure of Financial and Other Interests” and “Duties of Members” and that I will comply with the requirements as to the disclosure of such interests, laid down by sub-paragraph (6) of paragraph 7 of Schedule 2 to the Milford Haven Port Authority Act 2002, and in particular that:
  - (a) I have disclosed to the Chief Executive details of every financial or other interest such as is mentioned in those notes;
  - (b) I will in future notify the Chief Executive of any alteration in those interests, or any new interest, such as is mentioned in those notes, which I may acquire;

Made and signed in Milford Haven, in the County of Pembrokeshire, on the

..... day of .....

..... (signature)

Witnessed by the Chief Executive

.....  
as a member of the Milford Haven Port Authority (signature)

*Note:—Where the declaration is to be made by the Chief Executive, the Form shall be amended so that, for references to “the Chief Executive”, there are substituted references to “the chairman”.*

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## SCHEDULE 2

Sections 10 and 14

### PROVISIONS APPLYING TO THE AUTHORITY

#### *Meetings of Authority*

- 1 (1) The first meeting of the Authority after the new constitution date shall be convened by the Chief Executive as soon as reasonably possible after that date and the Chief Executive shall send notice of that meeting by post to each of the members.
- (2) The Authority shall meet at least six times in each year commencing on 1st January.

#### *Chairman and vice-chairman of Authority*

- 2 (1) There shall be a vice-chairman of the Authority who shall be appointed by the members from among the members holding office under subsection (1)(b) or (c) of section 4 (Constitution of Authority) or section 10 (Casual vacancies) of this Act.
- (2) The first vice-chairman taking office after the new constitution date shall be appointed as soon as practicable after the new constitution date.
- (3) Subject to sub-paragraph (4) below, every vice-chairman appointed under sub-paragraph (1) above shall, unless he resigns his office as vice-chairman or ceases to be a member, hold office for a period of three years.
- (4) If those of the members who are appointed under subsection (1)(b) or (c) of section 4 (Constitution of Authority) or section 10 (Casual vacancies) of this Act are satisfied that the vice-chairman should cease to hold his office as such, they may—
  - (a) terminate his office as such; and
  - (b) appoint another member to be vice-chairman during the remainder of the term for which the former vice-chairman was appointed.
- (5) On a casual vacancy occurring in the office of chairman of the Authority, the vacancy shall be filled by the appointment by the Secretary of State, of an acting chairman, from among the members of the Authority, and the acting chairman shall hold office until a chairman is appointed by the Secretary of State.
- (6) A member appointed under sub-paragraph (5) above to fill a casual vacancy in the office of chairman shall, unless he resigns that office or ceases to be a member, hold that office during the remainder of the term for which the chairman whom he replaces was appointed.
- (7) In the absence of the chairman, or as the case may be, the acting chairman, the person for the time being holding office as vice-chairman shall have and may exercise all the powers of the chairman or the acting chairman.
- (8) If at a meeting of the Authority neither the chairman nor the vice-chairman is present the members present shall choose one of their number to be chairman of the meeting.

#### *Vacation of office by members*

- 3 (1) A person appointed by the Secretary of State as a member of the Authority may resign his office at any time by notice in writing given to the Secretary of State and the chairman of the Authority, or if that person is the chairman, the vice-chairman.

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- (2) A person appointed by the Authority under subsection (1)(d) or (2) of section 4 (Constitution of Authority) of this Act may resign his office at any time by notice in writing given to the chairman of the Authority or if that member is the chairman, the vice-chairman.

#### *Reappointment of members*

- 4 (1) Subject to the provisions of this Schedule, a vacating appointed member shall be eligible for reappointment as a member unless he has been disqualified from office under section 11 (Disqualification of members) of this Act.
- (2) Subject to sub-paragraph (3) below, a vacating appointed member shall not be eligible for reappointment as a member where he has held office for three consecutive terms.
- (3) A person appointed as chairman of the Authority may hold office for not more than three consecutive terms as chairman notwithstanding that he may have previously held office as a member for up to three consecutive terms immediately preceding his appointment as chairman.
- (4) For the purposes of this paragraph, “term” does not include:—
- (a) the first term of any member appointed to take office on the new constitution date; or
  - (b) the remainder of a term during which the member was appointed to fill a casual vacancy under section 10 (Casual vacancies) of this Act.
- (5) In this paragraph “appointed member” means a member appointed under subsection (1)(b) or (c) of section 4 (Constitution of Authority) of this Act.

#### *Reappointment of chairman*

- 5 (1) A person appointed as chairman of the Authority shall not be eligible for reappointment as the chairman or as a member where, immediately before his appointment, he has served as chairman for three terms.
- (2) For the purposes of this paragraph, “term” does not include—
- (a) a term served by the person as chairman where that term is less than three years; or
  - (b) the remainder of a term during which the member was appointed as acting chairman under paragraph 2 above.

#### *Committees*

- 6 The Authority 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 subparagraphs (a) to (f) of paragraph 9B of Schedule 2 to the [Harbours Act 1964](#)) (c. 40) to a committee of the Authority consisting wholly of members of the Authority.

#### *Proceedings of Authority and Committees*

- 7 (1) Every question at a meeting of the Authority or a committee of the Authority shall be decided by a majority vote of the members present and voting.

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- (2) If at any meeting of the Authority there is an equality of votes on a question, the chairman of the meeting shall have a second or casting vote.
- (3) The quorum required for a meeting of the Authority shall be five.
- (4) The Authority shall cause minutes to be made—
- (a) of the names of members present at a meeting of the Authority or of a committee of the Authority; and
  - (b) of all proceedings or resolutions at such meeting;
- and such minutes, if signed by a person purporting to be chairman of the meeting to which the minutes relate or of a subsequent meeting at which the minutes were approved as a correct record, shall be received in evidence without further proof.
- (5) If a member has any interest, direct or indirect—
- (a) in any contract or proposed contract to which the Authority 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,
  - (b) in any other matter with which the Authority are concerned,
- he shall declare that interest.
- (6) If a member is present at a meeting of the Authority or of any committee of the Authority at which a contract or other matter in which he has an interest is to be considered, he shall—
- (a) as soon as is practicable after the commencement of that meeting, disclose his 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 members present by resolution require him to do so; and
    - (ii) while a decision on that contract or matter is being made.
- (7) Sub-paragraphs (5) and (6) above shall not apply to any interest—
- (a) which a member has in respect of the payment to the Authority 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 member has as an employee of a public utility undertaking or as a shareholder, not being a director of a company, unless he possesses more than five per cent of the issued share capital of the company; or
  - (d) which the members present at the meeting by resolution declare to be too remote.

#### *Validity of acts of Authority*

- 8 The acts and proceedings of the Authority, or of any committee of the Authority, 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 member, or as chairman or vice-chairman, of the Authority or committee.

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*Authentication of seal*

- 9 (1) The application of the seal of the Authority shall be authenticated by the signature—
- (a) of the chairman of the Authority or some other member authorised by the Authority to authenticate the application of the seal; and
  - (b) of the Chief Executive or some person authorised by the Authority to act in his place in that behalf.
- (2) The Authority may authorise a person to act instead of the Chief Executive under this paragraph whether or not the Chief Executive is absent or incapable of acting.

*General*

- 10 The Authority may appoint upon such terms and conditions as they see fit a Chief Executive, a secretary and such other officers and servants as they may determine.
- 11 Subject to the provisions of this Schedule, the procedure of the Authority shall be regulated in such manner as the Authority determine.