
STATUTORY INSTRUMENTS

1987 No. 420

The Padstow Harbour Revision Order 1987

PART II

NEW CONSTITUTION

New constitution of Commissioners

4. On and after the new constitution date, the Commissioners shall consist of:—
- (a) one Commissioner appointed by the Lord for the time being of the Manor of Padstow in the county of Cornwall;
 - (b) three Commissioners elected by the Padstow electors as provided in article 6 below;
 - (c) three Commissioners elected by the St. Minver electors as provided in article 6 below;
 - (d) three Commissioners elected by the Wadebridge electors as provided in article 6 below.

Appointment and term of office of Manor Commissioner

5.—(1) The Lord of the Manor of Padstow shall make the first appointment under article 4(a) above before the new constitution date, or as soon as practicable after it, and the Commissioner so appointed shall come into office on that date or upon his appointment, whichever is the later, and shall hold office until 1st April 1990; and the Lord of the Manor shall appoint his successor for each period of three years in the series commencing on that date, or for the balance of such period. A Manor Commissioner may be reappointed.

(2) The Lord of the Manor shall appoint as soon as practicable a person to fill any casual vacancy in the office of Manor Commissioner, and the person so appointed shall come into office on the date of the vacancy or upon his appointment, whichever is the later, and shall hold office during the remainder of the term of the previous Manor Commissioner.

Rules for Election of Commissioners

6. Schedule 1 to this Order shall have effect with respect to the elections of the elected Commissioners.

Election and term of office of candidates elected at the first election

7.—(1) At the first election in each area the candidate in first, second or third place at a poll shall hold office until 31st March 1990, 31st March 1989 and 31st March 1988 respectively.

(2) The returning officer shall resolve any equality of votes by lot.

(3) If at the first election candidates are elected without a poll, they shall serve respectively until 31st March 1990, 1989 or 1988 as determined by lot.

(4) A person who at the time of the first election is appointed by the Commissioners under paragraph 5(1) of Schedule 1 to this Order shall be appointed into first, second or third place and hold

office as under (1) above; but no person may be appointed into a higher place than a Commissioner who has been elected.

Election and term of office of Commissioners elected at other elections

8. A Commissioner who is elected at any election other than the first, shall come into office on 1st April next following his election and shall hold office for three years.

(2) A Commissioner who is appointed at any election other than the first under paragraph 5(2) of Schedule 1 to this Order shall hold office for the balance of the period of three years from 1st April of the year of his appointment.

Casual vacancies among the elected Commissioners

9.—(1) If a casual vacancy shall occur among the elected Commissioners more than six months before the vacating Commissioner would regularly have retired, the vacancy shall be filled by the election (or appointment) of a Commissioner as provided in paragraph (2) below, and the person so elected (or appointed) shall come into office on the date of his election (or appointment) and hold office during the remainder of the term of the Commissioner to whom he succeeded.

(2) Schedule 1 to this Order shall apply to an election held under paragraph (1) above as it applies to the annual election of Commissioners other than the first but subject to the following modifications:—

(i) for paragraph 3 of Schedule 1 there shall be substituted the following paragraph;

“The returning officer shall make arrangements for the nomination of candidates for an election to fill a casual vacancy required by article 9(1) of this Order and during the period of four weeks beginning with the day on which the vacancy occurs shall publish notice by advertisement in one or more local newspapers circulating in the relevant area and by such other methods as the Commissioners may think fit of the time and place arranged for the nomination of candidates. The day fixed for the purpose must be at least one week after the first publication of such notice and not later than three weeks after such publication. The place fixed for this purpose must be within the relevant area.”;

(ii) paragraph 5 of Schedule 1 shall have effect as if there were substituted for the words “immediately after the new constitution date or the 1st April in the year in question as the case may be” the words “as soon as reasonably practicable”;

(iii) paragraph 10 of Schedule 1 shall have effect as if there were substituted for the words

“being

(a) for the first election, not earlier than fourteen or later than twenty-eight days after the nomination of candidates, and

(b) in subsequent years not later than 15th March”.

the words

“being not earlier than fourteen days or later than twenty-eight days after the nomination of candidates”.

Incidental provisions relating to the Commissioners

10. On and after the new constitution date, the provisions of Schedule 2 to this Order shall have effect with respect to the Commissioners.