
STATUTORY INSTRUMENTS

2001 No. 2820

The Poole Harbour Revision Order 2001

PART II

CONSTITUTION

Constitution of Commissioners

4.—(1) On and after the new constitution date the Commissioners shall, subject to articles 8 and 9 below, consist of—

- (a) the Chief Executive;
- (b) an officer of the Commissioners, not being the Chief Executive, appointed by the Chairman after consultation with the Chief Executive; and
- (c) ten other Commissioners appointed as provided by paragraph (2) below.

(2) The Commissioners appointed under this paragraph shall be as follows—

- (a) one Commissioner appointed by the Transport and General Workers Union or, should they fail to make an appointment, by the selection panel;
- (b) three Commissioners appointed jointly by Dorset County Council, Poole Borough Council and Purbeck District Council or, should they fail to make all or any of those appointments, by the selection panel; and
- (c) six additional Commissioners appointed by the selection panel.

Selection panel

5.—(1) The Chairman shall appoint two persons, not being Commissioners, to act with him as the selection panel whenever any appointment is to be made by the panel under this Order.

(2) The selection panel shall make—

- (a) the appointments to be made under article 4(2)(c) above; and
- (b) the appointments to be made under article 4(2)(a) or (b) above if the Transport and General Workers Union or the local authorities mentioned in article 4(2)(b) (as the case may be) fail to make any such appointment,

having regard to the advice of the Chief Executive.

(3) For the purposes of paragraph (2) (b) above an appointing authority shall be deemed to have failed to make an appointment if the appointment has not been made by the date referred to in or determined under article 7(1) below.

(4) The selection panel shall consult the Commissioners for the time being before making any appointment.

Selection of Commissioners

6.—(1) Each appointing authority shall make the appointments provided for by article 4 above on merit, in accordance with a published recruitment policy and having had regard to equal opportunities.

(2) A person shall not be appointed as a Commissioner if he would reach the age of seventy years in his first term of office.

(3) Each Commissioner shall be a person who appears to the body appointing him to have special knowledge, experience or ability appropriate to the efficient, effective and economic discharge by the Commissioners of their functions.

(4) Without prejudice to the generality of paragraph (3) above, the objective of the appointing authorities shall be to ensure, so far as reasonably practicable, that the Commissioners include persons having special knowledge, experience or ability in the following matters—

- (a) management of harbours;
- (b) shipping;
- (c) industrial, commercial or financial matters;
- (d) water related leisure activities;
- (e) administration;
- (f) local governance; and
- (g) environmental matters.

(5) Before appointing a Commissioner each appointing authority shall consult with the other appointing authorities with a view to achieving, so far as reasonably practicable, the objective mentioned in paragraph (4) above.

Appointment of Commissioners and terms of office

7.—(1) Each appointing authority shall make the appointments provided for by this Order—

- (a) in the case of first appointments, not later than 4th October 2001; and
- (b) in the case of subsequent appointments which fall to be made in any year, by not later than 1st October in that year;
- (c) in the case of casual vacancies, within 56 days of the vacancy occurring;
- (d) in the case of appointments to be made by the selection panel in the event of any other appointing authority failing to make an appointment, within 28 days of the date by which the other authority should have made the appointment.

(2) The Chief Executive shall hold office as a Commissioner so long as he remains Chief Executive.

(3) The officer appointed under article 4(1)(b) above shall hold office as a Commissioner for a term of three years unless he shall previously cease to hold the office held by him at the time of his appointment, and he shall be eligible for reappointment for as long as he continues to be an officer of the Commissioners.

(4) Subject to article 8 of, and paragraphs 7 and 8 of Schedule 2 to this Order, each of the Commissioners appointed under article 4(1)(c) shall hold office for a term of three years commencing on 1st November in the year in which he is appointed.

(5) Subject to paragraph (6) below, upon ceasing to hold office, each Commissioner appointed under article 4(2) above shall be eligible for reappointment unless—

- (a) he has already held office for three terms;

- (b) he has already held office for two terms and there are no exceptional reasons for his reappointment; or
 - (c) he has reached the age of seventy years, or would do so within his next term of office.
- (6) A Commissioner who:
- (a) has already held office for three terms;
 - (b) has been Chairman for no more than two terms; and
 - (c) was Chairman immediately before the end of his third term,

shall be eligible for reappointment as a Commissioner for a fourth term, but shall cease to hold office as a Commissioner during his fourth term if he is not elected Chairman or ceases to hold office as Chairman.

(7) The appointments made under article 4(1)(b) and (c) above shall be notified in writing to the Chief Executive.

Transitional provisions

8.—(1) Notwithstanding any provision of the Poole Harbour Acts and Orders 1756 to 2001, and subject to paragraphs 7 to 9 of Schedule 2 to this Order—

- (a) the Chairman who holds office at the date of the coming into force of this Order (“the existing Chairman”) shall continue as Chairman until 31st October 2002; and
- (b) every other Commissioner appointed or elected under article 3(2) of the Poole Harbour Order 1981 who holds office at the date of the coming into force of this Order shall continue in office until the new constitution date,

(2) The first Commissioner appointed under article 4(2)(a) above shall hold office until 31st October 2004.

(3) The first Commissioners appointed under article 4(2)(b) above shall hold office until 31st October 2005.

(4) Of the first appointments to be made under article 4(2)(c) above—

- (a) three shall be re-appointments, for a term expiring on 31st October 2003, of Commissioners (none of them being the Chairman) holding office immediately before the new constitution date; and
- (b) two shall be new appointments for a term expiring on 31st October 2004.

(5) For so long as the existing Chairman continues in office in accordance with paragraph (1) (a) above, the number of appointments to be made under article 4(2)(c) above shall be reduced from six to five.

(6) As soon as may be after 31st October 2002 or (if earlier) the date upon which the existing Chairman ceases to hold office as a Commissioner, the selection panel shall appoint a Commissioner who, subject to paragraphs 7 and 8 of Schedule 2 to this Order, shall hold office for so long as the other Commissioners first appointed under article 4(2)(c) and paragraph (4)(b) above are to remain in office.

(7) If the existing Chairman ceases to hold office as Chairman before 31st October 2002 the Commissioners shall elect one of their number to hold office as Chairman until that date.

Additional Commissioners

9. Notwithstanding article 4 above the Commissioners if they see fit may at any time appoint up to two additional Commissioners at any time for a fixed term of up to twelve months.

Casual vacancies

10.—(1) If a casual vacancy occurs in the office of a Commissioner, the appointing authority shall appoint another person to fill the vacancy.

(2) A person appointed to fill a casual vacancy shall, subject to article 8 of, and paragraphs 7 and 8 of Schedule 2 to, this Order, hold office during the remainder of the term for which the person in whose place he has been appointed was appointed.

(3) This article does not apply to additional Commissioners appointed under article 9 above.

Declaration to be made by Commissioners

11. No person shall act as a Commissioner until he has made the declaration set out in Schedule 1 to this Order (or a declaration to that effect); and a person shall cease to be a Commissioner if he fails to make that declaration within three months of the date of his appointment.

Provisions applying to Commissioners

12. The provisions set out in Schedule 2 to this Order shall have effect with respect to the Commissioners.