

SCHEDULE 2

Article 11

INCIDENTAL PROVISIONS RELATING TO THE COMMISSIONERS

Appointment of chairman and vice chairman of Commissioners

1. Subject to article 4 there shall be a chairman of Commissioners who shall be appointed by the Commissioners from among those Commissioners appointed under article 3(1)(a) or (b) or 7 above.

2. The first chairman appointed under article 4 above shall, subject to paragraph 8 below, and unless he resigns his office as chairman or ceases to be a Commissioner, continue in office as chairman until his initial term of office as a Commissioner has expired.

3. Subject to paragraph 8 below, every chairman appointed under paragraph 1 above shall unless he resigns his office as chairman or ceases to be a Commissioner, hold office for a period of three years.

4. There shall be a vice-chairman of the Commissioners who shall be appointed by the Commissioners from among those Commissioners appointed under article 3(1)(a) or (b) or 7 above.

5. The first vice-chairman holding office after the new constitution date shall be appointed as soon as practicable after that date and, subject to paragraph 8 below, shall, unless he resigns his office as vice-chairman or ceases to be a Commissioner, continue in office as vice-chairman for a period of two years from the date of his appointment as vice-chairman.

6. Subject to paragraph 8 below, every vice-chairman appointed under paragraph 4 shall, unless he resigns his office as vice-chairman 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 shall be filled by the Commissioners from among those Commissioners appointed under article 3(1)(a) or (b) or 7 above 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 chairman or vice-chairman shall, unless he resigns that office or ceases to be a Commissioner, hold that office during the remainder of the term for which the chairman or vice-chairman whom he replaces was appointed.

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

Meetings of Commissioners

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

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

Vacation of Office by Commissioners

10. A Commissioner (except a Commissioner appointed under Article 3(1)(c) above) may resign his office at any time by notice in writing given to the Clerk.

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Reappointment of Commissioners

11.—(1) Subject to the provisions of this Schedule, a vacating Commissioner shall be eligible for reappointment as a Commissioner unless he has been disqualified from office under Article 9 above.

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

(3) A chairman of the Commissioners who is an appointed Commissioner shall not be eligible for reappointment as a Commissioner where, immediately before the date in question, he has held office as a Commissioner for four consecutive terms.

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

- (a) a term referred to in article 4(a) above;
- (b) the remainder of a term during which the Commissioner was appointed to fill a casual vacancy under article 7 above; or
- (c) any term served by the Commissioner prior to the new constitution date.

(5) In this paragraph “appointed Commissioner” means a Commissioner appointed under article 3(1)(a) or (b) above.

Reappointment of chairman

12.—(1) A chairman of the Commissioners shall not be eligible for reappointment as the chairman where, immediately before the date in question, he has served as a chairman for three consecutive terms.

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

- (a) the remainder of a term during which the Commissioner was appointed to fill a casual vacancy in the office of chairman under paragraph 7 above; or
- (b) any term served by the Commissioner as a chairman 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 Harbours Act 1964⁽¹⁾), 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, 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 Commissioner, or as chairman or vice-chairman, of the Commissioners or committee.

15. The quorum required for a meeting of the Commissioners shall be five.

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

(1) paragraph 9B was inserted by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 9.

(b) in any other matter with which the Commissioners are concerned, he shall 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 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 Commissioners present by resolution require him so to do; and
 - (ii) while a decision on that contract or matter is being made.

(3) This paragraph shall 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 he 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-chairman shall have and may exercise in the absence or incapacity of the chairman all the powers of the chairman.

18. If at any meeting of the Commissioners neither the chairman nor the vice-chairman are present the Commissioners present at the meeting shall choose one of their number to be the chairman of the meeting.

19.—(1) Every question at a meeting of the Commissioners or of a committee of the Commissioners shall 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 chairman of the meeting shall have a second or casting vote which he may exercise for or against the status quo.

Authentication of seal and other documents

20.—(1) The application of the seal of the Commissioners shall be authenticated by the signature of the chairman 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 his place in that behalf.

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

Remuneration of the Commissioners and Chairman

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

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

General

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

23. The Commissioners shall 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.