

2005 No. 3514

HARBOURS, DOCKS, PIERS AND FERRIES

**The Port of London Authority (Constitution) Harbour Revision
Order 2005**

Made - - - - *21st December 2005*

Coming into force - - *28th December 2005*

Whereas the Port of London Authority has applied for a harbour revision order under section 14 of the Harbours Act 1964(a);

And whereas the Secretary of State for Transport is satisfied as mentioned in subsection (2)(b) of the said section 14;

Now, therefore, the Secretary of State for Transport (being the appropriate Minister under subsection (7) of the said section 14(b)), in exercise of the powers conferred by that section and now vested in him(c), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Port of London Authority (Constitution) Harbour Revision Order 2005 and shall come into force on 28th December 2005.

(2) The Port of London Acts and Orders 1968 to 2003 and this Order may be cited together as the Port of London Acts and Orders 1968 to 2005.

Interpretation

2.—(1) In this Order—

“the 1968 Act” means the Port of London Act 1968(d);

“the appointed day” means the 3rd day after the day on which this Order comes into force;

“member” means a member of the Port Authority;

“outgoing members” means Jeremy Wilson Beech, Robert Duncan Clegg and Joanna Alicia Gore Kennedy or, if any of them ceases to be a member before the appointed day, any person who has replaced that member before that day;

“the Port Authority” means the Port of London Authority.

(a) 1964 c.40; section 14 was amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4 and 14, and by the Transport and Works Act 1992 (c.42), section 63(1) and Schedule 3, paragraph 1.

(b) For the definition of “the Minister” (mentioned in section 14(7)) see section 57(1).

(c) S.I. 1981/238 and S.I. 1997/2971

(d) 1968 c. xxxii

Constitution of the Port Authority

3.—(1) In section 3 of the 1968 Act for the words “not less than six” there should be substituted the words “not less than seven”.

(2) Schedule 2 to the 1968 Act shall be amended as follows:—

(a) in the proviso to paragraph 3(1) for the words “less than five or more than eight” there shall be substituted the words “less than two or more than four”,

(b) after paragraph 3(1) there shall be inserted the following:

“(1A) Subject to sub-paragraph (1B), the Port Authority shall from time to time appoint such further number of persons not being officers of the Port Authority as it considers appropriate to serve as members of the Port Authority.

(1B) The number of members appointed by the Port Authority not being officers of it shall not at any time be less than three or more than four.”,

(c) in paragraph 3(2) after each reference to “the Secretary of State” there shall be inserted the words “or the Port Authority”,

(d) in paragraph 4 after the reference to “the Secretary of State” there shall be inserted the words “or the Port Authority”, and in the proviso to paragraph 4 for the words “not being officers of the Port Authority” there shall be substituted the words “appointed by the Secretary of State”,

(e) in paragraph 5 after the words “secretary of the Port Authority” there shall be added the words “and any appointment made by the Port Authority under this Part of this Schedule shall be notified in writing to the Secretary of State by the secretary of the Port Authority”,

(f) for paragraph 6 there shall be substituted the following:

“**6.**—(1) Subject to paragraph (2) the Port Authority shall from time to time appoint such officers of the Port Authority as it considers appropriate to serve as members of the Port Authority and, subject to this Part of this Schedule, every member appointed under this paragraph shall continue in office as a member until such time as he ceases to be an officer of the Port Authority.

(2) The number of officers appointed as members by the Port Authority shall not at any time be less than two or more than four.”,

(g) in paragraph 11 after the first reference to “Secretary of State” there shall be added the words “or, in the case of an appointment by the Port Authority, the Port Authority” and after the second reference to “Secretary of State” there shall be added the words “or, as the case may be, the Port Authority”.

Transitional arrangements

4.—(1) On the appointed day—

(a) the outgoing members shall cease to be members of the Port Authority; and

(b) the Port Authority shall under paragraph 3(1A) of Schedule 2 to the 1968 Act appoint three members (who may be the same persons as the outgoing members).

(2) Each of the persons, other than the outgoing members, who was a member immediately before the commencement of this Order shall (unless any such member resigns or vacates office) continue as a member until the expiry of the term for which he was appointed or, in the case of a member appointed under paragraph 6 of Schedule 2 to the 1968 Act, until he ceases to be an officer of the Port Authority or vacates office.

Signed by authority of the Secretary of State for Transport

21st December 2005

Phil Carey
Head of Ports Division
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order alters the constitution of the Port of London Authority by reducing the number of members of the Port Authority appointed by the Secretary of State from not less than five or more than eight to not less than two or more than four. It provides for the Port Authority to appoint not less than three or more than four members not being officers of the Port Authority and not less than two or more than four officers to serve as members of the Port Authority. The Order also provides for transitional arrangements.

£3.00

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E1851 1/2006 151851T 19585