STATUTORY INSTRUMENTS

1974 No. 1142

HARBOURS, DOCKS, PIERS AND FERRIES
The Clyde Port Authority Order 1974

Made - - -	*25th March* 1974
Laid before Parliament	*9th May* 1974
Coming into Operation	*1st July* 1974

The Secretary of State for the Environment, in exercise of the powers conferred by section 14 of the Harbours Act 1964(a) and now vested in him (b) and of all other powers enabling him in that behalf, and on the application of the Clyde Port Authority, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Clyde Port Authority Order 1974 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(c).

(2) The Clyde Port Authority Orders 1965 to 1973 and this Order may be cited together as the Clyde Port Authority Orders 1965 to 1974.

Interpretation

2.—(1) In this Order—

"the Authority" means the Clyde Port Authority;

"the Council" means the National Ports Council;

"the general manager" means the Chief executive officer of the Authority, and includes any person for the time being appointed (by whatever title) by the Authority to act in that capacity;

"the new constitution date" means the first day of the third month after the expiry of the month current at the commencement of this Order;

"the Order of 1965" means the Clyde Port Authority Order 1965.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this Order as it applies in relation to the interpretation of an Act of Parliament.

The new constitution

3.—(1) On and after the new constitution date the Authority shall consist of—

(*a*) a chairman and not less than six nor more than eight other members appointed by the Secretary of State;

(*b*) the general manager; and

(a) 1964 c. 40.
(b) S.I. 1970/1681 (1970 III, p. 5551).
(c) 9 & 10 Geo. 6 c. 18: 1965 c. 43.
(d) 1889 c. 63.

(*c*) not less than two nor more than three other full-time officers of the Authority appointed, on the occasion of the first appointment of such officers under paragraph 2 of the Schedule to this Order, by the members referred to in sub-paragraphs (*a*) and (*b*) above, and on subsequent occasions by the Authority.

Provided that no appointment shall be made the effect of which would be to make the number of members referred to in sub-paragraphs (*b*) and (*c*) above in excess of one half of the number of members appointed under sub-paragraph (*a*) above.

(2) (*a*) The Secretary of State shall consult the Council on the appointments to be made under paragraph (1) (*a*) above, and shall also consult the chairman on such appointments other than that of the chairman.

(*b*) The Council, in considering the appointments which are the subject of such consultation, shall themselves consult with bodies which, in the opinion of the Council, are representative of interests likely to be affected by the discharge of the functions of the Authority.

(3) In appointing persons as members of the Authority the Secretary of State shall—

(*a*) select persons who appear to him to have wide experience of, and to have shown capacity in, one or more of the matters mentioned in paragraph (4) below or to have in some other respect special knowledge or experience that would be of value to the Authority in the discharge of their functions; and

(*b*) have regard to the desirability of appointing members who are familiar with the areas affected by the undertaking of the Authority (including persons who have experience of local government) and the special requirements and circumstances thereof.

(4) The matters referred to in paragraph (3) (*a*) above are—

(*a*) the management of harbours;

(*b*) usage of port facilities, particularly in relation to shipping, shipbuilding, ship repairing or general trading;

(*c*) industrial, commercial or financial matters;

(*d*) administration; and

(*e*) the organisation of workers.

Appointment and terms of office of members appointed by Secretary of State

4.—(1) The Secretary of State shall appoint the first members to be appointed by him under article 3(1) (*a*) above before the new constitution date and each member so appointed shall come into office on that date and subject to the provisions of the Schedule to this Order, shall continue in office until the 31st March 1977. The members of the Authority holding office immediately before the new constitution date shall go out of office on that date.

(2) A member subsequently appointed by the Secretary of State under the said article 3(1) (*a*) shall, unless appointed to fill a casual vacancy, come into office on 1st April following his appointment and, subject as aforesaid, shall continue in office until the 31st March in either the second or third year thereafter as the Secretary of State may specify when he makes the appointment.

(3) A member appointed by the Secretary of State to fill a casual vacancy shall come into office on such date as the Secretary of State may specify when

he makes the appointment and, subject as aforesaid, shall continue in office until the 31st March in such year, not being later than three years after that date, as the Secretary of State may specify when he makes the appointment.

(4) In the event of a casual vacancy occurring in the office of chairman, the members of the Authority shall, as soon as they conveniently can after the occurrence of such vacancy, choose some other member of the Authority to fill the vacancy and the member so chosen shall hold that office until such time as a chairman appointed by the Secretary of State (whether by the appointment of that member or of any other member or person) assumes that office.

Incidental provisions with respect to the Authority

5. On and after the new constitution date the provisions of the Schedule to this Order shall have effect with respect to the members and proceedings of the Authority in addition to the provisions in that regard of the Clyde Port Authority Orders 1965 to 1973 which are not repealed by this Order.

Variation of provisions relating to existing constitution, etc.

6. On the new constitution date—

(*a*) sections 7, 8, 10 and 11 of, and paragraphs 1, 2 and 12 of Schedule 1 to, the Order of 1965 shall be repealed; and

(*b*) paragraph 5 of the said Schedule shall be amended by the deletion of the words "or election".

Costs of Order

7. The costs, charges and expenses of and incidental to the preparing and obtaining of this Order and otherwise in relation thereto shall be paid by the Authority and may in whole or in part be defrayed out of revenue.

Signed by auhority of the Secretary of State

25th March 1974.

Fred Mulley,
Minister of Transport,
Department of the Environment.

SCHEDULE

Article 5

INCIDENTAL PROVISIONS WITH RESPECT TO THE AUTHORITY

1. The first meeting of the Authority after the new constitution date shall be convened by the chairman of the Authority for such date and at such place as he may fix and the chairman shall make arrangements for notice of that meeting to be sent by post to each of the other members of the Authority appointed by the Secretary of State and to the general manager.

2. At the first meeting of the Authority after the new constitution date the members appointed by the Secretary of State and the general manager (or as many of them as are present) shall, as the first item of business, appoint not less than two nor more than three other full-time officers of the Authority to serve as members thereof.

3. The Authority shall at their first meeting after the new constitution date, and from time to time on the occurrence of any vacancy in that office, appoint one of their number to be deputy chairman of the Authority.

4.—(*a*) A full-time officer of the Authority who is appointed to serve as a member thereof under paragraph 2 of this Schedule or subsequently shall hold and vacate his office as a member at the discretion of the Authority but may at any time resign his membership by notice in writing given to the chairman of the Authority.

(*b*) If a member so appointed ceases to be a full-time officer of the Authority he shall thereupon cease to be a member of the Authority, but the termination by the Authority of the appointment as a member thereof of a full-time officer other than the general manager shall be without prejudice to his appointment as an officer of the Authority.

5. A member of the Authority appointed by the Secretary of State may resign his office by notice in writing given to the Secretary of State and to the chairman of the Authority.

6. If the Secretary of State is satisfied that a member of the Authority appointed by him—

(*a*) has been absent from meetings of the Authority for three consecutive months or more without the permission of the Authority; or

(*b*) has become bankrupt or insolvent or made an arrangement with his creditors; or

(*c*) is incapacitated by physical or mental illness from discharging his functions as a member; or

(*d*) is otherwise unable or unfit to discharge the functions of a member;

the Secretary of State may by notice in writing given to the member concerned and to the chairman of the Authority, declare the office of that member to be vacant, and thereupon his office shall become vacant.

7. A member of the Authority shall retire from office on attaining the age of seventy.

8. Subject to the provisions of this Schedule and of Schedule 1 to the Order of 1965, the Authority shall have power to regulate their own procedure and the quorum and procedure of any of their committees.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order reconstitutes the Clyde Port Authority so as to consist of—

(*a*) a chairman and not less than six nor more than eight other members, all appointed by the Secretary of State;

(*b*) the general manager of the Authority; and

(*c*) not less than two nor more than three other full-time officers, appointed by the Authority.