STATUTORY INSTRUMENTS

1973 No. 1284

HARBOURS, DOCKS, PIERS AND FERRIES

The Forth Ports Authority (Constitution) Revision Order 1973

Made - - -	19*th May* 1973
Laid before Parliament	12*th June* 1973
Coming into Operation	23*rd July* 1973

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 Forth Ports Authority, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Forth Ports Authority (Constitution) Revision Order 1973 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 Forth Ports Authority Orders 1966 to 1972 and this order may be cited together as the Forth Ports Authority Orders 1966 to 1973.

Interpretation

2.—(1) In this Order—

"the Authority" means the Forth Ports Authority;

"the general manager" means the general manager of the Authority;

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

"the port" has the same meaning as in the Forth Ports Authority Order 1969(d);

"the Scheme" means the Forth Harbour Reorganisation Scheme 1966(e).

(2) The Interpretation Act 1889(f) shall apply for the interpretation of this Order as it applies for 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 five other members appointed by the Secretary of State;

(a) 1964 c. 40. (b) S.I. 1970/1681 (1970 III, p. 5551). (c) 9 & 10 Geo. 6 c. 18: 1965 c. 43.
(d) Confirmed 1969 c. xxxiv. (e) Confirmed 1967 c. xli. (f) 1889 c. 63.

(*b*) the general manager; and

(*c*) two members being 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 appointed under subparagraphs (*a*) and (*b*) above, and on each subsequent occasion by the Authority.

(2) The Secretary of State shall consult the National Ports Council on the appointments to be made under paragraph (1)(*a*) above.

(3) In selecting persons for appointment 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 special requirements and circumstances of the areas north and south of the Firth of Forth affected by the undertaking of the Authority.

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

(*a*) the management of harbours;

(*b*) ship-owning;

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

(*d*) administration;

(*e*) the organisation of workers.

Appointment and terms of office of members appointed by the 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 paragraphs 6, 7 and 8 of Schedule 1 to the Scheme, shall continue in office until such date, being either the end of December 1975 or the end of December 1976, as the Secretary of State may specify when he makes the appointment. 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 article 3(1)(*a*) above shall, unless appointed to fill a casual vacancy, come into office on the 1st January next following his appointment and, subject to the provisions of paragraphs 6, 7 and 8 of Schedule 1 to the Scheme, shall continue in office until the end of December 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 end of December in such year, not being later than four 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 of the Authority the Secretary of State may designate as chairman a person who is already a member (appointed by the Secretary of State) of the Authority.

Incidental provisions relating to the Authority

5. On and after the new constitution date the provisions of the Schedule to this Order and the unrepealed provisions of Schedule 1 to the Scheme shall have effect with respect to the members and proceedings of the Authority.

Contractual interest

6. Paragraph 15 of Schedule 1 to the Scheme is amended by inserting therein, next after the word "is" where it first appears, the words "(except solely in his capacity as an officer or member thereof)".

Repeal of certain provisions relating to existing constitution etc.

7. On the new constitution date the following provisions of the Scheme shall be repealed—

Articles 3(1) and 4 to 6;

Paragraphs 1 to 5 and 14 of Schedule 1;

In paragraph 16 of Schedule 1, the words "or, if they think fit, two joint general managers" and the words "or officers".

Signed by authority of the Secretary of State

John Peyton,
Minister for Transport Industries,
Department of the Environment.

19th May 1973.

Article 5

SCHEDULE

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 shall, as the first item of business, appoint full-time officers of the Authority to serve as members thereof, pursuant to the provisions of article 3(1)(c) above.

3. The Authority shall at their first meeting after the new constitution date and subsequently at their first meeting in each year appoint one of their number (being a member appointed by the Secretary of State) to be vice-chairman and the vice-chairman shall, unless he resigns his office or ceases to be a member of the Authority, continue in office until the next annual appointment of a vice-chairman.

4. On a casual vacancy occurring in the office of vice-chairman of the Authority the vacancy shall be filled by the appointment by the Authority of one of their number (being a member appointed by the Secretary of State) at a meeting held as soon as practicable after the vacancy occurs and the person so appointed shall hold office until the date on which the person in whose place he is appointed would ordinarily have retired and shall then retire.

5. (*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 by the Authority 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 shall cease to be a full-time officer of the Authority he shall thereupon cease to be a member of the Authority.

6. At meetings of the Authority the quorum shall be five.

7. Subject to the provisions of this Schedule and of Schedule 1 to the Scheme 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 Forth Ports Authority so as to consist of—

(*a*) a chairman and five other members, all appointed by the Secretary of State;

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

(*c*) two members, being full-time officers of the Authority.

Printed in England by St. Clements Fosh & Cross Ltd., and published by Her Majesty's Stationery Office
150/4657 P26 K7 8/73

5p net

SBN 11 031284 8