STATUTORY INSTRUMENTS

1985 No. 1504

HARBOURS, DOCKS, PIERS AND FERRIES

The Harbour Authorities (Constitution) Order 1985

Made - - -	30*th September* 1985
Laid before Parliament	8*th October* 1985
Coming into Operation	30*th October* 1985

The Secretary of State for Transport, having consulted the persons referred to in section 15A(4) of the Harbours Act 1964(a), in exercise of the powers conferred upon him by section 15A of that Act and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Harbour Authorities (Constitution) Order 1985 and shall come into operation on 30th October 1985.

Berwick-upon-Tweed

2. The Berwick-upon-Tweed Harbour Act 1862(b) shall be amended by substituting, in section 22 thereof for the words from the beginning to "Official Commissioners" the words "The Mayor for the time being of the Borough who shall be the Official Commissioner".

Cattewater

3. The Cattewater Harbour Order 1950(c) shall be amended as follows:

(*a*) in section 8(2) the words "By the Minister of Transport.....1" shall be deleted; and for the words "By the Port of Plymouth Incorporated Chamber of Commerce and Shipping (now known as, and hereinafter referred to as, the Plymouth Chamber of Commerce and Industry).....2" there shall be substituted "By the Plymouth Chamber of Commerce and Industry.....3";

(*b*) in section 10(1)(*a*) for the words "or in the case of" to the end there shall be substituted "or in the case of the council of the City of Plymouth two Commissioners and in the case of the Plymouth Chamber of Commerce and Industry three Commissioners"; and

(*c*) there shall be inserted after section 10 the following new sections 10A and 10B:

(a) 1964 c.40; section 15A was inserted by the Transport Act 1981 (c.56), Schedule 6, paragraph 5(1).
(b) 25 & 26 Vict. c.xxxi, to which there are amendments not relevant to this Order.
(c) Confirmed by 14 Geo.6 c.xxxvi.

"10A. (*a*) One of the Commissioners specified in subsection (2) of section 8 of this Order to be appointed by the Plymouth Chamber of Commerce and Industry shall be appointed in accordance with the provisions of this section.

(*b*) The said Commissioner shall be appointed after consultation by the Plymouth Chamber of Commerce and Industry with the Chairman of the Commissioners.

(*c*) The said Commissioner shall be a person having wide experience in one or more of the following:—

i. the management of harbours;

ii. industry, commerce or finance;

iii. administration;

iv. navigation;

v. special knowledge or experience that would be of value to the Commissioners in the discharge of their functions.

(*d*) The said Commissioner may be a person who is not a member of the Plymouth Chamber of Commerce and Industry nor employed by a company or other body which is such a member.

(*e*) This section shall not have effect until the Commissioner referred to in section 10B ceases to hold office.

10B. The Commissioner who immediately before the coming into operation of the Harbour Authorities (Constitution) Order 1985 was the Commissioner appointed by the Secretary of State shall continue to hold office on and after that day as a Commissioner as if appointed by the Plymouth Chamber of Commerce and Industry on that day for a period corresponding to the unexpired period of his existing appointment and on the same terms as applied to that appointment and subject to the provisions of sections 10 and 13 of this Order.".

Cowes

4. The Cowes Harbour Act 1897(**a**) shall be amended as follows:

(*a*) Section 5 shall be amended as from 7th December 1985 by deleting the words "One member to be appointed by the Board of Trade" and inserting at the end the words "One member to be appointed by the Solent Cruising and Racing Association after consultation with the chairman of the Commissioners";

(*b*) Section 7(4) shall be replaced by the following:

"(4) The member to be appointed by the Solent Cruising and Racing Association shall be appointed prior to the 1st November in the year 1985 and in every succeeding year."; and

(*c*) Section 21 shall be amended by deleting the words "the Board of Trade" in subsection (3) and adding the following subsection (3A):

(**a**) 60 & 61 Vict. c.cclviii, to which there are amendments not relevant to this Order.

"(3A) If the member whose office becomes vacant was appointed by the Solent Cruising and Racing Association, that Association may appoint another member in his place, after consultation with the chairman of the Commissioners.".

Fowey

5. The Fowey Harbour Order 1937(**a**) shall be amended by deleting subsection (3) in section 8.

Lancaster

6. The Lancaster Port Commission Revision Order 1967(**b**) shall be amended as follows:

(*a*) in article 6(2) the words "By the Minister.....two" shall be deleted, and for "By the Lancaster, Morecambe and District Chamber of Commerce (now known as, and hereinafter referred to as, the Lancaster District Chamber of Commerce Trade and Industry).....two" there shall be substituted "By the Lancaster District Chamber of Commerce Trade and Industry.....four";

(*b*) in article 7(1) the words "the Minister and" shall be deleted;

(*c*) there shall be inserted after article 7 new articles 7A and 7B:

"7A. (1) Two of the members specified in paragraph (2) of article 6 of this order to be appointed by the Chamber of Commerce shall be appointed in accordance with the provisions of this article.

(2) The said two members shall be appointed after consultation by the Chamber of Commerce with the Chairman of the Commission, the Thurnham Parish Council and any other body or bodies which in the opinion of the Chairman of the Commission are likely to be substantially affected by the way in which the functions of the Commissioners are discharged, or appear to be representative of interests likely to be so affected.

(3) One at least of the two members appointed in accordance with this article shall be a person resident or employed in the vicinity of the port and having wide experience in one or more of the following:—

i. the management of harbours;

ii. industry, commerce or finance;

iii. administration;

iv. navigation;

v. special knowledge or experience that would be of value to the Commissioners in the discharge of their functions.

(4) A person appointed as a member of the Commission in accordance with this article may be a person who is not a member of the Chamber of Commerce nor employed by a Company or other body which is such a member.

(**a**) Confirmed by 1 Edw. 8 & 1 Geo. 6 c.lxxii; there are amendments not relevant to this Order.
(**b**) S.I. 1968/532.

(5) In this article "the Chamber of Commerce" means the Lancaster District Chamber of Commerce Trade and Industry.

(6) This article shall not have effect until the Commissioners referred to in article 7B cease to hold office.

7B. The persons who immediately before the day of coming into operation of the Harbour Authorities (Constitution) Order 1985 were members of the Commission appointed by the Secretary of State shall continue to hold office on and after that day as Commissioners as if appointed by the Lancaster District Chamber of Commerce Trade and Industry on that day for a period corresponding to the unexpired period of their existing appointments and on the same terms as applied to those appointments (unless they shall previously die or resign or become disqualified to be a Commissioner).";

(*d*) in article 12(*a*) the words "the Minister or" and "as the case may be" shall be deleted.

Lymington

7. The Lymington River and Harbour Order 1951(**a**) shall be amended as follows:

(*a*) in section 9 paragraph (3) shall be deleted; and

(*b*) in section 10 subsection (2) shall be deleted, and in subsection (3) the following shall be deleted:

"and the Minister may if he thinks fit";

"or him"; and

"or he" (in both places).

Maldon

8. The Maldon Harbour Order 1865(**b**) shall be amended as follows:

(*a*) in clause 3 paragraph (4) shall be deleted; and

(*b*) in clause 4 paragraph (1) the words "(other than a person appointed to be a Commissioner by the Board of Trade)" shall be deleted.

Lynda Chalker,
Minister of State for Transport.

Signed by authority
of the Secretary of State.
30th September 1985.

(**a**) Confirmed by 14 & 15 Geo.6 c.xxv; there are amendments not relevant to this Order.
(**b**) Confirmed by 28 & 29 Vict. c.58.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Section 15A of the Harbours Act 1964 enables orders to be made abolishing the power of appointment by Ministers of members of harbour authorities, or providing for such power to be exercised by some other person.

The Minister's powers of appointment are abolished in respect of Berwick, Fowey, Lymington and Maldon harbour authorities, and are to be exercised by other people in respect of Cattewater, Cowes and Lancaster harbour authorities.