STATUTORY INSTRUMENTS

1973 No. 2136

HARBOURS, DOCKS, PIERS AND FERRIES

The Ipswich Port Authority Order 1973

Made - - - -	15*th October* 1973
Laid before Parliament	31*st October* 1973
Coming into Operation	11*th December* 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 Ipswich Dock Commission, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Ipswich Port Authority 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 Ipswich Dock Acts and Order 1852 to 1971 and this Order may be cited together as the Ipswich Port Acts and Orders 1852 to 1973.

Interpretation

2.—(1) In this Order—

"the Authority" means the Ipswich Port Authority;

"the Council" means the National Ports Council;

"the Corporation" means the mayor, aldermen and burgesses of the county borough of Ipswich;

"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.

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

(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.

[DOE 12755]

Change of name

3.—(1) The name of the Ipswich Dock Commission is hereby changed to the Ipswich Port Authority.

(2) The change of name effected by paragraph (1) of this article shall not affect the rights or obligations of any person or render defective any legal proceedings, and references to the Ipswich Dock Commission, or to a Commissioner thereof, in any enactment, and in any agreement, deed, lease, licence or other instrument in force immediately before the commencement of this Order shall be read as references to the Authority or, as the case may require, to a member of the Authority.

Change of Constitution

4.—(1) On and after the new constitution date the Authority shall consist of not less than seven nor more than ten members, being—

(*a*) five members appointed by the Secretary of State after consultation with the Council and with the chairman referred to in paragraph (3) of this Article;

(*b*) one member appointed by the Secretary of State after consultation with the Corporation;

(*c*) the chief executive officer for the time being of the Authority;

(*d*) such other full-time officers of the Authority, not exceeding two in number, as the persons holding office in the Authority under the foregoing provisions of this paragraph may, in their discretion, appoint;

(*e*) such person as may be appointed pursuant to paragraph (2) of this Article.

(2) The persons holding office in the Authority under sub-paragraphs (*a*) to (*d*) of paragraph (1) of this Article may in their discretion appoint as an additional member of the Authority any person, not being an officer of the Authority, who in their opinion has knowledge or experience that would be of value to the Authority in the discharge of their functions.

(3) With respect to the first appointment of members under sub-paragraphs (*a*) and (*b*) of paragraph (1) of this Article the chairman to be consulted shall be the person who holds office as chairman of the Ipswich Dock Commission immediately before the commencement of this Order, and with respect to each subsequent such appointment the chairman to be consulted shall be the person who, at the time of making such appointment, holds office as chairman of the Authority.

(4) In selecting persons for appointment under sub-paragraph (*a*) of paragraph (1) of this article the Secretary of State shall be required—

(*a*) to 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 (5) of this Article or to have had in some other respect special knowledge or experience that would be of value to the Authority in the discharge of their functions; and

(*b*) to have regard to the desirability of appointing members who are familiar with the special requirements and circumstances of the areas predominantly served by the undertaking of the Authority.

(5) The matters referred to in sub-paragraph (*a*) of paragraph (4) of this Article are—

(*a*) the management of harbours;

(*b*) shipping or other forms of transport, including the receiving, shipping or forwarding of cargo through the Port of Ipswich;

(*c*) industry, commerce or finance;

(*d*) administration; and

(*e*) the representation of workers.

Terms of office of members

5.—(1) The Secretary of State shall appoint the first members to be appointed by him under Article 4 of this Order before the new constitution date, and each member so appointed shall, subject to the provisions of this Order, hold office from the new constitution date until 30th June 1976.

(2) A member subsequently appointed by the Secretary of State under Article 4 of this Order shall, unless appointed to fill a casual vacancy, and subject to the provisions of this Order, hold office for the period of three years from 1st July next following his appointment.

(3) A casual vacancy arising in the office of a member of the Authority appointed by the Secretary of State shall be filled by the appointment in accordance with the provisions of this Order of a member who shall hold office (unless he previously dies or vacates his office) during the remainder of the term for which the person whom he replaces was appointed.

Disqualification of members of the Authority

6. If the Secretary of State is satisfied that a member of the Authority appointed by him under Article 4 of this Order—

(*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 made an arrangement with his creditors; or

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

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

the Secretary of State may declare his office as a member of the Authority to be vacant and thereupon the office shall become vacant.

Incidental provisions relating to the Authority

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

Repeals

8. On the new constitution date the enactments set out in the first, second and third columns of Schedule 2 to this Order shall be repealed to the extent specified in the fourth column of that Schedule.

Signed by authority of the Secretary of State
15th October 1973.

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

Article 7

SCHEDULE 1

INCIDENTAL PROVISIONS RELATING TO THE AUTHORITY

1. The chairman of the Authority shall be appointed by the Secretary of State from among the members of the Authority appointed by him, and the first chairman shall, unless he resigns office or ceases to be a member of the Authority, continue in office until 30th June 1976.

2. Every chairman subsequently appointed by the Secretary of State under paragraph 1 of this Schedule shall, unless he resigns office or ceases to be a member of the Authority, hold office for a period of three years.

3. The Authority shall, as soon as possible after the new constitution date, appoint one of their number to be vice-chairman of the Authority, who shall, unless he resigns office or ceases to be a member of the Authority, hold office until his successor is appointed at the first meeting of the Authority after 30th June 1976.

4. The Authority shall, not later than their first meeting after 30th June 1976 and at the first meeting in every third year thereafter, appoint one of their number to be vice-chairman, who shall, unless he resigns office or ceases to be a member of the Authority, hold office until the next appointment of a vice-chairman.

5.—(1) On a casual vacancy occurring in the office of chairman or of vice-chairman of the Authority it shall be filled—

(*a*) as to the chairman, by appointment by the Secretary of State from among the members of the Authority appointed by him; and

(*b*) as to the vice-chairman, by the appointment by the Authority of one of their number at a meeting held as soon as practicable after the vacancy occurs.

(2) A person appointed under this paragraph to fill a casual vacancy shall, unless he resigns office or ceases to be a member of the Authority, hold office during the remainder of the term for which the person whom he replaces was appointed.

6. Subject to the provisions of this Order, a person vacating the office of chairman, vice-chairman or member of the Authority shall be eligible for reappointment to such office.

7. In the absence or inability to act of the chairman of the Authority the vice-chairman thereof shall act in his stead and for that purpose shall have all the powers of the chairman thereof.

8. 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.

9. A full-time officer of the Authority appointed to serve as a member thereof shall hold and vacate his office 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. If such a member ceases to be a full-time officer of the Authority he shall thereupon cease to be a member of the Authority.

10. A member of the Authority appointed under paragraph (2) of Article 4 of this Order shall hold and vacate his office 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.

11. At meetings of the Authority the quorum shall be four.

Article 8

SCHEDULE 2

REPEALS

Act (1)	Section or other provision (2)	Marginal note or heading (3)	Extent of Repeal (4)
Ipswich Dock Act 1913(a)	4.	Interpretation	The definitions of "payers of dues" and "payers of rates".
	5.	Constitution of Commissioners	Subsections (1) and (2).
	6.	Existing Commissioners	The whole section.
	7.	Appointment of Commissioners by corporation and county council	The whole section.
	8.	Election of Commissioners and method of election	The whole section.
	9.	Retirement of Commissioners.	The whole section.
	10.	Scales of voting	The whole section.
	Part II	Constitution qualification and election of Commissioners	Sections 11 to 30.

(a) 1913 c. cvi.

Act (1)	Section or other provision (2)	Marginal note or heading (3)	Extent of Repeal (4)
Ipswich Dock Act 1913	31.	Expenses of election	The whole section.
	32.	Alteration of dates for elections	The whole section.
	33.	Disqualification of Commissioners	The whole section.
	34.	Penalty for acting when disqualified	The whole section.
	35.	Disqualification for absence from meetings.	The whole section.
	36.	Occasional vacancies	The whole section.
	37.	Proceedings of Commissioners and committees to be valid notwithstanding irregularities	The words "or election".
	38.	Regulations	The whole section.
	The First Schedule	Meetings and proceedings of Commissioners	Sub-paragraph (*a*) of paragraph 1.
			Paragraph 2.
			Paragraph 3.
			Paragraph 4.
Ipswich Dock Act 1918(a)	29	Vacancies in the Commission	The whole section.
Ipswich Dock Act 1950(b)	10.	As to names of agents in registers	The whole section.

(a) 1918 c. lvii.

(b) 1950 c. xlv.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order renames the Ipswich Dock Commission as the Ipswich Port Authority, and alters its constitution so as to comprise—

(*a*) five members appointed by the Secretary of State after consultation with the National Ports Council and with the last chairman of the Commission or the Authority;

(*b*) one member appointed by the Secretary of State after consultation with the Ipswich Corporation;

(*c*) the chief executive officer of the Authority;

(*d*) such other full-time officers of the Authority, not exceeding two, as the above members may in their discretion appoint;

(*e*) such person as those holding office under the above paragraphs may in their discretion appoint, not being an officer of the Authority, but being a person who in their opinion has knowledge or experience of value to the Authority.

The Order provides that matters relevant to the appointments to be made by the Secretary of State shall be experience or knowledge of harbour management, shipping or other forms of transport, industry, commerce or finance, administration or the representation of workers.