STATUTORY INSTRUMENTS

1983 No. 1345

HARBOURS, DOCKS, PIERS AND FERRIES

The King's Lynn Conservancy Board (Constitution) Revision Order 1983

Made - - - -	1*st August* 1983
Coming into Operation	30*th August* 1983

The Secretary of State for Transport, 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 King's Lynn Conservancy Board, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the King's Lynn Conservancy Board (Constitution) Revision Order 1983 and shall come into operation on 30th August 1983.

(2) The King's Lynn Conservancy Acts and Orders 1897 to 1969 and this Order may be cited together as the King's Lynn Conservancy Acts and Orders 1897 to 1983.

Interpretation

2. In this Order—

"the Act of 1897" means the King's Lynn Conservancy Act 1897 (**c**);

"the Board" means the King's Lynn Conservancy Board;

"the borough" means the borough of King's Lynn and West Norfolk;

"the borough council" means the council of the borough;

"the county council" means the Norfolk County Council;

"the mayor" means the mayor for the time being of the borough;

"merchant" means a person who during the twelve months ending on the thirtieth day of November preceding an election was carrying on business in the port as an exporter or importer of goods (foreign or coastwise) amounting in the aggregate to not less than 5000 tonnes with a permanent office and (if not himself resident) with a representative resident within the borough;

(**a**) 1964 c.40; Section 14 and Schedule 3 were amended by the Transport Act 1981 (c.56) section 18 and Schedule 6 paragraph 4(1) to (8).
(**b**) S.I. 1981/238.
(**c**) 1897 c.cxcvi.

"the new constitution date" means the first day of February 1984 or the first day of the third month after the expiry of the month current at the commencement of this Order, whichever is the later;

"the port" means the port of King's Lynn the limits of which are defined by section 45 (Limits of port defined) of and the Second Schedule to the Act of 1897;

"select trustees" means the select trustees appointed under the Eau Brink Act 1831 (a) and reconstituted under the Act of 1897.

Change of constitution

3.—(1) On and after the new constitution date the Board shall, subject to any casual vacancies, consist of not less than 20 nor more than 21 members, of whom one shall be ex-officio the mayor, eleven shall be appointed and eight elected as provided in paragraph (2) below and 1 may be co-opted as provided in paragraph (3) below.

(2) Subject to subsection (4) below the appointed and elected members shall be as follows:—

(a) four members of the borough council appointed by the borough council;

(b) two members of the county council appointed by the county council;

(c) two members appointed by Associated British Ports;

(d) two members elected by the select trustees;

(e) two members elected by shipowners registered in accordance with the Act of 1897 and two members appointed by the General Council of British Shipping as being persons who in the opinion of the said Council are local shipbrokers or other local representatives of shipowners, including foreign shipowners, regularly using the port; in default of the election in accordance with the Act of 1897 the General Council of British Shipping may appoint further members provided that the total number to be elected or appointed under this paragraph shall not exceed four;

(f) four members elected by merchants registered in accordance with the Act of 1897;

(g) one member appointed by the Trades Union Congress who is a full-time official of a Trade Union appearing to them to represent the majority of work people engaged in dock and harbour activities in the port.

(3) The members holding office in the Board under paragraph (2) of this Article may in their discretion appoint as an additional member of the Board any person who in their opinion has knowledge or experience that would be of value to the Board in the discharge of their functions.

(4) If a member appointed under subsection (2)*(a)* or (2)*(b)* above ceases to be a member of the appointing council he shall thereupon cease to be a member of the Board.

(a) 1831 c.lxxiii.

Application of provisions of Act of 1897 *to election of members by the select trustees*

4. Sections 7, 21 and 36 of the Act of 1897, as amended by this Order, shall apply to the qualification and election of the two members to be elected by the select trustees.

Application of provisions of Act of 1897 *to election of members by registered shipowners and registered merchants*

5. Sections 11 to 20 inclusive of the Act of 1897, as amended by this Order, shall apply to the qualification and election of the six members to be elected by shipowners and merchants registered in accordance with the provisions of the Act of 1897.

Appointment of auditors

6. For the purpose of section 42 (Accounts, &c., relating to harbour undertakings) of the Harbours Act 1964, no person shall be qualified to be appointed as an auditor unless he is a member of one or more of the following bodies:—

the Institute of Chartered Accountants in England and Wales;

the Institute of Chartered Accountants of Scotland;

the Association of Certified Accountants;

the Institute of Chartered Accountants in Ireland;

and any body of accountants established in the United Kingdom and recognised for the purpose of section 161(1)*(a)* of the Companies Act 1948 (a) by the Secretary of State;

but a Scottish firm may be so appointed if each of the partners is qualified to be so appointed.

Amendments and repeals

7.—(1) The provisions of the Act of 1897 referred to in column (1) of Schedule 1 to this Order shall have effect subject to the amendments specified in column (2) of that Schedule being amendments consequential on the foregoing provisions of this Order.

(2) Section 29 (Proceedings and chairman of Board) of the Act of 1897 is amended by adding at the end of subsection (2) of that section the following subsection:—

"(2A) At meetings of the Board the quorum shall be five.".

(3) The provisions of the Act of 1897 specified in column 2 of Schedule 2 to this Order are hereby repealed.

Tom King,
Secretary of State for Transport.

1st August 1983.

(a) 1948 c.38.

SCHEDULE 1

Article 7(1)

AMENDMENTS TO THE ACT OF 1897

Section (1)	Amendment (2)
Section 7 (Appointment of members by select trustees).	For the words "in the year 1897" there shall be substituted "1983"; and for the word "six" in both places where that word occurs there shall be substituted the word "two".
Section 13 (Register of electors to be kept).	In subsection (1) for the words "(who shall in the case of the first election be the mayor of the borough or some fit person appointed by him and in the case of subsequent elections shall be some officer of the Board or other fit person appointed by the Board)" there shall be substituted the words "(who shall be the general manager and clerk of the Board)". In subsection (2) for the words "in the year 1897" there shall be substituted "1983". In subsection (6) for the words "the judge of the county court having jurisdiction in the borough" there shall be substituted "the county court"; and for the word "judge" there shall be substituted the word "court".
Section 16 (Date of elections).	For the year "1897" there shall be substituted the year "1983".
Section 17 (Rules for election of shipowners as elective members).	In subsection (1) for the year "1897" there shall be substituted the year "1983".
Section 21 (Election of members by select trustees).	In subsection (1) for the words "six" in both places where that word occurs there shall be substituted the word "two". In subsection (5) for the word "secretary" there shall be substituted the words "general manager and clerk". In subsection (6) for the words "the judge of the county court of Norfolk holden at King's Lynn" there shall be substituted the words "the county court".
Section 24 (Resignation of members).	After the word "or" there shall be inserted the words "general manager and".
Section 29 (Proceedings and chairman of Board).	In subsection (1)(B) for the word "seven" there shall be substituted the word "five".

SCHEDULE 2

Article 7(3)

PROVISIONS OF ACT OF 1897 REPEALED

Provision (1)	Extent of repeal (2)
Section 3 (Interpretation).	The definition of "borough" and "merchant".
Section 5 (Constitution of Board).	The whole section.
Section 6 (Appointment of members by corporation).	The whole section.
Section 8 (Appointment of members by Board of Trade).	The whole section.
Section 9 (Appointment of members by dock company).	The whole section.
Section 10 (Number of elective members to be elected by respective bodies).	The whole section.
Section 11 (Provisions as to firms and joint stock companies).	In subsection (1) the words "within the meaning of this Act". In subsection (2) the words "within the meaning of this Act".
Section 13 (Register of electors to be kept).	In subsection (2) the words "under this Act".
Section 21 (Election of members by select trustees).	In subsection (5) the words "or in the case of the first appointment to the town clerk.".
Section 28 (Appointment of officers by Board).	The words "a clerk and", and the word "other".
Section 33 (Accounts of Board).	The whole section.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order alters the constitution of The King's Lynn Conservancy Board so as to consist of:—

(1) Not less than 20 nor more than 21 members of whom one shall be ex-officio the mayor of the borough of King's Lynn and West Norfolk and eleven shall be appointed and eight shall be elected as follows:—

(a) four appointed by the borough council of King's Lynn and West Norfolk;

(b) two appointed by the council of Norfolk County Council;

(c) two appointed by Associated British Ports;

(d) two elected by the select trustees appointed under the Eau Brink Act 1831 and reconstituted under the King's Lynn Conservancy Act 1897;

(e) two elected by shipowners registered in accordance with the Act of 1897 and two appointed by the General Council of British Shipping and in default of the election by shipowners, the Council may appoint a further two members;

(f) four elected by merchants registered in accordance with the Act of 1897;

(g) one appointed by the Trades Union Congress.

(2) An additional person who in the opinion of the Board has knowledge or experience that would be of value to the Board may be co-opted on the Board.

The Order also makes consequential amendments to and repeals certain provisions of the King's Lynn Conservancy Act 1897.

The applicants for the Order are The King's Lynn Conservancy Board, Harbour Office, Common Staith, King's Lynn, Norfolk PE30 1LL.

Printed in the UK for HMSO.

850/G 9509 WO N76 C8 9/83

£1.30 net

ISBN 0 11 037345 6