STATUTORY INSTRUMENTS

1975 No. 627

HARBOURS, DOCKS, PIERS AND FERRIES

The Medway Ports Authority Revision Order 1974

Made - - -	*22nd May* 1974
Laid before Parliament	*11th June* 1974
Coming into Operation	*24th April* 1975

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 Medway Ports Authority, hereby makes the following Order:—

Citation and commencement

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

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

"the Authority" means the Medway Ports Authority;

"the Council" means the National Ports Council;

"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 Port" has the meaning assigned to that expression by article 3 (1) of the Scheme, as amended by this Order;

"the Scheme" means the Medway Ports Reorganisation Scheme 1968(d).

(2) The Interpretation Act 1889(e) 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 of whom one shall be appointed after consultation with the Kent County Council and with the Gillingham and Medway Borough and the Swale District Councils;

(*b*) the general manager of the Authority for the time being;

(*c*) (as from the time when officers of the Authority are appointed to serve as members thereof in accordance with paragraph 2 of the Schedule to this Order) not less than one and not more than two other full-time officers of the Authority appointed on the occasion of the first appointment of such officers under the said paragraph 2 by the members referred to in sub-paragraph (*a*) and (*b*) above and on subsequent occasions by the Authority; 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) S.I. 1969/1045. (e) 1889 c. 63.

(*d*) any such person as may be appointed pursuant to paragraph (2) or (3) of this article.

(2) The persons holding office under paragraph (1) (*a*), (*b*) and (*c*) above may in their discretion and for such period as they may specify at the time of making the appointment 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) If at any time no member of the Authority has wide experience of navigation (including the command of sea-going ships, pilotage and navigational aids) the persons holding office under paragraph (1) (*a*), (*b*) and (*c*) above shall for such period as they may specify at the time of making the appointment appoint as an additional member of the Authority a person, not being an officer of the Authority, who in their opinion has such experience.

(4) The Secretary of State shall consult the Council on the appointments to be made under paragraph (1) (*a*) above (other than on the appointment to be made after consultation with the Kent County Council and the Gillingham and Medway Borough and the Swale District Councils) and shall also consult the chairman on such appointments other than that of the chairman. The Council, in considering the appointments which are the subject of such consultation, shall themselves, consult with such bodies, being bodies which, in the Council's opinion, are likely to be substantially affected by the way in which the functions of the Authority are discharged or which appear to the Council to be representative of interests likely to be so affected, as the Council consider appropriate. Before making the first appointments under the said paragraph (1) (*a*) (including that of chairman) the Secretary of State shall also consult the person then holding office as chairman of the Authority.

(5) 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 (5) below or to have in some other respect 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 having members who are familiar with the area predominantly served by the Port.

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

(*a*) the management of harbours;
(*b*) shipping or other forms of transport;
(*c*) industrial, commercial or financial matters;
(*d*) administration;
(*e*) the organisation of workers;
(*f*) navigation; and
(*g*) environmental matters affecting the area of the Port.

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 Schedule 1 to the Scheme, shall continue in office until either the end of December 1976 or the end of December 1977, 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 the said article 3 (1) (*a*) shall, unless appointed to fill a casual vacancy, come into office on the 1st January following his appointment and, subject to the provisions 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. 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 occurring within four years after that date which the Secretary of State may specify when he makes the appointment.

Incidental provisions relating to 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 of Schedule 1 to the Scheme which are not repealed by this Order).

Repeal of certain provisions relating to existing constitution, etc.

6. On the new constitution date articles 6 and 7 of, and paragraphs 1 to 4 and 14 of Schedule 1 to, the Scheme shall be repealed and paragraph 9 of the said Schedule 1 shall have effect as if for the words "this Scheme" there were substituted the words "the Medway Ports Authority Revision Order 1974".

Amendment of article 3 *of Scheme*

7. Paragraph (1) of article 3 (Interpretation) of the Scheme shall have effect as if at the end of the definition of the expression "the Port" there were added the words "and so much of the bed, soil or shores of the river as forms part of the site of the former Sheerness Pier."

Signed by authority of the Secretary of State

22nd May 1974.

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

SCHEDULE

Incidental provisions with respect of 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 of the Authority.

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 of the Authority (or as many of them as are present) shall, as the first item of business, appoint not less than one and not more than two 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 subsequently at their first meeting after 31st December in each year appoint

one of their number (being a member appointed by the Secretary of State) to be deputy chairman and the deputy 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 deputy chairman.

4. On a casual vacancy occurring in the office of deputy 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 full-time officer of the Authority other than the general manager 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. If such a member shall cease 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.

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.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order reconstitutes the Medway Ports Authority so as to consist of—

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

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

(*c*) not less than one nor more than two other full-time officers appointed by the Authority; and

(*d*) 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 also alters the limits of the Port to include so much of the bed and shores of the river Medway as formerly formed part of the site of Sheerness Pier.

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