STATUTORY INSTRUMENTS

1975 No. 1828

HARBOURS, DOCKS, PIERS AND FERRIES

The Milford Haven Conservancy Revision Order 1975

Made - - - -	*7th July* 1975
Laid before Parliament	*29th July* 1975
Coming into Operation	*4th November* 1975

The Secretary of State for the Environment, in exercise of 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 Milford Haven Conservancy Board, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Milford Haven Conservancy Revision Order 1975 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) This Order may be cited together with the Milford Haven Conservancy Act and Orders 1958 to 1975.

Interpretation

2.—(1) In this Order unless the context otherwise requires—

"the Act of 1958" means the Milford Haven Conservancy Act 1958(d);

"the Board" means the Milford Haven Conservancy Board;

"the haven" has the same meaning as in the Act of 1958;

"the new constitution date" means the 1st of the month which occurs next after the expiration of two months beginning with the commencement of this Order.

(2) The Interpretation Act 1889(e) shall apply in relation to this Order as it applies in relation to an Act of Parliament.

Constitution of the Board

3. On the new constitution date the constitution of the Board shall be altered and Part I of the First Schedule to the Act of 1958 shall be amended as follows:—

(1) In paragraph 1, for the word "seventeen" there shall be substituted the words "not less than nine and not more than twelve".

(a) 1964 c. 40.
(b) S.I. 1970/1681 (1970 III, p. 5551).
(c) 9 & 10 Geo 6 c. 18; 1965 c. 43.
(d) 1958 c. 23.
(e) 1889 c. 63.

(2) For paragraphs 2 to 8 there shall be substituted the following:

"2. The Chairman and not less than eight and not more than nine other members of the Board shall be appointed by the Secretary of State as follows, that is to say—

(*a*) the Chairman and not less than three and not more than four other members shall be appointed after consultation with the National Ports Council;

(*b*) one member shall be appointed after consultation with such persons appearing to him to be representative of organised labour in Wales as he considers appropriate;

(*c*) one member shall be appointed after consultation with the Dyfed County Council and one member shall be appointed after consultation with the Preseli and South Pembrokeshire District Councils;

(*d*) two members shall be appointed after consultation with such persons appearing to the Secretary of State to be representative of bodies engaged in the oil industry and having a substantial interest in the haven as he considers appropriate.

3. In appointing the members referred to in sub-paragraph (*a*) of paragraph 2 the Secretary of State shall 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 knowledge or experience that would be of value to the Board in the discharge of their functions.

4. The matters referred to in paragraph 3 above are—

(*a*) the management of harbours;

(*b*) shipping;

(*c*) navigation of ships;

(*d*) the protection or conservation of the environment;

(*e*) commercial, financial or legal matters.

5. The General Manager for the time being of the Board shall be a member of the Board.

6. The Board may, if they so decide, appoint one other officer of the Board to be a member of the Board, who shall hold or vacate his office as a member at the discretion of the Board, but may at any time resign his membership by notice in writing given to the Chairman of the Board.

7. If at any time no member of the Board has wide experience of navigation (including the command of sea-going ships, pilotage and navigational aids), the persons holding office under paragraphs 2, 5 and 6 above shall, for such period as they may specify at the time of making the appointment, appoint as an additional member of the Board a person, not being an officer of the Board, who in their opinion has such experience.

8. (*a*) A person appointed by the Secretary of State as a member of the Board shall cease to hold office at the expiration of such period not exceeding three years from the date of the appointment as the Secretary of State may in making the appointment specify and in specifying such period the Secretary of State shall have regard to the desirability of retirement in rotation.

(*b*) Members of the Board shall upon so ceasing to hold office be eligible for re-appointment.

8A. If the Secretary of State is satisfied that a member whom he has appointed to the Board has been absent from meetings of the Board for

more than six consecutive months without written permission of the Board, or has been adjudged bankrupt, or has been convicted of an offence involving dishonesty or immorality, or is incapacitated by physical, or mental illness or is otherwise unable or unfit to discharge the functions of a member, the Secretary of State may declare the office of such member vacant and thereupon such member shall cease to hold office and the office shall become vacant.

8B. Any casual vacancy among the members of the Board appointed by the Secretary of State shall be filled as soon as practicable by the appointment by the Secretary of State in accordance with the provisions of paragraph 2 of this Schedule of a new member and the member so appointed shall come into office upon his appointment or where the appointment is made in advance to fill a casual vacancy which is known to be about to occur upon that vacancy occurring and subject to the provisions of this Act shall hold office during the remainder of the term of the member in whose place he is appointed:

Provided that a casual vacancy occurring less than four months before the end of the vacating member's normal term of office may at the discretion of the Secretary of State be left unfilled.

8C. A person appointed by the Secretary of State as a member of the Board may at any time while he is in office, by notice in writing to the Secretary of State and to the Board, resign his membership.

8D. A person shall not be appointed to the Board for the first time if at that time aged 65 years or over."

Officers, procedure etc. of Board

4. On the new constitution date Part II of the First Schedule to the Act of 1958 shall be amended as follows:—

(1) In paragraph 10, for the word "seven" there shall be substituted the word "five".

(2) At the end of paragraph 11 there shall be added:—

"and the Chairman and such other Member of the Board appointed under paragraph 2 of this Schedule who may be elected from time to time by the Board to be a Vice-Chairman shall be paid such salaries, fees, allowances and other expenses as the Board may from time to time determine.".

(3) In paragraph 13 the words "or election" shall be deleted.

(4) After paragraph 13 there shall be inserted the following paragraph:—

"13A. The Board may appoint a committee for any such purposes as in their opinion would be better regulated and managed by means of a committee and such committee shall consist wholly of members of the Board.".

Repeal of provisions relating to elections

5. On the new constitution date Parts III and IV of the First Schedule to the Act of 1958 shall be repealed.

John Gilbert,

Minister for Transport,
Department of the Environment.

Signed by authority of
the Secretary of State
7th July 1975.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order alters the constitution of the Milford Haven Conservancy Board and amends and repeals certain enactments relating to the constitution of the Board.

The new constitution provides for a Board of not less than ten and not more than thirteen members (including the Chairman). The Secretary of State appoints the chairman and three or four other members after consultation with the National Ports Council, one member after consultation with the representatives of organised labour in Wales, two after consultation with the local authorities and two after consultation with persons representative of bodies engaged in the oil industry and having a substantial interest in the Haven. The General Manager for the time being will also be a member of the Board and the Board are given power to appoint one other officer as a member of the Board. If no member of the Board has wide experience of navigation, then the Board are required to appoint as an additional member a person having such experience.

It empowers the Board at their discretion to pay salaries, fees, allowances and other expenses to the Chairman and Vice-Chairman of the Board.

The Order also empowers the Board to appoint a committee for such purposes as in their opinion would be better regulated by a committee.

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