

STATUTORY INSTRUMENTS

1974 No. 923

HARBOURS, DOCKS, PIERS AND FERRIES

The Port of Tyne Authority (Constitution) Revision Order 1974

Made - - - 8th February 1974

Laid before Parliament 26th March 1974

Coming into Operation 21st May 1974

The Secretary of State for the Environment, in exercise of the powers conferred by section 15 of the Harbours Act 1964(a) and now vested in him (b) and of all other powers enabling him in that behalf, ~~and on a representation made to him by the National Ports Council,~~ hereby makes the following order:—

Transport  
Sec 15  
Sch 12  
12.

PART I

PRELIMINARY

*Citation and commencement*

1. This Order may be cited as the Port of Tyne Authority (Constitution) 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 Port of Tyne Authority;

“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 same meaning as in the Port of Tyne Reorganisation Scheme 1967(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.

(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. 1968/942.

(e) 1889 c. 63.

PART II

CONSTITUTION OF THE AUTHORITY

*The new constitution*

3.—(1) On and after the new constitution date the Authority shall consist of:—

- (a) a chairman and not less than six and not more than seven other members appointed by the Secretary of State,
- (b) the general manager of the Authority for the time being, and
- (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 two and not more than three 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-paragraphs (a) and (b) above and on subsequent occasions by the Authority.

(2) ~~The Secretary of State shall consult the Council on the appointments to be made under paragraph (1)(a) above 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. Transport Act 1981

(3) 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 (4) 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 served by the Port.
- (4) The matters referred to in paragraph (3)(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; and
  - (f) 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 Port of Tyne Reorganisation Scheme 1967, shall continue in office until either the end of June 1976 or the end of June 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 July following his appointment and, subject to the provisions of Schedule 1 to the Port of Tyne Reorganisation Scheme 1967, shall continue in office until the end of June 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 June 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 Port of Tyne Reorganisation Scheme 1967 which are not repealed by this Order).

*Repeal of certain provisions relating to existing constitution etc.*

6. On the new constitution date articles 5 and 6 of, and paragraphs 1 to 5, the words "Except in the case of the first appointments made under this Scheme" in paragraph 9 and paragraph 14 of Schedule 1 to, the Port of Tyne Reorganisation Scheme 1967 shall be repealed and paragraph 7 of the said Schedule 1 shall have effect as if for the words "31st December" there were substituted the words "30th June".

Signed by authority of the Secretary of State

8th February 1974.

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

## SCHEDULE

### INCIDENTAL PROVISIONS WITH RESPECT TO 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 two and not more than three 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 30th June 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 Port of Tyne Reorganisation Scheme 1967 the Authority shall have power to regulate their own procedure.

presently 5.

### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order reconstitutes the Port of Tyne Authority so as to consist of—

- (a) a chairman and not less than six nor more than seven other members, appointed by the Secretary of State;
- (b) the general manager of the Authority; and
- (c) not less than two nor more than three other full-time officers, appointed by the Authority.