

2012 No. 1154

HARBOURS, DOCKS, PIERS AND FERRIES

**The Milford Haven Port Authority (Constitution) Harbour
Revision Order 2012**

<i>Made</i> - - - -	<i>25th April 2012</i>
<i>Laid before Parliament</i>	<i>30th April 2012</i>
<i>Coming into force</i> - -	<i>24th May 2012</i>

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**SCHEDULE — MINOR AND CONSEQUENTIAL AMENDMENTS OF THE
2002 ACT**

The Milford Haven Port Authority has applied in accordance with section 14(2)(a) of the Harbours Act 1964(a) (“the Act”) for a harbour revision order under section 14.

The Secretary of State, as the appropriate Minister for the purposes of section 14, has by an order(b) under section 42A of the Act(c) delegated the functions of the appropriate Minister under section 14(d) to the Marine Management Organisation(e).

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- (a) 1964 c.40; section 14 was amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4(1) and 14 and section 40 and Schedule 12 (Part II), by the Transport and Works Act 1992 (c.42), section 63(1) and Schedule 3, paragraph 1, by S.I. 2006/1177, regulation 2 and the Schedule (Part I), by the Planning Act 2008 (c.29), section 36 and Schedule 2, paragraphs 8 and 9, by S.I. 2009/1941, article 2(1) and Schedule 1, paragraph 12 and by the Criminal Justice Act 1982 (c.48), sections 37 and 46. Section 54 (orders and regulations) was amended by the Transport Act 1981 (c.56), sections 18 and 40 and Schedules 6 and 12 (Part II) and by the Marine and Coastal Access Act 2009 (c.23), section 315 and Schedule 21, paragraphs 1 and 3(2).
- (b) S.I. 2010/674.
- (c) Section 42A was inserted, in relation to England and Wales, by the Marine and Coastal Access Act 2009 (c.23), section 315 and Schedule 21, paragraphs 1 and 3(1).
- (d) For the definition of “the Minister” (mentioned in section 14(7)), see section 57(1).
- (e) The Marine Management Organisation was established by the Marine and Coastal Access Act 2009 (c.23), section 1.

The Marine Management Organisation, being satisfied as mentioned in section 14(2)(b) and in exercise of the powers conferred by section 14(1) and (3) makes the following Order.

Citation and commencement

1.—(1) This Order may be cited as the Milford Haven Port Authority (Constitution) Harbour Revision Order 2012 and shall come into force on 24th May 2012.

(2) The Milford Haven Port Authority Acts and Orders 1983 to 2002 and this Order may together be cited as the Milford Haven Port Authority Acts and Orders 1983 to 2012.

Interpretation

2. In this Order—

“the Authority” means the Milford Haven Port Authority; and

“the 2002 Act” means the Milford Haven Port Authority Act 2002(a).

Constitution of the Authority

3. In section 4 of the 2002 Act (constitution of Authority)—

(a) in subsection (1), omit “Subject to subsection (2) below, on and after the new constitution date”;

(b) for subsection (1)(c) substitute—

“(c) no fewer than six and no more than eight further members appointed by the Authority, of whom three members shall have been selected for appointment following consultation with Pembrokeshire County Council; and”;

(c) in subsection (1)(d) after “two” insert “additional”; and

(d) omit subsection (2).

Selection of members

4. In section 5 of the 2002 Act (selection of members)—

(a) in subsection (2)—

(i) omit “by the Secretary of State”; and

(ii) for “Secretary of State”, in the second place where those words appear, substitute “appointing body”;

(b) insert after subsection (3)(h)—

“(i) commercial activity in the haven.”; and

(c) insert after subsection (3)—

“(3A) At least one of the members of the Authority must have wide experience of navigation (including the command of sea-going ships, pilotage and aids to navigation).”.

Transitional provisions

5.—(1) Despite article 3, each existing member shall continue to remain in office until the expiry of the member’s existing term or until the member ceases to be a member for any other reason before then.

(2) The Authority must decide which of each of the existing members’ places should be filled with a new appointment on the expiry of the member’s existing term or on the member ceasing to be a member for any other reason before then.

(a) 2002 c.v.

(3) The Authority must exercise their powers under paragraph (2) with the objective of ensuring that after the relevant date, no fewer than six and no more than eight further members will have been appointed in accordance with section 4(1)(c) of the 2002 Act.

(4) As respects the existing members, paragraph 3 of Schedule 2 to the 2002 Act shall apply without the amendment in paragraph 5(a) of the Schedule to this Order.

(5) In this article—

“existing member” means a member of the Authority who was appointed under section 4(1)(c) of the 2002 Act and who was in office immediately before the date on which this Order came into force;

“existing term” means the term of office being served by a member of the Authority on the date on which this Order came into force; and

“the relevant date” means whichever of the following applies—

- (a) the date on which the last remaining existing member is reappointed after the expiry of that member’s existing term;
- (b) the date on which a different person is appointed to replace the last remaining existing member after the expiry of that member’s existing term or on the member ceasing to be a member for any other reason before then; or
- (c) the date on which the last remaining existing member ceases to be a member for any reason, if that member is neither reappointed nor replaced.

Minor and consequential amendments of the 2002 Act

6. The Schedule has effect.

Signed by authority of the Marine Management Organisation

25th April 2012

J. Cross
Chief Executive Officer

An authorised employee of the Marine Management Organisation

SCHEDULE

Article 6

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE 2002 ACT

1. The 2002 Act is amended as follows.
2. In section 7 (term of office of members)—
 - (a) in subsection (1)—
 - (i) omit “by the Secretary of State”; and
 - (ii) for “Secretary of State”, in the second and third places where those words appear, substitute “appointing body”; and
 - (b) omit subsection (2).
3. In section 10(1) (casual vacancies) omit “subsection (1) of”.
4. In Schedule 1 (form of declaration by members) for “2002”, in the first and second places where it appears, substitute “2012”.
5. In Schedule 2 (provisions applying to the Authority)—
 - (a) for paragraph 3 (vacation of office by members) substitute—

“3.—(1) A person appointed by the Authority as a member of the Authority may resign his office at any time by notice in writing given to the chairman of the Authority.

(2) The person appointed as chairman of the Authority may resign his office at any time by notice in writing given to the Secretary of State and the vice-chairman of the Authority.”; and
 - (b) in paragraph 8 (validity of acts of Authority) before “acts and proceedings” insert “constitution,” and after “vacancy” insert “or deficiency”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, by amending the Milford Haven Port Authority Act 2002 (c.v), alters the constitution of the Milford Haven Port Authority. The members of the Authority (other than the chairman) who were previously appointed by the Secretary of State will instead be appointed by the Authority and the number of members so appointed is reduced to a minimum of 6 and maximum of 8 (previously the minimum was 8 and the maximum 9).

A full impact assessment has not been produced for this instrument as no impact on business or the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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