

**2011 No.**

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Milford Haven Port Authority Harbour Revision  
(Constitution)(No. 2) Order 2011**

<i>Made</i>	- - - -	2011
<i>Laid before Parliament</i>		2011
<i>Coming into force</i>	- -	2011

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**SCHEDULE — MINOR AND CONSEQUENTIAL AMENDMENTS TO 2002  
ACT**

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

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

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

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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 1); by the Planning Act 2008 (c.29), section 36 and Schedule 2, paragraphs 8 and 9; and by S.I. 2009/1941, article 2 and Schedule 1, paragraph 12. 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) See 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.

## **Citation and commencement**

1.—(1) This Order may be cited as the Milford Haven Port Authority Harbour Revision (Constitution)(No. 2) Order 2011 and shall come into force on [ ] 2011.

(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 2011.

## **Interpretation**

2. In this Order—

“the Authority” means the Milford Haven Port Authority;

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

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

“existing term”, in relation to an existing member, means the term of office being served by that member on the date on which this order came into force;

“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.

## **Constitution of the Authority**

3. Section 4 of the 2002 Act (constitution of Authority) is amended as follows—

(a) In subsection (1), omit “Subject to subsection (2) below,”;

(b) for subsection (1)(c) substitute—

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

(c) omit subsection (2).

## **Selection of members**

4. Section 5 of the 2002 Act (selection of members) is amended as follows—

(a) in subsection (2)—

(i) omit “by the Secretary of State” where those words appear in the first place;

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

(b) by the insertion, after subsection (3)(h), of—

“(i) commercial activity in the port.”;

(c) by the insertion, after subsection (3), of—

“(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).”.

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(a) 2002 c.v.

## **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.

(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 members will have been appointed in accordance with section 4(1)(c) of the 2002 Act as substituted by article 3.

(4) The amendment in paragraph 4 of the Schedule to this Order shall not apply as respects the existing members.

## **Minor and consequential amendments**

6. The Schedule to this Order has effect.

Signed by authority of the Marine Management Organisation

*J. Cross*

Acting Chief Executive Officer

Date

An authorised employee of the Marine Management Organisation

## **SCHEDULE**

Article 6

### **MINOR AND CONSEQUENTIAL AMENDMENTS TO 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” where those words appear in the first place;
- (ii) for “Secretary of State” where those words appear in the second and third places, substitute “appointing body in question”;

(b) omit subsection (2).

3. In section 10(1) (casual vacancies)—

(a) after “below” insert “and to paragraph 2(5) of Schedule 2 to this Act”;

(b) omit “subsection (1) of”.

4. In Schedule 2 (provisions applying to the Authority), 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 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 office at any time by notice in writing given to the Secretary of State and the vice-chairman of the Authority.”.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

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

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