



Milford Haven Port Authority Act 2002

2002 CHAPTER v

An Act to alter the constitution of and confer further powers upon the Milford Haven Port Authority.
[7th November 2002]

WHEREAS—

- (1) By the Milford Haven Conservancy Act 1958 (c. 23) the Milford Haven Conservancy Board (hereinafter referred to as “the Board”) were established and charged with the duty of taking such steps as the Board may from time to time consider necessary or expedient to maintain, improve, protect and regulate the navigation and in particular the deep-water facilities in an area defined in that Act:
- (2) By various subsequent Orders and by the Milford Haven Conservancy Act 1975 (c. xxviii) the powers and duties of the Board were amended and extended and the area in respect of which the functions of the Board are discharged was extended:
- (3) By the Milford Haven Conservancy Act 1983 (c. xix) the provisions of the various enactments by which, or by reference to which the constitution, powers, rights, authorities, privileges, duties and obligations of the Board were then defined, were consolidated with amendments:
- (4) By the Milford Haven Port Authority Act 1986 (c. xx) the name of the Board was altered to the Milford Haven Port Authority:
- (5) It is expedient that the constitution of the Milford Haven Port Authority (hereinafter referred to as “the Authority”) should be altered as provided in this Act:
- (6) It is expedient that the investment powers of the Authority should be extended:
- (7) It is expedient that the other provisions contained in this Act should be enacted:
- (8) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

PART 1

PRELIMINARY

1 Citation and commencement

- (1) This Act may be cited as the Milford Haven Port Authority Act 2002 and shall come into operation at the end of the period of two months beginning with the date on which it is passed.
- (2) The [Milford Haven Conservancy Act 1983 \(c. xix\)](#), the [Milford Haven Port Authority Act 1986 \(c. xx\)](#), the Milford Haven Port Authority Harbour Revision Order 2000 ([S.I. 2000/2255](#)) and this Act may together be cited as the Milford Haven Port Authority Acts and Orders 1983 to 2002.

2 Interpretation

In this Act, except as otherwise expressly provided or unless the context otherwise requires—

“the Act of 1983” means the Milford Haven Conservancy Act 1983;

“appointing body” means either of the persons (namely the Authority and the Secretary of State) by whom members are, or are to be, appointed in accordance with section 4 (Constitution of Authority) of this Act;

“the Authority” means the Milford Haven Port Authority;

“the Chief Executive” means the Chief Executive of the Authority, appointed under paragraph 17 of Schedule 1 to the Act of 1983 and renamed under section 13 (Chief Executive of Authority) of this Act;

“the existing members” means the members of the Authority before the new constitution date;

“the harbourmaster” has the meaning assigned to it by section 2 (Interpretation, etc.) of the Act of 1983;

“the haven” has the meaning assigned to it by section 3 (The haven) of the Act of 1983;

“member” means a member of the Authority, and includes the chairman of the Authority;

“the new constitution date” means 1st April 2003;

“vessel” has the meaning given by subsection (1) of section 2 (Interpretation, etc.) of the Act of 1983.

3 Incorporation of enactments

- (1) Section 52 of the Harbours, Docks, and Piers Clauses Act [1847 \(c. 27\)](#) is incorporated with this Act.
- (2) In construing that section as so incorporated—
 - “the special Act” means this Act;
 - “the harbour, dock or pier” means the haven;
 - “vessel” has the meaning given by subsection (1) of section 2 (Interpretation, etc.) of the Act of 1983.

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- (3) Sections 15, 53, 56, 58, 59, 62 to 64, 67 and 109 to 111 of the Commissioners Clauses Act 1847 (c. 16) are (so far as applicable and not inconsistent with the Milford Haven Port Authority Acts and Orders 1983 to 2002) incorporated with this Act.
- (4) In construing those sections as so incorporated—
“the Commissioners” means the members of the Authority; and
“the special Act” means this Act.

PART 2

THE MILFORD HAVEN PORT AUTHORITY

4 Constitution of Authority

- (1) Subject to subsection (2) below, on and after the new constitution date the Authority shall, subject to sections 9 (Declaration to be made by members) and 10 (Casual vacancies) of this Act consist of the following members—
- (a) the Chief Executive;
 - (b) the chairman of the Authority, appointed by the Secretary of State;
 - (c) not less than eight and not more than nine members appointed by the Secretary of State of whom—
 - (i) 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;
 - (ii) two members shall be appointed after consultation with the Pembrokeshire County Council;
 - (iii) two members shall be appointed after consultation with such persons who—
 - (a) appear to the Secretary of State to be representative of bodies engaged in the oil industry and other commercial operations; and
 - (b) have a substantial interest in the haven;as he considers appropriate; and
 - (d) two members appointed by the Authority, if they so decide, both of whom shall be officers of the Authority, and who shall hold or vacate their offices as members at the discretion of the Authority.
- (2) 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 subsection (1) above shall appoint as an additional member of the Authority a person, not being an officer of the Authority, who in their opinion has such experience.

5 Selection of members

- (1) Each appointing body shall make the appointments provided for by section 4 (Constitution of Authority) of this Act on merit, in accordance with a published recruitment policy and having had regard to equal opportunities.

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- (2) Each member appointed by the Secretary of State under the said section 4 shall be a person who appears to the Secretary of State to have special knowledge, experience or ability which—
- (a) is in one or more of the matters mentioned in subsection (3) below; or
 - (b) is otherwise appropriate to the efficient, effective and economic discharge by the Authority of their functions.
- (3) The matters are—
- (a) management of ports or harbours;
 - (b) shipping;
 - (c) navigation of ships;
 - (d) the protection or conservation of the environment;
 - (e) commercial, financial, industrial or legal matters;
 - (f) water related leisure activities;
 - (g) the organisation of workers;
 - (h) local government.
- (4) In making an appointment under the said section 4 or under section 10 (Casual vacancies) of this Act the appointing body shall act in accordance with any guidance issued by the Secretary of State from time to time with respect to the exercise of such functions.

6 Appointment of first members

The first appointments under section 4 (Constitution of Authority) of this Act shall be made on, or as soon as reasonably practicable after, 1st February 2003, and those members so appointed shall hold office from the new constitution date.

7 Term of office of members

- (1) A person appointed by the Secretary of State as a member of the Authority shall cease to hold office at the end 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.
- (2) A person appointed under subsection (2) of section 4 (Constitution of Authority) of this Act shall cease to hold office at the end of such period not exceeding three years from the date of the appointment as the persons making the appointment specify at the time of the appointment.

8 Transitional co-opted members

- (1) This section applies if fewer than two of the existing members is appointed in accordance with section 6 (Appointment of first members) of this Act.
- (2) The existing members shall, between 1st February 2003 and the new constitution date, co-opt from their number no more than two other members to serve, in addition to the members appointed in accordance with the said section 6, as co-opted members for a period of six months beginning on the new constitution date.

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9 Declaration to be made by members

No person shall act as a member until he has made the declaration set out in Schedule 1 to this Act (or a declaration to that effect); and a person shall cease to be a member if he fails to make that declaration within three months of the date of his appointment.

10 Casual vacancies

- (1) Subject to subsection (3) below, if a casual vacancy occurs in the office of a member appointed under subsection (1) of section 4 (Constitution of Authority) of this Act, the appointing body shall appoint another person to fill the vacancy.
- (2) A person appointed to fill a casual vacancy shall, subject to sections 9 (Declaration to be made by members) and 11 (Disqualification of members) of and paragraph 3 of Schedule 2 to, this Act, hold office during the remainder of the term for which the person in whose place he has been appointed was appointed.
- (3) 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 appointing body be left unfilled.

11 Disqualification of members

If an appointing body is satisfied that a member whom they have appointed to the Authority—

- (a) has without the permission of the Authority been absent from the meetings of the Authority—
 - (i) during a period when three such meetings have been held; or
 - (ii) for a period of three consecutive months;whichever of those periods is the longer; or
 - (b) has become bankrupt or made an arrangement with his creditors; or
 - (c) is incapacitated by physical or mental illness from discharging the functions of a member; or
 - (d) is otherwise unable, unwilling or unfit to discharge the functions of a member;
- the appointing body may declare his office as a member to be vacant and thereupon his office shall become vacant.

12 Indemnity insurance for members

The Authority may subscribe, and pay premiums, for a policy of insurance to indemnify the members jointly or severally against personal liability arising from any act or omission of the members or of any of them, not being an act or omission—

- (a) which the member or members in question knew to be a breach of his or their duty; or
- (b) concerning which, he or they were reckless as to whether it was such a breach.

13 Chief Executive of Authority

The general manager of the Authority shall on and after the coming into force of this Act be known as the Chief Executive of the Authority and references to the general