

1975 No. 568

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Dover Harbour Revision Order 1975**

<i>Made</i> - - - -	16th January 1975
<i>Laid before Parliament</i>	11th February 1975
<i>Coming into Operation</i>	24th March 1975

The Secretary of State for the Environment in exercise of the 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 Dover Harbour Board, hereby makes the following Order:—

*Citation and commencement*

1. This Order may be cited as The Dover Harbour 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).

*Interpretation*

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

“the 1954 Act” means the Dover Harbour Consolidation Act 1954(d);

“the Acts” means the 1954 Act, the Dover Harbour Act 1963(e), The Defence (Transfer of Functions) (Dover Harbour) Order 1964(f), and The Dover Harbour Revision Order 1969(g);

“the Board” means the Dover Harbour Board;

“annual meeting” means the annual meeting of the Board as prescribed by section 11 of the 1954 Act;

“the Council” means the National Ports Council;

“the harbour” has the meaning assigned to that expression by section 4 of the 1954 Act;

“the new constitution date” means the first day of the second month after the expiry of the month current at the commencement of this Order;

“the Railways Board” means the British Railways Board.

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(a) 1964 c. 40.

(c) 1945 c. 18; 1965 c. 43.

(e) 1963 c. 29.

(g) S.I. 1969/1578.

(b) S.I. 1970/1681 (1970 III, p. 5551).

(d) 1954 c. 4.

(f) S.I. 1964/932.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of this Order, as it applies for the interpretation of an Act of Parliament.

*The new constitution*

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

(a) a chairman and four other members appointed by the Secretary of State after consultation with the Council, and in the case of one such member after additional consultation with the Railways Board:

Provided that the obligation of the Secretary of State to consult with the Railways Board under this sub-paragraph shall cease if and when all liabilities of the Railways Board under or by virtue of any agreement subsisting when this Order comes into operation to guarantee any interest on any debenture stock issued by the Board shall have ceased to have effect;

(b) the chief executive and the deputy chief executive of the Board for the time being;

(c) any such person as may be appointed pursuant to paragraph (2) of this article.

(2) The persons holding office under paragraph (1)(a) and (b) above may in their discretion, and for such period as they shall on making the appointment direct, appoint as an additional member of the Board any person, not being a full-time employee of the Board, who in their opinion has knowledge or experience which would be of value to the Board in the discharge of their functions.

(3) The Secretary of State shall consult the chairman on any appointment under paragraph (1)(a) above other than that of the chairman. The Council, in considering the appointments upon which they are consulted by the Secretary of State, shall themselves consult with such bodies as they consider appropriate, being bodies which, in their opinion, are likely to be substantially affected by the way in which the functions of the Board are discharged, or which appear to the Council to be representative of interests likely to be so affected. 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 Board.

(4) In selecting persons for appointment as members of the Board 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 (5) below or to have in some other respect knowledge or experience which would be of value to the Board in the discharge of their functions.

(5) The matters referred to in paragraph (4) above are—

(a) the management of harbours;

(b) shipping or other forms of transport;

(c) navigation;

(d) industrial, commercial, or financial matters;

(e) administration;

(f) the organisation of workers; and

(g) local community interests and environmental matters affecting the area of the harbour.

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(a) 1889 c. 63.

*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 the Acts as amended by this Order, shall continue in office for five years, or for such shorter term (not being less than one year) as the Secretary of State shall on making the appointment direct. The members of the Board holding office immediately before the new constitution date shall go out of office on that date.

(2) Every vacancy other than a casual vacancy among the members appointed under article 3(1)(a) above shall be filled by a person appointed by the Secretary of State in accordance with the said article 3(1)(a) on or before the date on which the vacancy will occur (or, where a casual vacancy has been left unfilled in accordance with proviso (a) to paragraph (3) below, on or before the date on which the vacancy would normally have occurred), and every member so appointed shall come into office on the date when the vacancy occurs or would have occurred (as the case may be) and, subject to the provisions of the Acts as amended by this Order, shall continue in office for five years or for such shorter term (not being less than one year) as the Secretary of State shall on making the appointment direct:

Provided that if for any reason a member is not appointed on or before the date on which the vacancy occurs (or, where a casual vacancy has been left unfilled in accordance with proviso (a) to paragraph (3) below, on or before the date on which the vacancy would normally have occurred), he shall be appointed as soon as practicable thereafter and shall continue in office as aforesaid.

(3) Any casual vacancy among the members (including the chairman) appointed under article 3(1)(a) above shall be filled as soon as practicable by the appointment by the Secretary of State in accordance with the provisions of the said article 3(1)(a) 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 the Acts as amended by this Order, shall continue in office during the remainder of the term of the member in whose place he is appointed:

Provided that—

- (a) a casual vacancy (other than in the office of chairman) 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; and
- (b) the Secretary of State may, if he sees fit, fill a casual vacancy in the office of chairman by appointing as chairman a person who is already a member of the Board appointed under article 3(1)(a) above and, if he does so, the appointment shall be deemed to create a casual vacancy in the office of the member who is appointed as chairman.

*Incidental provisions relating to Board*

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 Board in addition to the provisions of the Acts which are not repealed by this Order.

*Repeal and amendment of certain provisions relating to existing constitution*

**6. On the new constitution date—**

- (a) sections 5, 6 and 8 of the 1954 Act shall be repealed; and
- (b) section 9 of the 1954 Act shall cease to have effect in relation to:—
  - (i) the chief executive and the deputy chief executive of the Board; and
  - (ii) any appointment made by the Board of an additional member under article 3(2) above.

Signed by authority of the  
Secretary of State

16th January 1975.

*Fred Mulley,*  
Minister for Transport,  
Department for the Environment.

Article 5.

**SCHEDULE**

**INCIDENTAL PROVISIONS WITH RESPECT TO THE BOARD**

1. The first meeting of the Board after the new constitution date shall be convened by the chairman of the Board 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 Board appointed by the Secretary of State and to the chief executive and the deputy chief executive of the Board.

2. The Board shall at their first meeting after the new constitution date, and subsequently at each annual meeting of the Board, 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 Board, continue in office until the next annual meeting of the Board.

3. A member of the Board may resign his membership by a notice in writing to the Secretary of State and to the Register of the Board.

4. If the Secretary of State is satisfied that a member of the Board—

- (a) has been absent from meetings of the Board for six consecutive months or more without the permission of the Board; or
- (b) has become bankrupt or has 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 or unfit to discharge the functions of a member;

the Secretary of State may declare his office as a member of the Board to be vacant and thereupon the office shall become vacant.

5. On a casual vacancy occurring in the office of deputy chairman of the Board, the vacancy shall be filled by the appointment by the Board 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 next annual meeting of the Board.

6. At meetings of the Board the quorum shall be four.

7. Any person who has held office as a member of the Board shall be eligible for re-appointment.

8. Subject to the provisions of this Schedule and of the Acts, as amended by this Order, the Board shall have power to regulate their own procedure.

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### EXPLANATORY NOTE

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

This Order reconstitutes the Dover Harbour Board so as to consist of—

- (a) a chairman and four other members appointed by the Secretary of State;
- (b) the chief executive and the deputy chief executive for the time being of the Board; and
- (c) such person as those holding office under the above paragraphs may in their discretion appoint, not being a full-time employee of the Board, but being a person who in their opinion has knowledge or experience of value to the Board.