
STATUTORY INSTRUMENTS

2012 No. 1984

**The Caernarfon Harbour Trust
(Constitution) Harbour Revision Order 2012**

PART 2

THE TRUSTEES OF THE TRUST

Constitution of the Trust

3.—(1) Subject to article 6, on and after the new constitution date the Trust shall consist of no more than ten trustees able to act as trustees of the Trust (in accordance with article 7) as follows—

- (a) one trustee appointed by Gwynedd Council;
- (b) one trustee appointed by Ynys Mon Council;
- (c) one trustee appointed by the Council of the Royal Town of Caernarfon;
- (d) six trustees appointed initially by the existing Trustees and subsequently by the Trustees appointed under this Order; and
- (e) the Harbour Master,

but the Trust shall be properly constituted at any time if there are no fewer than seven trustees (in office under this paragraph or article 5 or co-opted under article 6) able to act as trustees of the Trust.

(2) A person must not be appointed under paragraph (1)(a) to (d) or article 5 or co-opted under article 6 to act as a trustee unless he has special knowledge, experience or ability appropriate to the efficient, effective and economic discharge of a trustee's functions including, in particular (but without prejudice to the generality of the foregoing), special knowledge, experience or ability in one or more of the following—

- (a) management of harbours;
- (b) shipping or other modes of transport;
- (c) appropriate commercial or industrial experience;
- (d) financial expertise;
- (e) administration;
- (f) organisation of workers;
- (g) sport and recreational uses of harbours;
- (h) environmental issues;
- (i) specific knowledge of, or interest in, the local community and the wider community or the economic and social context within which the Trust operates;
- (j) tourism and leisure;
- (k) health and safety;
- (l) legal expertise; and

(m) any other skills and abilities considered from time to time by the appointing bodies to be relevant to the discharge by the Trustees of their functions.

(3) In making an appointment under paragraph (1) or article 5 the appointing body, or in co-opting a person under article 6 the Trustees, must have regard to any guidance issued by the Secretary of State from time to time with respect to the exercise of such functions.

(4) An existing Trustee shall be eligible for appointment or co-option to act as a trustee of the Trust on and after the new constitution date.

Appointment and terms of office

4.—(1) The initial appointments under article 3(1)(a) to (d) must be made as soon as practicable after the coming into force of this Order so that the persons appointed are able to act as trustees of the Trust on and after the new constitution date in accordance with paragraph (2).

(2) Of the trustees appointed initially under article 3(1)(a) to (d)—

- (a) one must be appointed by Gwynedd Council and two must be appointed by the existing Trustees to hold office for a term of one year starting on the new constitution date;
- (b) one must be appointed by Ynys Mon Council and two must be appointed by the existing Trustees to hold office for a term of two years starting on the new constitution date; and
- (c) one must be appointed by the Council of the Royal Town of Caernarfon and two must be appointed by the existing Trustees to hold office for a term of three years starting on the new constitution date.

(3) Subsequent appointments in any year under article 3(1)(a) to (d) shall be for a term of three years starting on the 1st November following the expiry of a previous term of office, and must be made so that the persons appointed are able to act as trustees of the Trust on and after that date.

Casual vacancies

5.—(1) A casual vacancy arising in the office of a trustee appointed under article 3(1)(a) to (d) must, unless it is not reasonably practical to do so, be filled, by the appointment, in accordance with articles 3(2) and (3) and 4, of a trustee as a replacement by the appointing body with power to appoint the trustee to be replaced.

(2) A trustee appointed to fill a casual vacancy under this article shall, subject to articles 7 and 8 and paragraph 10 of Schedule 2, hold office during the remainder of the term for which the replaced trustee was appointed.

Power to co-opt trustees

6. The Trustees may co-opt not more than two persons to act as additional trustees for such period not exceeding a term of twelve months as the Trustees may specify at the time of the co-option.

Declaration to be made by a person appointed as a trustee

7.—(1) A person is able to act as a trustee of the Trust on or after the new constitution date or on or after any subsequent 1st November when he has made a declaration (whether before or after such date) substantially in the form set out in Schedule 1.

(2) A person who fails to make such a declaration within three months of the date of his appointment ceases to be a trustee.

Disqualification

8. If the Trustees are satisfied that a trustee—

- (a) has without the permission of the Trustees been absent from duly convened meetings of the Trust—
 - (i) for a period during which three such meetings have been held, or
 - (ii) for a period of three months,whichever of these periods is the longer; or
- (b) has become bankrupt or has entered into an arrangement with his creditors; or
- (c) is incapacitated by physical or mental illness from discharging the functions of a trustee; or
- (d) is otherwise unable, unwilling or unfit to discharge the functions of a trustee,

the Trustees may declare the office of that trustee to be vacant with effect from the date of that declaration.

Further provisions relating to trustees

- 9. Schedule 2 has effect.