

2016 No. 877

HARBOURS, DOCKS, PIERS AND FERRIES

The Port of Tyne Harbour Revision Order 2016

Made - - - - *6th September 2016*

Laid before Parliament *6th September 2016*

Coming into force - - *27th September 2016*

The Port of Tyne Authority have 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).

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

Citation and commencement

1.—(1) This Order may be cited as the Port of Tyne Harbour Revision Order 2016 and will come into force on 27th September 2016.

(2) The Port of Tyne Acts and Orders 1968 to 2008 and this Order may be cited together as the Port of Tyne Acts and Orders 1968 to 2016.

Interpretation

2. In this Order—

“the 1967 Scheme” means the Port of Tyne Reorganisation Scheme 1967 confirmed by the Port of Tyne Reorganisation Scheme 1967 Confirmation Order 1968(f); and

“the 1974 Order” means the Port of Tyne Authority (Constitution) Revision Order 1974(g).

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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, by S.I. 2009/1941, article 2 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 Schedule 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.
- (f) S.I. 1968/942.
- (g) S.I. 1974/923.

Amendment of 1974 Order

3. For article 4(2) of the 1974 Order there is substituted –

“(2) A member appointed by the Secretary of State under article 3(1)(a) shall, unless appointed to fill a casual vacancy and subject to the provisions of Schedule 1 to the 1967 Scheme, hold office for a period of 3 years following his appointment or for such lesser period as the Secretary of State may specify.

(3) A casual vacancy arising in the office of chairman or other member appointed by the Secretary of State under article 3(1)(a) shall, unless it is not reasonably practicable to do so, be filled by the appointment of a chairman or, as the case may be, other member by the Secretary of State.

(4) The Secretary of State may fill a casual vacancy in the office of chairman by appointing as the chairman a person who is already a member appointed under article 3(1)(a) and, if the Secretary of State does so, the appointment shall be deemed to create a casual vacancy in the office of the member who is appointed as the chairman.

(5) A member appointed to fill a casual vacancy shall, subject to the provisions of Schedule 1 to the 1967 Scheme, hold office during the remainder of the term for which the member whom he replaces was appointed or such other period (not exceeding 3 years) as the Secretary of State may specify.”

Revocations

4. Paragraphs 7 and 9 of Schedule 1 to the 1967 Scheme are revoked.

Signed by authority of the Marine Management Organisation

J.F. Tuckett
Chief Executive Officer

6th September 2016

An authorised employee of the Marine Management Organisation

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes the requirement for a member of the Port of Tyne Authority (“the Authority”) to vacate his or her office on the 30th June following his or her seventieth birthday. It also revokes the restriction on a person who has attained the age of 64 from being appointed a member of the Authority for the first time.

It also provides that a person appointed to fill a casual vacancy shall hold office for the remainder of the term for which the member replaced was appointed or for such period not exceeding 3 years as the Secretary of State may specify.

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