

# Port Security Regulations Consultation

## Annex P

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STATUTORY INSTRUMENTS

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**2008 No.**

**SHIPPING**

**MARITIME SECURITY**

Port Security (name of port) and (name of PSA) designation Order

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

**4th draft**

The Secretary of State is a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to port security, measures relating to the safety of ships and the health and safety of persons on them, and maritime transport;

The Secretary of State makes the following Order in exercise of the powers conferred by that section.

**PART 1**

Preliminary

**Citation and commencement**

1.This Order may be cited as the [name of Order] and shall come into force on [date].

**Interpretation**

2.—(1) In this Order “Port Security Regulations” means the Port Security Regulations 2008<sup>(3)</sup>.

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<sup>(1)</sup> S.I. 1993/595, 1994/757 and 2004/706

<sup>(2)</sup> 1972 c. 68

**Determination of port boundary**

3. The boundaries of the [name of port] for the purposes of the Port Security Regulations are those described in Schedule 1.

**Designation of Port Security Authority**

4.—(1) The [state name] is designated as the Port Security Authority, (“the Port Security Authority”) for [name of port], for the purposes of regulation 9 of the Port Security Regulations 2008.

(2) Schedule 2, which makes provision about the Port Security Authority, has effect.

**Designation of a port related area**

5. The [state name] is designated as a port related area in relation to the [name of port] for the purposes of the Port Security Regulations.

**Designation of controlled buildings and restricted areas**

6. The [state name] is designated as a controlled building/restricted area for the purposes of the Port Security Regulations.

Signatory text

Address  
Date

*Name*  
Parliamentary Under Secretary of State  
Department

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(<sup>3</sup>)

## SCHEDULE 1

### Boundaries of the Port

[Text describing boundary of the port]

## SCHEDULE 2

### Port Security Authority

#### **Composition and membership of Port Security Authority**

1.—(1) The Port Security Authority is established as a body corporate.

(1) The Port Security Authority shall consist of at least 3 members, who must be appointed by the Secretary of State.

(2) A members of the Port Security Authority—

- (a) may resign by giving 21 days notice in writing to the Secretary of State,
- (b) hold and must vacate office in accordance with the terms of his appointment.

(3) The Secretary of State may dismiss a member of the Port Security Authority by notice in writing but only on the ground that the member—

- (a) has missed more than 3 consecutive meetings of the Port Security Authority,
- (b) has a financial or other personal interest which is likely to influence the performance of his functions as a member,
- (c) is the subject of a bankruptcy restrictions order (or interim order),
- (d) has had his estate sequestrated in Scotland or, under Scots law, has made a composition or arrangement with, or granted a trust deed for, his creditors,
- (e) has misbehaved, or
- (f) is unable, unfit or unwilling to perform his functions as a member.

(4) Every member of a Port Security Authority must, in so far as it is reasonably practicable attend all meetings of that Authority, or if he is unable to attend a meeting of that Authority, arrange for another member of that Authority to represent him at the meeting.

#### **Proceedings of the Port Security Authority**

2.—(1) A Port Security Authority must hold meetings at least twice a year.

(2) A Port Security Authority must determine arrangements for the conduct of its proceedings.

(3) Members of a Port Security Authority must appoint one of its members as chairperson of that Port Security Authority.

#### **Conflict of interest**

3.—(1) Subject to paragraph (5), if a member of a Port Security Authority has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of a Port Security Authority at which the contract or other matter is the subject of consideration, that member must at the meeting and as soon as practicable after its commencement disclose the fact and must not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.

(2) Subject to paragraph (3), a member of a Port Security Authority must be treated for the purposes of this Article as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) he, or a nominee of his, is a director of a company or other body, not being a public body, with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration, or

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- (b) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two persons living together as a couple (whether married or not) the interest of one must, if known to the other, be deemed for the purposes of this Article to be also an interest of the other.

(3) A member of a Port Security Authority must not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of his membership of a company or other body if he has no beneficial interest in any securities of that company or other body, or
- (b) of an interest in any company, body or person with which he is connected as mentioned in paragraph (2) which is so remote or insignificant that it cannot reasonably be regarded as likely to influence him in the consideration or discussion of, or voting on, any question with respect to that contract, proposed contract or other matter.

(4) A Port Security Authority may exclude a member of that Authority from meetings of that Authority while any contract, proposed contract or other matter in which that member has a pecuniary interest, direct or indirect, is under consideration.

(5) The Secretary of State may, subject to such conditions as she may think fit to impose, remove any disability imposed by this Article in any case in which it appears that the disability does or is likely to impede the ability of the Port Security Authority to comply with its duties under this Order or under the Port Security Regulations.

(6) A person who fails to comply with the provisions of paragraph (1), is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum,
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both,

unless he proves that he did not know that the contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at that meeting.

(7) A person who refuses to leave a meeting from which he has been excluded under paragraph (4) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.