

## ANNEX B

### HAYLE HARBOUR ADVISORY COMMITTEE

1. There shall be an Advisory Committee ("the Committee") consisting of two members appointed by the Hayle Harbour Company Ltd. ("the Company") and not more than 20 other members.

2. The other members of the Committee shall be appointed as follows:

by

#### Members

- (a) Cornwall County Council - 2 members
- (b) Penwith District Council - 2 members
- (c) Hayle Town Council - 2 members
- (d) St. Ives Town Council - 1 member
- (e) Commercial Fishermen  
using Hayle Harbour or  
a body representative  
of such persons - 2 members
- (f) Other Commercial Boat  
Owners using Hayle  
Harbour or a body  
representative of  
such persons - 1 member
- (g) Hayle Harbour users  
Association - 1 member
- (h) South West Regional  
Sports Council - 1 member

- (i) Royal Society for the  
Protection of Birds - 1 member
- (j) Cornwall Trust for Nature  
Conservation - 1 member
- (k) Nature Conservancy  
Council - 1 member
- (l) South West Water  
Authority - 1 member
- (m) Ramblers Association - 1 member
- (n) Cornwall Sea Fisheries  
Committee - 1 member
- (o) Hayle Chamber of Commerce - 1 member
- (p) Nature Conservancy  
Council and Royal Society  
for the Protection of  
Birds (jointly) - 1 member

and the Committee shall have power to co-opt as additional but non-voting members of the Committee up to 2 persons who in the Committee's opinion have special knowledge or expertise which would be of value to the Committee in the discharge of its functions.

3.(a) If any of the specific bodies mentioned in paragraph 2 above cease to exist the Committee shall if practicable arrange for an appointment to be made instead by another body appearing to be of a similar nature or to have similar objectives.

(b) The selection of representatives under subparagraphs (e) and (f) above shall be carried out in accordance with arrangements determined by the Committee.

4. (a) If as a result of any sale or lease effected under section 45 (Power to sell or lease undertaking) of the Act the undertaking as it existed on the passing of the Act is vested in any two or more persons, (within the meaning of the Interpretation Act 1978), the two persons appointed by the Company for the purposes of paragraph 1 above and all other provisions of this Annex shall be the individuals appointed in that regard by the person in whom there is vested the main part of the undertaking as it existed on the passing of the Bill.

(b) Any dispute or difference as to which part of the undertaking constitutes the main part for the purposes of this paragraph shall on application by any of the specific bodies mentioned in paragraph 2 above or by the Company or by any successor of the Company as undertakers for any part of the harbour be referred to and settled by a single arbitrator to be agreed between the parties to the dispute or difference or, failing agreement, to be appointed on the application of either or any party or of any of the said specific bodies (after notice in writing to all other parties) by the President of the Institution of Civil Engineers.

5. If a member of the Committee is unable to attend a meeting of the Committee, he may be represented at the meeting by a deputy duly appointed in the same manner as the member is appointed, and any such deputy shall at that meeting have the full status of a member of the Committee.

6. The first appointments of members under paragraphs 1 and 2 above shall be made within three months after the passing of the Hayle Harbour Act 1989, and the co-option of

additional members may be carried out at any meeting of the Committee.

#### Duties

7. It shall be the duty of the Committee to consider and advise the company upon such matters in connection with the discharge of the Company's functions and the use of the harbour as the Committee may think fit, and upon any matter or question which may from time to time be referred to the Committee by the Company.

#### Procedure

8.(a) The Committee shall elect a Chairman from amongst its members and the Chairman shall in the event of an equality of votes have a second or casting vote.

(b) The Committee shall elect a Vice-Chairman from amongst its members, and if from any cause the Chairman shall be unable to attend a meeting or otherwise be unable to act, the Vice-Chairman shall act as, and while so acting shall be deemed to be, the Chairman of the Committee.

(c) If at any meeting of the Committee neither the Chairman nor the Vice-Chairman is present the members present at the meeting shall choose one of their members to be Chairman of the meeting, and he shall act as, and while so acting be deemed to be, the Chairman of the Committee.

(d) The Committee shall meet at least four times in each calendar year and all meetings shall be convened by the Chairman and shall be held in public with the press having a right to be present unless matters of a confidential nature are to be discussed.

(e) On receipt of a request in writing signed by at least 5 members of the Committee to convene a meeting of the Committee the Chairman shall forthwith convene such a meeting to take place as soon as reasonably possible.

(f) The quorum of the Committee shall be seven.

(g) The Committee may appoint sub-Committees for any such purposes as may in their opinion be better considered by means of a sub-Committee and such sub-Committee shall consist wholly of members of the Committee and shall report to the Committee.

(h) Minutes shall be kept of the proceedings at every meeting of the Committee and copies of the minutes relating to any meeting shall be sent to the Company which shall consider and take account of the advice of the Committee recorded therein.

(i) Subject as provided in the foregoing sub-paragraphs the Committee may regulate its own procedure.

Term of  
Office

9. (a) The term of office of a member of the Committee shall be 2 years from the date of his or her appointment or co-option;

PROVIDED THAT the body which appointed a member of the Committee may terminate the appointment of that member before the expiration of 2 years.

(b) Upon the expiration of the term of office of a member he shall be eligible for re-appointment.

(c) A member of the Committee may resign at any time by notice in writing to the Chairman.

(d) Upon the expiration of the term of office of a member or upon a member ceasing to hold office by reason of death, resignation or otherwise, his duly appointed deputy, appointed under Article 5, shall at the same time be deemed to have ceased to be appointed in that capacity but shall be eligible for appointment as a member or re-appointment as a deputy.

Casual  
Vacancies

10. On a casual vacancy occurring on the Committee by reason of death, resignation or otherwise, the vacancy shall be filled by the appointment of a new member in like manner as the member whose place has become vacant, and the new member shall hold office during the remainder of the term of office of the member whose place has become vacant.

Accommod-  
ation etc.

11. The Company shall provide the Committee with such secretarial assistance and with such accommodation as the Company deems appropriate, but it shall be open to any other appointing body to offer secretarial assistance and accommodation for the Committee within the County of Cornwall.

12. The Company shall make available to the Committee such information relating to the Harbour as may be appropriate for the Committee's discharge of its duties.

13. The Committee may accept from any body represented on it gifts of property, grants and other forms of support.

Amendments

14. The constitution. of the Committee, its procedure and the arrangements made for it, as set out is the foregoing Articles, may be amended at any time by a resolution of the Company but the Company shall obtain the approval of the Committee before passing any such resolution.