



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUNDS

Agenda item: 7	IOPC/OCT12/7/2/1	
Original: ENGLISH	6 July 2012	
1992 Fund Assembly	92A17	
1992 Fund Executive Committee	92EC56	
Supplementary Fund Assembly	SA8	•
1971 Fund Administrative Council	71AC29	•

## CHANGES TO INTERNAL REGULATIONS

### AMENDMENT TO INTERNAL REGULATION 12 OF THE SUPPLEMENTARY FUND AND INTERNAL REGULATION 12BIS OF THE 1971 FUND TO TAKE INTO ACCOUNT CONTINGENCY ARRANGEMENTS FOR THE DIRECTOR AND SENIOR SECRETARIAT PERSONNEL

#### Note by the Director

<b>Summary:</b>	At its April 2012 session, the 1992 Fund Assembly decided to amend Internal Regulation 12 of the 1992 Fund (Delegation of authority in the absence of the Director) to take into account the new contingency arrangements for the Director and senior Secretariat personnel. In light of that decision, the 1992 Fund Assembly noted that the Director would invite the Supplementary Fund Assembly and the 1971 Fund Administrative Council, at their next session, to approve the same amendments to the corresponding Internal Regulations of the Supplementary Fund and the 1971 Fund.
<b>Action to be taken:</b>	<p><u>Supplementary Fund Assembly</u></p> <p>Approve amendments to Internal Regulation 12 of the Supplementary Fund to take into account the new contingency arrangements for the Director of the Supplementary Fund.</p> <p><u>1971 Fund Administrative Council</u></p> <p>Approve amendments to Internal Regulation 12bis of the 1971 Fund to take into account the new contingency arrangements for the Director of the 1971 Fund.</p>

## 1 Introduction

- 1.1 At its April 2012 session, the 1992 Fund Assembly approved the contingency arrangements in the Secretariat proposed by the Director in the event that he was unable to assume his functions whereby the Deputy Director/Head of the Finance and Administration Department, the Legal Counsel, the Head of the Claims Department/Technical Adviser or the Head of the External Relations and Conference Department, in that order, would act on his behalf. The Assembly also noted that the Director would keep the contingency arrangements under review to ensure that at all times they took into account any significant changes in composition, role, responsibilities or availability of Management Team members. It also approved an amendment to Internal Regulation 12 (Delegation of authority in the absence of the Director) of the 1992 Fund to take into account these contingency arrangements.

- 1.2 The Assembly further agreed that Internal Regulation 12 of the 1992 Fund should also contain specific guidance as to what should happen in the event that none of those specified in paragraph 1.1 above were unable to take up that responsibility. It noted that, for this reason, the Director was proposing the inclusion of a new paragraph in Internal Regulation 12 to the effect that if none of these staff members were available to assume the function of the Director, the Chairman of the 1992 Fund Assembly should appoint a member of the Secretariat, other than those mentioned in the preceding paragraph, to carry out this function until the next regular or extraordinary session of the Assembly or until any of the said senior members of the Secretariat had been able to resume their responsibilities.
- 1.3 The 1992 Fund Assembly approved the proposed amendments to Internal Regulation 12 of the 1992 Fund and the Director was invited to request the Supplementary Fund Assembly and the 1971 Fund Administrative Council, at their next session, to approve the same amendments to the corresponding Internal Regulations of the Supplementary Fund and the 1971 Fund respectively.
- 1.4 Draft texts of the proposed amendments to Internal Regulation 12 of the Supplementary Fund and Internal Regulation 12*bis* of the 1971 Fund are at Annex I and Annex II respectively for consideration and approval by the Supplementary Fund Assembly and the 1971 Fund Administrative Council respectively.

## **2 Action to be taken**

### Supplementary Fund Assembly

- 2.1 The Supplementary Fund Assembly is invited to approve the text of the proposed amendment to Internal Regulation 12 of the Supplementary Fund to take into account the new contingency arrangements for the Director of the Supplementary Fund.

### 1971 Fund Administrative Council

- 2.2 The 1971 Fund Administrative Council is invited to approve the text of the proposed amendment to Internal Regulation 12*bis* of the 1971 Fund to take into account the new contingency arrangements for the Director of the 1971 Fund.

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## ANNEX I

### INTERNAL REGULATIONS OF THE INTERNATIONAL OIL POLLUTION COMPENSATION SUPPLEMENTARY FUND ESTABLISHED UNDER THE 2003 SUPPLEMENTARY FUND PROTOCOL

*(Draft proposal submitted to the 8th session of the Supplementary Fund Assembly for approval)*

#### Regulation 12

##### *Delegation of authority in the absence of the Director*

The Director may authorise the Deputy Director/Head of the Finance and Administration Department, the Legal Counsel, the Head of the Claims Department/Technical Adviser or the Head of the External Relations and Conference Department, in that order, to act on his or her behalf in the fulfilment of the functions set out in Article 16 of the Supplementary Fund Protocol in conjunction with Article 29 of the 1992 Fund Convention, and to be the legal representative of the Supplementary Fund. The conditions and extent of such delegation shall be laid down in Administrative Instructions issued by the Director. Delegation made in accordance with this Regulation overrides any limitation of the authority of the above-mentioned officers contained elsewhere in these Regulations or in the Financial Regulations.

If there is no one of the said senior members of the Secretariat available to assume the function of the Director, the Chairman of the 1992 Fund Assembly shall appoint a member of the Secretariat, other than those mentioned in the preceding paragraph, to carry out this function until the next regular or extraordinary session of the Assembly or until any of the said senior members of the Secretariat has been able to resume their responsibilities.

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## ANNEX II

### INTERNAL REGULATIONS OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND ESTABLISHED UNDER THE 1971 FUND CONVENTION

*(Draft proposal submitted to the 29th session of 1971 Fund Administrative Council for approval)*

#### Regulation 12bis

##### *Delegation of authority in the absence of the Director*

The Director may authorise the Deputy Director/Head of the Finance and Administration Department, the Legal Counsel, the Head of the Claims Department/Technical Adviser or the Head of the External Relations and Conference Department, in that order, to act on his behalf in the fulfilment of the functions set out in Article 29 of the 1971 Fund Convention, and to be the legal representative of the 1971 Fund. The conditions and extent of such delegation shall be laid down in Administrative Instructions issued by the Director. Delegation made in accordance with this Regulation overrides any limitation on the authority of the above-mentioned officers contained elsewhere in these Regulations or in the Financial Regulations.

If there is no one of the said senior members of the Secretariat available to assume the function of the Director, the Chairman of the 1992 Fund Assembly shall appoint a member of the Secretariat, other than those mentioned in the preceding paragraph, to carry out this function until the next regular or extraordinary session of the Assembly or until any of the said senior members of the Secretariat has been able to resume their responsibilities.

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