STATUTORY INSTRUMENTS

1975 No. 2122

PETROLEUM

The British National Oil Corporation Regulations 1975

Made - - - -	*12th December* 1975
Laid before Parliament	*15th December* 1975
Coming into Operation	*1st January* 1976

The Secretary of State, in exercise of his powers under sections 1(4) and 46(1) of, and paragraphs 1, 4 and 13 of Schedule 1 to, the Petroleum and Submarine Pipe-lines Act 1975(**a**) and all other powers in that behalf enabling him, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the British National Oil Corporation Regulations 1975 and shall come into operation on 1st January 1976.

(2) The Interpretation Act 1889(**b**) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Appointment and tenure of office

2.—(1) Subject to the provisions of the Petroleum and Submarine Pipe-lines Act 1975 (hereinafter referred to as "the Act") and of these regulations, a member of the British National Oil Corporation (hereinafter referred to as "the Corporation") shall hold and vacate office in accordance with the terms of the instrument appointing him to his office and shall, on ceasing to be a member, be eligible for re-appointment.

(2) Any member of the Corporation may resign his office by giving to the Secretary of State either three months' notice in writing or such shorter notice as the Secretary of State may approve.

3. For the purpose of enabling the Secretary of State to satisfy himself—

(*a*) before he appoints a person to be a member of the Corporation, that that person will have no such financial or other interest as is likely to affect prejudicially the exercise and performance of his functions as a member; and

(*b*) from time to time with respect to each member, that he has no such interest,

every person who is a member or whom the Secretary of State proposes to appoint as a member shall, whenever requested by the Secretary of State to do so, furnish the Secretary of State with such information as the Secretary of State considers necessary for the said purpose.

(**a**) 1975 c. 74. (**b**) 1889 c. 63.

4.—(1) If the Secretary of State is satisfied that a member of the Corporation—

(*a*) has been absent from meetings of the Corporation for a period longer than three consecutive months without the permission of the Corporation;

(*b*) has become bankrupt or made an arrangement with his creditors;

(*c*) is incapacitated by physical or mental illness; or

(*d*) is otherwise unable or unfit to discharge the functions of a member,

the Secretary of State may declare his office as a member to be vacant, and thereupon the office shall become vacant.

(2) The references in paragraph (1)(b) of this regulation to a member's having become bankrupt or having made an arrangement with his creditors shall for the purpose of the law of Scotland be read respectively as references to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.

Proceedings

5. The quorum of the Corporation shall be five; and while a member is disqualified from taking part in a decision or deliberation of the Corporation with respect to a matter by virtue of the provisions of regulation 7, he shall be disregarded for the purpose of constituting a quorum of the Corporation for deciding, or deliberating on, that matter.

6. Subject to paragraph 5 of Schedule 1 to the Act (which provides that official members shall not be entitled to a vote), every determination of the Corporation at any meeting thereof shall be taken by the votes of the members of the Corporation present and voting or, in the case of a difference between them, of the majority of such members and if the votes of such members are equally divided, the person acting as chairman of the meeting shall have a second or casting vote.

7.—(1) A member of the Corporation who is in any way directly or indirectly interested in a contract made or proposed to be made by the Corporation, or in a contract made or proposed to be made by a subsidiary of the Corporation, which is brought up for consideration by the Corporation, shall disclose the nature of his interest at a meeting of the Corporation; and the disclosure shall be recorded in the minutes of the Corporation, and the member shall not take any part in any deliberation or decision of the Corporation with respect to that contract.

(2) An official member of the Corporation shall not be regarded, for the purposes of the preceding paragraph, as interested in a contract solely by virtue of his employment in the civil service of the State.

(3) A general notice given at a meeting of the Corporation by a member of the Corporation to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with the company or firm, shall, for the purposes of paragraph (1) of this regulation, be deemed to be a sufficient disclosure of his interest in relation to any contract so made or proposed to be made.

(4) A member of the Corporation need not attend in person at a meeting of the Corporation in order to make a disclosure which he is required to make under this regulation if he takes reasonable steps to secure that the disclosure is made by a notice which is brought up and read at the meeting.

Execution of Instruments

8. The seal of the Corporation shall be authenticated by the signature of the secretary of the Corporation or of some other person generally or specially authorised by the Corporation to act in that behalf.

Proof of Documents

9. Every document purporting to be an instrument executed or issued by or on behalf of the Corporation and to be duly executed under the seal of the Corporation, or to be signed or executed by the secretary of the Corporation or a person authorised by the Corporation to act in that behalf, shall be received in evidence and be deemed, without further proof, to be so executed or issued unless the contrary is shown.

12th December 1975.

Tony Benn,
Secretary of State for Energy.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations relate to the appointment and tenure of office of members of the British National Oil Corporation, the proceedings of the Corporation, the execution of instruments by the Corporation and the proof of documents.

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