

SCHEDULE 10

Article 2

EUROPEAN POLICE COLLEGE

General

1. In this Schedule—

CEPOL is the European Police College (of which the United Kingdom and other sovereign Powers are members);

“the Archives of CEPOL” means all records, correspondence, documents, manuscripts, photographs, films, recordings, computer programmes, video tapes, discs and data held in any other media belonging to or held by CEPOL and all information therein contained;

“Council Decision” means Decision 2000/820/JHA of the Council of the European Union, as amended by Decision 2004/566/JHA and Decision 2004/567/JHA of the Council;

“Members of Staff” means the staff of the Secretariat of CEPOL set up pursuant to Article 4 of the Council Decision (excluding locally recruited staff assigned to hourly rates of pay);

“Official Activities of CEPOL” means those activities carried out pursuant to Articles 6 and 7 of the Council Decision;

“the Premises of CEPOL” means the buildings (or parts of buildings) and the land ancillary thereto used for the Official Activities of CEPOL;

“the 1961 Convention Articles” means the Articles (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961) which are set out in Schedule 1 to the Diplomatic Privileges Act 1964.

CEPOL

2. The Archives of CEPOL shall have the like inviolability as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives of a diplomatic mission.

3. The Premises of CEPOL shall have the like inviolability as, in accordance with the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission, except that—

(a) the Premises of CEPOL may be entered with the consent of and under conditions approved by the Administrative Director of CEPOL (and such consent shall be presumed if the Administrative Director cannot be reached in time in the case of fire or other emergency requiring prompt protective action or in the event that the competent authorities of the United Kingdom have reasonable cause to believe that such an emergency has occurred or is about to occur in the Premises of CEPOL);

(b) the Premises of CEPOL may be entered by duly authorised representatives of appropriate public service bodies to inspect, repair, maintain, reconstruct or relocate utilities, conduits, mains or sewers within the Premises of CEPOL under conditions which will not unreasonably disturb the carrying out of the Official Activities of CEPOL and under suitable arrangements made by the Administrative Director of CEPOL.

4.—(1) Within the scope of the Official Activities of CEPOL, CEPOL shall enjoy immunity from suit and legal process except—

(a) to the extent that CEPOL has expressly waived such immunity in a particular case;

(b) in respect of a civil action by a third party for damage caused by a motor vehicle belonging to, or operated on behalf of, CEPOL or in respect of a motor traffic offence involving such a vehicle;

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The International Organisations (Immunities and Privileges) (Scotland) Order 2009 No. 44*

- (c) in respect of a civil action relating to death or personal injury caused by an act or omission in the United Kingdom;
- (d) in respect of the enforcement of an arbitration award made against CEPOL as a result of an express submission to arbitration by or on behalf of CEPOL;
- (e) in respect of any counter claim directly connected with court proceedings initiated by CEPOL;
- (f) in respect of proceedings relating to a contract of employment between CEPOL and a Member of Staff.

(2) Sub paragraph (1) shall not prevent the taking of such measures as may be permitted by law in relation to the property and assets of CEPOL, wheresoever located and by whomsoever held, upon the delivery of a final judgment against CEPOL.

5. Within the scope of the Official Activities of CEPOL, CEPOL shall have the like relief from non-domestic rates on the premises of CEPOL as, in accordance with Article 23 of the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission.

6. CEPOL shall have exemption from prohibitions and restrictions on exportation of goods by CEPOL necessary for the exercise of its Official Activities except where the prohibitions or restrictions arise from European Community law.

Members of staff

7.—(1) Members of Staff of CEPOL shall enjoy immunity from suit and legal processes, (even after they have left the service of CEPOL) in respect of acts, including words written or spoken, done by them in the exercise of their official functions.

(2) The immunity accorded by sub-paragraph (1) shall not apply in the case of a motor traffic offence committed by a Member of Staff or in the case of damage caused by a motor vehicle belonging to or driven by a Member of Staff.