

1974 No. 1255

**DIPLOMATIC AND INTERNATIONAL IMMUNITIES
AND PRIVILEGES**

**The European Space Research Organisation (Immunities and
Privileges) Order 1974**

Laid before Parliament in draft

Made - - - - - 25th July 1974

Coming into Operation 1st August 1974

At the Court at Buckingham Palace, the 25th day of July 1974

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 10 of the International Organisations Act 1968(a) (hereinafter referred to as the Act) and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by sections 1 and 12(6) of the Act or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

GENERAL

1. This Order may be cited as the European Space Research Organisation (Immunities and Privileges) Order 1974 and shall come into operation on 1st August 1974.

2.—(1) For the purposes of this Order, the official activities of the European Space Research Organisation shall include its administrative activities and those undertaken in the field of space research and space technology in pursuance of the purposes of the Organisation as defined in the Convention for the Establishment of a European Space Research Organisation(b).

(2) In this Order “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(c).

(a) 1968 c. 48.

(b) Cmnd. 2489.

(c) 1964 c. 81.

(3) The Interpretation Act 1889^(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The European Space Research Organisation (Immunities and Privileges) Order 1965^(b) is hereby revoked.

PART II

THE ORGANISATION

4. The European Space Research Organisation (hereinafter referred to as the Organisation) is an organisation of which the United Kingdom and foreign sovereign Powers are members.

5. The Organisation shall have the legal capacities of a body corporate.

6.—(1) The Organisation shall have immunity from suit and legal process except:

(a) to the extent that the Organisation shall have expressly waived such immunity in a particular case;

(b) in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle belonging to or operated on behalf of the Organisation, or in respect of a motor traffic offence involving such a vehicle; and

(c) in respect of the enforcement of an arbitration award made under Article 25 or Article 26 of the Protocol on Privileges and Immunities of the European Space Research Organisation^(c).

(2) Paragraph (1) of this Article shall not prevent the taking of such measures as may be permitted by law in relation to the property and assets of the Organisation in so far as they may be temporarily necessary in connection with the prevention of and investigation into accidents involving motor vehicles belonging to or operated on behalf of the Organisation.

7. The Organisation shall have the like inviolability of official archives and premises as in accordance with the 1961 Convention Articles is accorded in respect of the official archives and premises of a diplomatic mission.

8. Within the scope of its official activities, the Organisation shall have the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, as is accorded to a foreign sovereign Power.

9. Within the scope of its official activities, the Organisation shall have the like relief from rates as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

10. The Organisation shall have exemption from customs duties and taxes on the importation of goods imported by or on behalf of the Organisation and strictly necessary for the exercise of its official activities in the United Kingdom, such exemption to be subject to compliance with such conditions as the Commissioners of Customs and Excise may prescribe for the protection of the Revenue.

11. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by or on behalf of the Organisation and strictly necessary for the exercise of its official activities and in the case of any publications of the Organisation imported or exported by it.

^(a) 1889 c. 63.

^(b) S.I. 1965/1533 (1965 II, p. 4454).

^(c) Cmnd. 3621.

12. The Organisation shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs & Excise) Act 1971^(a)) which is bought in the United Kingdom and used for the official purposes of the Organisation and which is strictly necessary for the exercise of its official activities, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

13. The Organisation shall have relief, under arrangements made by the Secretary of State, by way of refund of car tax paid on any vehicles and value added tax paid on the supply of any goods which are used for the official purposes of the Organisation and are strictly necessary for the exercise of its official activities, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART III

REPRESENTATIVES

14.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which they represent, representatives of members of the Organisation (other than representatives of the United Kingdom and persons who are citizens of the United Kingdom and Colonies) shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the exercise of their functions ;
- (b) while exercising their functions and in the course of their journeys to and from the place of meeting, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all their official papers and documents as are accorded to a diplomatic agent ; and
- (c) while exercising their functions and in the course of their journeys to and from the place of meeting, the like exemptions and privileges in respect of their personal baggage as in accordance with Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent.

(2) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on any member of the family or any member of the official staff of a representative.

PART IV

OFFICERS

High Officers

15.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Council of the Organisation, the Director General of the Organisation and the person appointed to act in his stead in accord-

(a) 1971 c. 12.

ance with paragraph 1(c) of Article XI of the Convention for the Establishment of a European Space Research Organisation shall enjoy:—

- (a) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than income tax in respect of his emoluments and customs duties and taxes on the importation of goods, and rates as are accorded to or in respect of the head of a diplomatic mission ;
- (b) the like exemption from customs duties and taxes on the importation of articles imported for his personal use or the use of members of his family forming part of his household, including articles intended for his establishment, as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent ;
- (c) the like exemption and privileges in respect of his personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent ; and
- (d) relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs & Excise) Act 1971) which is bought in the United Kingdom by him or on his behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements ;

provided that this Article shall not apply to any person who is a citizen of the United Kingdom and Colonies or a permanent resident of the United Kingdom.

(2) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on the families of the officers to whom this Article applies.

All Officers

16. Except in so far as in any particular case any privilege or immunity is waived by the Director General of the Organisation or, in the case of the Director General, by the Council, the Director General and the permanent members of the staff of the Organisation in staff categories A, B, C and L shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the exercise of their functions, except in the case of a motor traffic offence committed by a member of the staff of the Organisation or in the case of damage caused by a motor vehicle belonging to or driven by a member of the staff ;
- (b) exemption from income tax in respect of emoluments received by them as members of the staff of the Organisation ; and
- (c) unless they are citizens of the United Kingdom and Colonies, the like exemption from customs duties and taxes on the importation of articles which—
 - (i) at or about the time when they first enter the United Kingdom to take up their posts as members of the staff of the Organisation are imported for their personal use or that of members of their families forming part of their households, including articles intended for their establishment, and

- (ii) are articles which were in their ownership or possession or that of such members of their families, or which they or such members of their families were under contract to purchase, immediately before they so entered the United Kingdom,

as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent.

PART V

EXPERTS

17. Except in so far as in any particular case any privilege or immunity is waived by the Director General of the Organisation, an expert (other than a member of the staff of the Organisation), in the exercise of his functions in connection with the institutions of the Organisation or in carrying out missions for the Organisation, shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by him in the exercise of his functions, except in the case of a motor traffic offence committed by him or in the case of damage caused by a motor vehicle belonging to or driven by him;
- (b) while carrying out his functions, including during journeys made in carrying out his functions and in the course of his missions, the like inviolability for all his official papers and documents as is accorded to a diplomatic agent;
- (c) while carrying out his functions, including during journeys made in carrying out his functions and in the course of his missions, unless he is a citizen of the United Kingdom and Colonies, the like exemptions and privileges in respect of his personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent.

N. E. Leigh.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order supersedes the European Space Research Organisation (Immunities and Privileges) Order 1965, and confers privileges and immunities (including certain privileges previously accorded administratively) upon the European Space Research Organisation, representatives of its member States, its officers and experts. These privileges and immunities are conferred in accordance with the Protocol on Privileges and Immunities of the Organisation (Cmnd. 3621) opened for signature in Paris on 31st October 1963.

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