

1976 No. 222

**DIPLOMATIC AND INTERNATIONAL IMMUNITIES
AND PRIVILEGES****The Inter-American Development Bank
(Immunities and Privileges) Order 1976***Laid before Parliament in draft**Made - - - - 18th February 1976**Coming into operation On a date to be notified
in the London, Edin-
burgh and Belfast
Gazettes.*

At the Court at Buckingham Palace, the 18th day of February 1976

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(1) 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 section 1 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 Inter-American Development Bank (Immunities and Privileges) Order 1976. It shall come into operation on a date on which the Agreement establishing the Inter-American Development Bank (with proposed amendments, including those to admit non-regional countries as members of the Bank) and the Declaration of Madrid of 17th December 1974(b), enters into force in respect of the United Kingdom. This date shall be notified in the London, Edinburgh and Belfast Gazettes.

2.—(1) 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).

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(a) 1968 c. 48.

(b) Cmnd. 6271.

(c) 1964 c. 81.

(d) 1889 c. 63.

PART II

THE BANK

3. The Inter-American Development Bank (hereinafter referred to as the Bank) is an organisation of which the United Kingdom and foreign sovereign Powers are members.

4. The Bank shall have the legal capacities of a body corporate.

5.—(1) The Bank shall have immunity from suit and legal process, except :

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

(b) if it has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities, in the United Kingdom,

provided that no proceedings may be brought against the Bank by a member or any person acting for or deriving a claim from a member.

(2) The provisions of paragraph (1) of this Article shall not prevent the taking of such measures as may be permitted by law in relation to the execution of judgment against the Bank.

6. The Bank shall have the like inviolability of official archives as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives of a diplomatic mission. Premises of the Bank shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure.

7. The Bank 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.

8. The Bank 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.

9. The Bank shall have exemption from customs duties and taxes on the importation of goods imported by or on behalf of the Bank for its official use 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.

10. The Bank shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Bank for its official use and in the case of any publications of the Bank imported or exported by it.

11. The Bank shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of excise duty paid on or value added tax paid on the importation of 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 Bank, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

(a) 1971 c. 12.

12. The Bank 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 or services which are used for the official purposes of the Bank, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART III

OFFICERS AND EMPLOYEES

13. Except in so far as in any particular case any privilege or immunity is expressly waived by the Bank, any governor, executive director, alternate, officer and employee of the Bank shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by him in his official capacity ; and
- (b) unless he is a citizen of the United Kingdom and Colonies, exemption from income tax in respect of emoluments received by him as an officer or employee of the Bank.

N. E. Leigh.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order confers privileges and immunities upon the Inter-American Development Bank, its officers and employees. It will enable the United Kingdom to give effect to Article XI of the Agreement establishing the Bank (Cmnd. 6271) signed at Washington on 8 April 1956. It will come into operation on the date on which the Agreement enters into force with respect to the United Kingdom.

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