
STATUTORY INSTRUMENTS

1979 No. 912

**The International Oil Pollution Compensation
Fund (Immunities and Privileges) Order 1979**

PART II

THE FUND

4. The International Oil Pollution Compensation Fund is an organisation of which the United Kingdom and foreign sovereign Powers are members.

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

6.—(1) Within the scope of its official activities the Fund shall have immunity from suit and legal process except:

- (a) to the extent that it shall have waived such immunity in a particular case;
- (b) in respect of actions brought against the Fund in accordance with the provisions of the Convention;
- (c) in respect of any contract for the supply of goods or services, and any loan or other transaction for the provision of finance and any guarantee or indemnity in respect of any such transaction or of any other financial obligation;
- (d) 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 Fund or in respect of a motor traffic offence involving such a vehicle;
- (e) in respect of a civil action relating to death or personal injury caused by an act or omission in the United Kingdom;
- (f) in the event of the attachment or, in Scotland, arrestment, pursuant to the order of a court of law, of the salaries, wages or other emoluments owed by the Fund to a staff member;
- (g) in respect of the enforcement of an arbitration award made under Article 23 of the Agreement; and
- (h) in respect of a counter-claim directly connected with proceedings initiated by the Fund.

(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 Fund in so far as they may be temporarily necessary in connection with the prevention and investigation of accidents involving motor vehicles belonging to, or operated on behalf of, the Fund.

7. The Fund 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.

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

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9. The Fund shall have the like relief from rates on its official premises as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

10. The Fund shall have exemption from duties (whether of customs or excise) and taxes on the importation of goods imported by or on behalf of the Fund and necessary for the exercise of its official activities, 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 Fund 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 Fund and necessary for the exercise of its official activities and in the case of any publications of the Fund imported or exported by it within the scope of its official activities.

12. The Fund shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of duty (whether of customs or excise) paid on imported hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979) or value added tax paid on the importation of such oil which is bought in the United Kingdom by the Fund and 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 Fund shall have relief, under arrangements made by the Secretary of State, by way of refund of car tax and value added tax paid on the purchase of new vehicles of United Kingdom manufacture which are necessary for the official activities of the Fund, and of value added tax paid on the supply of goods or services of substantial value which are necessary for the official activities of the Fund, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.