
STATUTORY INSTRUMENTS

1988 No. 1298

**INTERNATIONAL IMMUNITIES
AND PRIVILEGES**

The EUMETSAT (Immunities and Privileges) Order 1988

Made - - - - *26th July 1988*
On a date to be
notified in the
London, Edinburgh
and Belfast Gazettes

Coming into force - -

At the Court at Buckingham Palace, the 26th day of July 1988

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⁽¹⁾ (hereinafter referred to as the Act) and has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by section 1⁽²⁾ 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 EUMETSAT (Immunities and Privileges) Order 1988. It shall come into force on the date on which the Protocol on the Privileges and Immunities of the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT)⁽³⁾ opened for signature at Darmstadt on 1st December 1986 (hereinafter referred to as the Protocol) enters into force in respect of the United Kingdom. The date shall be notified in the London, Edinburgh and Belfast Gazettes.

⁽¹⁾ 1968 c. 48.

⁽²⁾ As amended by section 1 of the International Organisations Act 1981 (c. 9).

⁽³⁾ Cm. 397.

2.—(1) For the purposes of this Order, the official activities of the European Organisation for the Exploitation of Meteorological Satellites (hereinafter referred to as the Organisation) means all activities carried out by the Organisation in pursuance of its objectives as defined in Article 2 of the Convention for the Establishment of a European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT)(4), opened for signature at Geneva on 24th May 1983 (hereinafter referred to as the Convention), and includes its administrative activities.

(2) In this Order—

“United Kingdom national” means a person who is a British citizen, a British Dependent Territories citizen, a British Overseas citizen or a British National (Overseas);

“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(5);

“Party” means a State party to the Convention;

“archives” means all records, including correspondence, documents, manuscripts, photographs, films, optical and magnetic recordings, data recordings, and computer programmes belonging to or held by the Organisation;

“staff members” means the Director and all persons employed by the Organisation, who hold permanent appointments and are subject to its Staff Rules;

“expert” means a person other than a staff member appointed to carry out a specific task on behalf of the Organisation and at its expense;

“property” means anything that may be subject to a right of ownership as well as contractual rights.

3. The EUMETSAT (Legal Capacities) Order 1985(6) is hereby revoked.

PART II

THE ORGANISATION

4. The Organisation is an organisation of which the United Kingdom and other sovereign Powers are members.

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

6.—(1) The Organisation shall, within the scope of its official activities, have immunity from suit and legal process except in the following cases—

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

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

(c) for the execution of an arbitration award made under Article 14 of the Convention or Articles 21, 22 or 23 of the Protocol;

(4) Cmnd. 9203.

(5) 1964 c. 81.

(6) S.I. 1985/750.

- (d) in the event of the attachment or, in Scotland, arrestment, pursuant to a decision by the administrative or judicial authorities, of the salaries and emoluments including pensions, owed by the Organisation to a staff member or former staff member;
 - (e) in respect of a counter-claim directly connected with judicial proceedings instituted by the Organisation;
 - (f) in respect of any commercial activity in which the Organisation might engage.
- (2) The property of the Organisation, wherever located shall be immune—
- (a) from any form of requisition, confiscation or expropriation;
 - (b) from any form of sequestration and administrative or provisional judicial constraint, except in the cases provided for in paragraph (1) of this Article.

7. The Organisation shall have the like inviolability in respect of its 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 Organisation, its property and income shall have exemption from taxes on income and capital gains.

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

12. The Organisation 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 motor cars of United Kingdom manufacture and of value added tax paid on the supply of other goods or services of substantial value which are necessary for the official activities of the Organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART III REPRESENTATIVES

13.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the Party which they represent, representatives of Parties shall enjoy, while exercising their official functions and in the course of their journeys to and from the place of meeting—

- (a) immunity from any form of arrest and detention and from seizure of their personal baggage, except in the case of a grave crime, or when they are found committing, attempting to commit or just having committed a criminal offence;
- (b) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, done by them in the exercise of their functions, except in respect of (i) traffic offences committed by a representative, and (ii)

damage caused by a vehicle or other means of transport belonging to or driven by a representative; and

- (c) the like inviolability for all their official papers and documents as is accorded to diplomatic agents.

(2) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on the official staff of representatives, other than their advisers.

(3) 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 of a representative or of a representative's adviser.

(4) Neither the provisions of the preceding paragraphs of this Article, nor those of Part IV of Schedule 1 to the Act, shall operate so as to confer—

- (a) any privilege or immunity on any person as the representative of the United Kingdom or as his adviser or as a member of his staff; or
- (b) any privilege or immunity on any person who is a United Kingdom national or a permanent resident of the United Kingdom.

(5) In this Article, "grave crime" has the same meaning as in section 1(2) of the Consular Relations Act 1968(7).

PART IV STAFF MEMBERS

Director

14.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Council of the Organisation, the Director shall enjoy—

- (a) immunity from arrest or detention except when found committing, attempting to commit or just having committed a criminal offence;
- (b) the like immunity from suit and legal process as is accorded to a diplomatic agent, except in respect of damage caused by a vehicle or other means of transport belonging to or driven by him, or in respect of a traffic offence caused by such a vehicle or other means of transport, subject to paragraph (a) above; and
- (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, as if in that paragraph the reference to paragraph 1 of that Article were a reference to Article 15(b) of this Order,

provided that this paragraph shall not apply to any person who is a United Kingdom national or who is 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 any member of the family of a staff member to whom this Article applies.

Staff Members

15. Except in so far as in any particular case any privilege or immunity is waived by the Director of the Organisation or, in the case of the Director, by the Council of the Organisation, all staff members shall enjoy—

(7) 1968 c. 18.

- (a) immunity from suit and legal process (even after they have left the service of the Organisation) in respect of acts, including words written or spoken, done by them in the exercise of their function, except in respect of damage caused by a vehicle or other means of transport belonging to or driven by a staff member or in respect of a traffic offence committed by him;
- (b) unless they are United Kingdom nationals or permanently resident in the United Kingdom, the like exemption from duties (whether of customs or excise) and taxes on the importation of furniture and personal effects (including one motor car each) which—
 - (i) at or about the time when they first enter the United Kingdom to take up their posts as staff members of the Organisation are imported for their personal use, and
 - (ii) are articles which were in their ownership and possession or which they 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;
- (c) as from the date on which the salaries and emoluments (excluding pensions and similar benefits paid by the Organisation) paid to them by the Organisation become subject to taxation by the Organisation for its benefit, exemption from income tax in respect of such salaries and emoluments, provided that nothing in this paragraph shall be interpreted as precluding such salaries and emoluments from being taken into account for the purpose of assessing the amount of taxation to be applied to income from other sources; and
- (d) provided that the Organisation has established a social security scheme, which the Secretary of State considers to provide adequate benefits, exemptions whereby for the purposes of the enactments relating to social security, including enactments in force in Northern Ireland—
 - (i) services rendered for the Organisation by them shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but
 - (ii) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted.

PART V

EXPERTS

16. Except in so far as in any particular case any immunity or privilege is waived by the Director, experts (other than staff members of the Organisation) shall, while performing their duties for the Organisation or carrying out missions on its behalf, enjoy—

- (a) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, done by them in the exercise of their functions, except in respect of damage caused by a vehicle or other means of transport belonging to or driven by an expert or in respect of a traffic offence committed by him; and
- (b) the like inviolability in respect of all official papers and documents as is accorded to a diplomatic agent.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers privileges and immunities on the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT), on representatives of its Members and on its staff and experts. These privileges and immunities are conferred in accordance with the Protocol on the Privileges and Immunities of the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT) (Cm. 397) which was opened for signature at Darmstadt on 1st December 1986 and in accordance with Article 1(3) of the Convention for the Establishment of a European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT) (Cmnd. 9203), as corrected by a Procès-Verbal of Rectification signed at Berne on 17th October 1984 (Cmnd. 9483). The Order revokes the EUMETSAT (Legal Capacities) Order 1985 (S.I.1985/750). It will enable Her Majesty's Government to give effect to the Protocol and will come into operation on the date on which the Protocol enters into force in respect of the United Kingdom.