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STATUTORY INSTRUMENTS

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**1988 No. 1299**

**INTERNATIONAL IMMUNITIES  
AND PRIVILEGES**

**The EUTELSAT (Immunities and Privileges) Order 1988**

<i>Made</i>	- - - -	<i>26th July 1988</i>
		<i>On a date to be notified in the London, Edinburgh and Belfast Gazettes</i>
<i>Coming into force</i>	- -	<i>Belfast Gazettes</i>

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 1**

**GENERAL**

**1.** This Order may be cited as the EUTELSAT (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 Telecommunications Satellite Organisation (EUTELSAT)(3) opened for signature at Paris on 13th February 1987 (hereinafter referred to as the Protocol) enters into force in respect of the United Kingdom. That date shall be notified in the London, Edinburgh and Belfast Gazettes.

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(1) 1968 c. 48.

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

(3) Cm. 305.

2.—(1) For the purposes of this Order, the official activities of the European Telecommunications Satellite Organisation (hereinafter referred to as the Organisation) means the activities carried out by the Organisation within the framework of its objectives as defined in the Convention on the European Telecommunications Satellite Organisation “EUTELSAT”(4), opened for signature at Paris on 15th July 1982 (hereinafter referred to as the Convention).

(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);

“staff member” means the Director General and any other staff member recruited by the Organisation who is employed exclusively by it, paid by it, and is subject to its Staff Regulations;

“Party” means a State for which the Convention is in force or has been provisionally applied;

“Signatory” means the telecommunications entity or the Party that has signed the Operating Agreement relating to the European Telecommunications Satellite Organisation “EUTELSAT”(6), opened for signature at Paris on 15th July 1982 (hereinafter referred to as the Operating Agreement), and for which the Operating Agreement is in force or has been provisionally applied;

“archives” means all records belonging to or held by the Organisation such as documents, correspondence, manuscripts, photographs, computer programs, films and recordings;

“EUTELSAT space segment” has the meaning assigned to it in Article 1(h) of the Convention.

3. The EUTELSAT (Immunities and Privileges) Order 1984(7) 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, in the exercise of its official activities, have immunity from suit and legal process except in the following cases –

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

(b) where a civil action is 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;

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(4) Cmnd. 9069, as amended by a Protocol of 15th December 1983 (Cmnd. 9154).

(5) 1964 c. 81.

(6) Cmnd. 9069.

(7) S.I. 1984/1980.

- (c) in the event of the attachment or, in Scotland, arrestment, pursuant to a final order of a court of law, of the salaries and emoluments including pensions, owed by the Organisation to a staff member or a former staff member;
- (d) in respect of a counter-claim directly connected with judicial proceedings instituted by the Organisation;
- (e) for the enforcement of an arbitration award made under Article XX of the Convention or Article 20 of the Operating Agreement.

(2) Notwithstanding paragraph (1), the Organisation shall have immunity from suit and legal process in respect of actions brought by Parties or Signatories or persons acting for or deriving claims from any of them, relating to rights or obligations under the Convention or Operating Agreement.

(3) The Organisation shall have immunity from all forms of search, restraint, requisition, seizure, confiscation, expropriation, sequestration or execution, in relation to –

- (a) the EUTELSAT space segment, wherever located and by whomsoever held; and
- (b) all other property of the Organisation, wherever located and by whomsoever held, except in respect of:
  - (i) attachment (or, in Scotland, arrestment) or execution in order to satisfy a final judgment or order of a court of law that relates to any proceedings brought against the Organisation pursuant to paragraph (1) of this Article;
  - (ii) any action permitted by law in so far as it is temporarily necessary in connection with the prevention of or investigation into accidents involving motor vehicles or other means of transport belonging to, or operated on behalf of, the Organisation;
  - (iii) expropriation in respect of real or, in Scotland, heritable, property for public purposes and subject to prompt payment of fair compensation, provided that such expropriation does not prejudice the functions and operations of the Organisation.

(4) The Assembly of Parties of the Organisation may waive any of the privileges and immunities accorded to the Organisation under the preceding provisions of this Article or under Articles 7 to 12 of this Order.

**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 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.** Within the scope of its official activities, the Organisation shall have exemption from duties (whether of customs or excise) and taxes on the importation by or on behalf of the Organisation of communications satellites and their component parts, of the EUTELSAT space segment, and of equipment for use in the EUTELSAT space segment or imported in connection with the launching of satellites for that use, 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 acquired by it, or on its behalf, within the scope of its official activities and in the case of official 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, whenever the Organisation makes major purchases which are necessary for the performance 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

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 performing their official functions and in the course of their journeys to and from the place of performance of those functions –

- (a) immunity from any form of arrest or detention and from seizure of their personal luggage, 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 performance of their official functions, except in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle or other means of transport belonging to or driven by a representative or in respect of a traffic offence involving such a vehicle and committed by him; and
- (c) the like inviolability for all official papers and documents that are related to the official activities of the Organisation as is accorded to diplomatic agents.

(2) Except in so far as in any particular case any privilege or immunity is waived by the Government of the Party whose Signatory they represent, representatives of Signatories shall enjoy, while performing their official functions in relation to the work of the Organisation and in the course of their journeys to and from their place of work, the like immunity as is described in paragraph (1)(b) of this Article and the like inviolability for all official papers and documents that are related to the official activities of the Organisation as is described in paragraph (1)(c) of this Article.

(3) 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 alternate representatives and advisers.

(4) 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, alternate representative or adviser.

(5) 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 the representative of the Signatory designated by the United Kingdom, or as the alternate representative or the adviser of such a person, or as a member of his staff; or
- (b) any entitlement to the immunity described in paragraph 1(a) of this Article on any person who is a United Kingdom national and or a permanent resident of the United Kingdom.

(6) In this Article, “grave crime” has the same meaning as in section 1(2) of the Consular Relations Act 1968(8)

## PART IV

### STAFF MEMBERS

#### **Director General**

**14.—(1)** Except in so far as in any particular case any privilege or immunity is waived by the Board of Signatories of the Organisation, the Director General 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 a civil action by a third party for damage arising from an accident caused by a motor vehicle or other means of transport belonging to or driven by him, or in respect of a traffic offence involving such a vehicle and committed by him, 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 General of the Organisation or, in the case of the Director General, by the Board of Signatories of the Organisation, all staff members shall enjoy –

- (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 performance of their official functions, except in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle or other means of transport belonging to or driven by a staff member, or in respect of a traffic offence involving such a vehicle and 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 officers 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 1961 Convention Articles is accorded to a diplomatic agent;
- (c) as from the date on which the salaries and emoluments paid by the Organisation to staff members of 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 General, experts (other than staff members of the Organisation) appointed to carry out a specific task for or on behalf of the Organisation and at its expense shall, while performing their functions in relation to the work of the Organisation and in the course of their journeys to and from the place of their mission, 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 performance of their official functions, except in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle or other means of transport belonging to or driven by an expert or in respect of a traffic offence involving such a vehicle and committed by him; and
- (b) the like inviolability in respect of all official papers and documents that are related to the official activities of the Organisation as is accorded to a diplomatic agent.

*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 Telecommunications Satellite Organisation “EUTELSAT”, on representatives of its Parties and its Signatories and on its staff members and experts. These privileges and immunities are conferred in accordance with the Protocol on the Privileges and Immunities of the European Telecommunications Satellite Organisation (EUTELSAT) (Cm. 305) which was opened for signature at Paris on 13th February 1987 and in accordance with Articles IV and XVII of the Convention on the European Telecommunications Satellite Organisation “EUTELSAT” (Cmnd. 9069). The Order revokes the EUTELSAT (Immunities and Privileges) Order 1984 (S.I.1984/1980). 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.