
STATUTORY INSTRUMENTS

1991 No. 757

**The European Bank for Reconstruction and
Development (Immunities and Privileges) Order 1991**

PART II

THE BANK

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

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

5.—(1) Except to the extent that the Board of Directors of the Bank shall have waived immunity, the Bank shall have immunity from suit and legal process –

- (a) where the Bank has no office in the United Kingdom, nor has appointed an agent in the United Kingdom for the purpose of accepting service or notice of process, nor has issued or guaranteed securities in the United Kingdom; or
- (b) where actions are brought by any member of the Bank or by any person acting for or deriving claims from any member of the Bank; or
- (c) in respect of any form of seizure of, or restraint, attachment or execution on, the property or assets of the Bank, wheresoever located or by whomsoever held, before the delivery of final judgment against the Bank; or
- (d) in respect of the search, requisition, confiscation or expropriation of, or any other form of interference with, or taking of or foreclosure on, the property or assets of the Bank, wheresoever located and by whomsoever held.

(2) Without prejudice to paragraph (1), the Bank shall, within the scope of its Official Activities, have immunity from suit and legal process, except that the immunity of the Bank shall not apply–

- (a) to the extent that the Bank shall have expressly waived any such immunity in any particular case or in any written document;
- (b) in respect of a civil action arising out of the exercise of its powers to borrow money, to guarantee obligations and to buy or sell or underwrite the sale of any securities;
- (c) in respect of a civil action by a third party for damage arising from a road traffic accident caused by an Officer or an Employee of the Bank acting on behalf of the Bank;
- (d) in respect of a civil action relating to death or personal injury caused by an act or omission in the United Kingdom;
- (e) in respect of the enforcement of an arbitration award made against the Bank as a result of an express submission to arbitration by or on behalf of the Bank; or
- (f) in respect of any counter-claim directly connected with court proceedings initiated by the Bank.

6.—(1) The Premises of the Bank and the Archives of the Bank shall have the like inviolability as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives and premises of a diplomatic mission, except that the Premises of the Bank may be entered with the consent of and under conditions approved by the President; such consent may be assumed in the case of fire or other disasters requiring prompt action.

(2) The Premises of the Bank may be entered in connection with fire prevention, sanitary regulations or emergencies without the prior consent of the Bank in such circumstances and in such a manner as may have been determined by any agreement for that purpose entered into between the Government and the Bank.

7. Within the scope of its Official Activities the Bank, its property, assets, income and profits shall have exemption from income tax, capital gains tax and corporation tax.

8. The Bank shall have the like relief from rates on the Premises of the Bank 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 duties (whether of customs or excise) and taxes on the importation by it or on its behalf of goods necessary for the exercise of the Official Activities of the Bank and on the importation of any publications of the Bank imported by it or on its behalf, 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 and necessary for the exercise of its Official Activities 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 duty (whether of customs or excise) paid on imported hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979(a)) or value added tax paid on the importation of such oil which is bought in the United Kingdom and is 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.

12. The Bank shall have relief, under arrangements made by Secretary of State, by way of refund of car tax and value added tax paid on any official vehicle and value added tax paid on the supply of any goods or services which are supplied for the Official Activities of the Bank, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.