
STATUTORY INSTRUMENTS

1994 No. 1890

**INTERNATIONAL IMMUNITIES
AND PRIVILEGES**

**The European Molecular Biology Laboratory
(Immunities and Privileges) Order 1994**

Made - - - - 19th July 1994

Coming into force in accordance with article 1(1)

At the Court at Buckingham Palace, the 19th day of July 1994

Present,

The Queens Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 10 of the International Organisations Act 1968(1)(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(2)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

Citation, Entry into Force and Revocation

1.—(1) This Order may be cited as the European Molecular Biology Laboratory (Immunities and Privileges) Order 1994 and shall come into force on the date on which the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the European Molecular Biology Laboratory concerning the European Bioinformatics Institute(3)(hereinafter

(1) 1968 c. 48.

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

(3) The text of the draft Agreement is published as Cm. 2595.

referred to as the Agreement) enters into force. That date will be notified in the London, Edinburgh and Belfast Gazettes.

(2) The European Molecular Biology Laboratory (Immunities and Privileges) Order 1974⁽⁴⁾ is revoked.

Interpretation

2. In this Order:

- (a) “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⁾;
- (b) “Laboratory Agreement” means the Agreement establishing the European Molecular Biology Laboratory signed at Geneva on 10th May 1973⁽⁶⁾, and any amendments thereto;
- (c) “Laboratory” means the European Molecular Biology Laboratory;
- (d) “Institute” means the European Bioinformatics Institute established by the Council;
- (e) “Government” means the Government of the United Kingdom;
- (f) “members of staff” means the members of the personnel of the Laboratory, as defined by the Laboratorys Staff Rules and Regulations assigned to work at the Institute in the United Kingdom;
- (g) “established members of staff” means the established members of the personnel of the Laboratory, as defined by the Laboratorys Staff Rules and Regulations assigned to work at the Institute in the United Kingdom;
- (h) “Representatives of Member States” means heads of delegations of Member States, their alternates and advisers participating in meetings convened by the Institute or by the Laboratory at the Institute;
- (i) “Member State” means a State Party to the Laboratory Agreement;
- (j) “Director-General” means the Director-General of the Laboratory or the person referred to in paragraph 1(b) of Article VII of the Laboratory Agreement;
- (k) “official activities of the Institute” includes its administrative activities and those undertaken in pursuance of the purposes of the Institute;
- (l) “Council” means the Council of the Laboratory.

PART II

THE LABORATORY

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

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

5.—(1) Within the scope of the official activities of the Institute, the Laboratory shall enjoy immunity from suit and legal process except that the immunity of the Laboratory shall not apply—

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

⁽⁴⁾ S.I. 1974/1254.

⁽⁵⁾ 1964 c. 81.

⁽⁶⁾ Cm. 5835.

- (b) 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 Laboratory or in respect of a motor traffic offence involving such a vehicle;
- (c) in respect of a civil action relating to death or personal injury caused by an act or omission in the United Kingdom;
- (d) in respect of contracts (other than those concluded in accordance with the Staff Rules and Regulations) which do not include an arbitration clause as referred to in Article 21 of the Agreement;
- (e) in respect of the enforcement of an arbitration award made under Article 21 or 24 of the Agreement;
- (f) in respect of an attachment order against the salaries, wages and emoluments owed by the Laboratory to a member of staff;
- (g) in respect of any counter-claim directly connected with court proceedings initiated by the Laboratory.

(2) The provisions of the preceding paragraph shall not prevent the taking of such measures as may be permitted by law in relation to the property and assets of the Laboratory in so far as they may be temporarily necessary in connection with the prevention of, and investigation into, accidents involving motor vehicles belonging to, or operated on behalf of, the Laboratory.

6. The archive of the Laboratory shall have the like inviolability as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives of a diplomatic mission.

7. Within the scope of the official activities of the Institute, the Laboratory, its property, assets and income shall have exemption from taxes on income and capital gains.

8. The Laboratory, within the scope of the official activities of the Institute, shall have the like relief from rates on the premises of the Institute as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

9. The Laboratory 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 Institute and on the importation of any publications of the Laboratory 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 Laboratory shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Laboratory and necessary for the exercise of the official activities of the Institute and in the case of any publications of the Laboratory imported or exported by it.

11. The Laboratory 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(7)) 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 the official activities of the Institute, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

12. The Laboratory shall have relief, under arrangements made by the Secretary of State, by way of refund of value added tax paid on the purchase of new motor vehicles of United Kingdom manufacture and of value added tax paid on the supply of any goods or services of substantial value which are necessary for the official activities of the Institute, 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 Member State which they represent, representatives of Member States shall enjoy, while exercising their functions and in the course of their journeys to and from the place of meeting—

- (a) immunity from suit and legal process, even after the termination of their mission, in respect of acts, including words spoken and written, performed by them in their official capacity and within the limits of their authority; except in the case of a motor traffic offence committed by a representative of a Member State, or in the case of damage caused by a motor vehicle belonging to or driven by such a representative;
- (b) 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 alternate representatives and 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, alternate representative or 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 any privilege or immunity on any person as the representative of the United Kingdom or as a member of the delegation of such a representative.

PART IV

MEMBERS OF STAFF

Director-General

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

- (a) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes (other than income tax in respect of his emoluments and duties and taxes on the importation of goods) as are accorded to or in respect of a diplomatic agent;
- (b) the like exemption or relief from being liable to pay anything in respect of council tax as is accorded to or in respect of a diplomatic agent;
- (c) the like exemption from duties and taxes on the importation of articles imported for his personal use, including articles intended for his establishment, as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent;
- (d) 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;
- (e) relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of duty (whether of customs or excise) or value added tax paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979) which is bought in the United Kingdom by him or on his behalf and which is for his personal use or for

that of members of his family forming part of his household, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements, provided that this Article shall not apply to any person who is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, or a British National (Overseas), 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 the family of any officer to whom this Article applies.

Members of Staff

15.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Director-General, the members of staff shall enjoy:

- (a) immunity from suit and legal process, even after they have left the services of the Laboratory, in respect of acts, including words written and spoken, performed by them in their official capacity and within the limits of their authority; this immunity shall not apply, however, in the case of a motor traffic offence committed by a member of staff of the Laboratory, nor in the case of damage caused by a motor vehicle belonging to or driven by a member of staff;
- (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 vehicle each) which—
 - (i) at or about the time when they first enter the United Kingdom to take up their posts as officers of the Laboratory are imported for their personal use, and
 - (ii) are articles which were in their ownership or 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.

(2) The privileges and immunities set out in paragraph 1 of this Article shall not apply to locally recruited members of staff in the domestic service of the Laboratory.

16.—(1) As from the date on which an internal effective tax for the benefit of the Laboratory on the salaries and emoluments paid to him by the Laboratory is applied, any member of staff of the Laboratory shall enjoy 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.

(2) Paragraph (1)

of this Article shall not apply to pensions or annuities paid by the Laboratory.

17. Provided that the Laboratory has established a social security scheme, which the Secretary of State considers to provide adequate benefits, the Director-General and the established members of staff of the Laboratory shall enjoy exemptions whereby for the purposes of the enactments relating to social security, including enactments in force in Northern Ireland—

- (i) services rendered for the Laboratory 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.

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

N. H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers privileges and immunities on the European Molecular Biology Laboratory, its members of staff, and representatives of its Members. These privileges and immunities are conferred in accordance with an Agreement which has been negotiated between Her Majesty's Government and the Laboratory concerning the European Bioinformatics Institute (Cm. 2595) and in accordance with Article XI of the Agreement establishing the European Molecular Biology Laboratory (Cm. 5835). The Order revokes the European Molecular Biology Laboratory (Immunities and Privileges) Order 1974(S.I.1974/1254). It will enable Her Majesty's Government to give effect to the Agreement concerning the European Bioinformatics Institute and will come into force on the date on which that Agreement enters into force.