
STATUTORY INSTRUMENTS

1996 No. 1295

**The International Oil Pollution Compensation
Fund 1992 (Immunities and Privileges) Order 1996**

**PART IV
OFFICERS**

High Officer

14.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Assembly of the 1992 Fund, the Director of the 1992 Fund 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) and rates as are accorded to or in respect of a diplomatic agent;
- (b) 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;
- (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;
- (d) relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of duty (whether of customs or excise) 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 an officer to whom this Article applies.

All Officers

15. Except in so far as in any particular case any privilege or immunity is waived by the Director of the 1992 Fund or, in the case of the Director, by the Assembly of the 1992 Fund, all officers of the 1992 Fund appointed or recruited for employment with the 1992 Fund and subject to its staff regulations as well as the Director and all persons appointed or recruited for employment with the Fund established by the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage and subject to its staff regulations functioning as

the Director and Secretariat of the 1992 Fund, with the exception of persons who are in the domestic service of either Fund and persons who are recruited locally and assigned to hourly rates of pay, shall enjoy:—

- (a) immunity from suit and legal process in respect of acts done by them in the exercise of their functions, including words written or spoken, except in the case of a motor traffic offence committed by an officer or in the case of damage caused by a motor vehicle belonging to or driven by him;
- (b) as from the date on which the salaries and emoluments received by them as officers of the 1992 Fund become subject to taxation by the 1992 Fund for its benefit, exemption from income tax in respect of such salaries and emoluments, provided that nothing in this subparagraph 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;
- (c) unless they are British citizens, British Dependent Territories citizens, British Overseas citizens, or British Nationals (Overseas) or permanently resident in the United Kingdom, the like exemption from duties and taxes on the importation of furniture and personal effects (including one motor-car each) which:—
 - (i) at the time when they first enter the United Kingdom to take up their post, are imported for their personal use or for their establishment, and
 - (ii) 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;

- (d) unless they are British citizens, British Dependent Territories citizens, British Overseas citizens, or British Nationals (Overseas) or permanently resident in the United Kingdom, and provided that the 1992 Fund has established its own social security scheme or has joined that of another international organisation under conditions laid down in the staff regulations of the 1992 Fund, exemptions whereby for the purposes of the enactments relating to social security, including enactments in force in Northern Ireland:—
 - (i) services rendered for the 1992 Fund 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.