
STATUTORY INSTRUMENTS

1997 No. 2975

**INTERNATIONAL IMMUNITIES
AND PRIVILEGES**

**The OSPAR Commission (Immunities
and Privileges) Order 1997**

Made - - - - 17th December 1997

Coming into force in accordance with Article 1

At the Court at Buckingham Palace the 17th day of December 1997

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 of the International Organisations Act 1968(1) ("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

1. This Order may be cited as the OSPAR Commission (Immunities and Privileges) Order 1997. It shall come into force on the date on which the Headquarters Agreement(3) between the Government of the United Kingdom of Great Britain and Northern Ireland and the Commission established by the Convention for the Protection of the Marine Environment in the North-East Atlantic 1992 enters into force. This date shall be notified in the London, Edinburgh and Belfast Gazettes.

2.—(1) In this Order:

(1) 1968 c. 48.

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

(3) Cm. 3796.

“the Commission” means the Commission established by the Convention for the Protection of the Marine Environment in the North-East Atlantic 1992(4) known as the OSPAR Commission;

“official activities” in relation to the Commission means its administrative activities and those which it is authorised to undertake pursuant to the Convention for the Protection of the Marine Environment in the North-East Atlantic 1992; and

“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).

PART II

THE COMMISSION

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

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

5. The Commission shall have the like inviolability of official archives as, in accordance with the 1961 Convention Articles, is accorded to a foreign sovereign Power.

6. Within the scope of its official activities, the Commission shall have the like exemption or relief from taxes, other than duties and taxes on the importation of goods, as is accorded to a foreign sovereign Power.

7. The Commission shall have the like relief from non-domestic 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.

8. The Commission shall have exemption from duties (whether of customs or excise) and taxes on the importation of goods imported by the Commission and necessary for the exercise of its official activities, 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.

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

10. The Commission 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(6)) or value added tax paid on the importation of such oil which is bought in the United Kingdom and necessary for the exercise of the official activities of the Commission, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

11. The Commission shall have relief, under arrangements made by the Secretary of State, by way of refund of value added tax paid on any new vehicles of United Kingdom manufacture which are necessary for the official activities of the Commission, and of value added tax paid on the supply of any other goods and services of substantial value which are necessary for the official activities

(4) Cm. 2265.

(5) 1964 c. 81.

(6) 1979 c. 5.

of the Commission, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

12. The Commission shall have relief, under arrangements made by the Secretary of State, by way of a refund of insurance premium tax and air passenger duty paid by the Commission in the exercise of its official activities.

PART III

OFFICERS

13. Except in so far as in any particular case any privilege or immunity is waived by the Executive Secretary of the Commission or, in the case of the Executive Secretary, by the Commission, all officers of the Commission appointed or recruited for employment with the Commission and subject to its staff regulations, with the exception of experts, persons who are in the domestic service of the Commission 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 things done or omitted to be done by them in the exercise of their functions, except in the case of a motor traffic offence committed by an officer or in the case of damage caused by a 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 Commission become subject to taxation by the Commission 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, British Nationals (Overseas) or permanent residents 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 agents;
- (d) unless they are British citizens, British Dependent Territories citizens, British Overseas citizens, British Nationals (Overseas) or permanently resident in the United Kingdom, and provided that they are participating in a social security scheme established by the Commission or in another such scheme, exemptions whereby for the purposes of the enactments relating to social security, including enactments in force in Northern Ireland—
 - (i) services rendered for the Commission 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 upon the Commission established by the Convention for the Protection of the Marine Environment in the North-East Atlantic 1992 (Cm. 2265) (“the OSPAR Commission”) and its officers. These privileges and immunities are conferred in accordance with a Headquarters Agreement which has been negotiated between the Government of the United Kingdom of the one part and the OSPAR Commission of the other part (Cm. 3796).

This Order will enable Her Majesty’s Government to give effect to the Headquarters Agreement, which will enter into force on signature or on the date that the Convention for the Protection of the Marine Environment of the North-East Atlantic comes into force whichever is later. The Order will come into force on the date on which the Headquarters Agreement enters into force with respect to the United Kingdom.