

**2004 No. 3334**

**INTERNATIONAL IMMUNITIES AND PRIVILEGES**

**The European Police College (Immunities and Privileges) Order  
2004**

*Made - - - - 16th December 2004*

*Coming into force in accordance with Article 1*

At the Court at Buckingham Palace, the 16th day of December 2004

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order has been laid before Parliament in accordance with section 10 of the International Organisations Act 1968(a) ("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(b) 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 European Police College (Immunities and Privileges) Order 2004. It shall come into force on the date on which the Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the European Police College(c) enters into force. This date shall be notified in the London, Edinburgh and Belfast Gazettes.

2. In this Order:

"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(d);

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(a) 1968 c.48.

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

(c) Cm. 6342.

(d) 1964 c. 81, as amended by section 2(2) and paragraph 4 of the Schedule to the Hong Kong Act 1985 (c. 15) and by Section 1(1) of the Arms Control and Disarmament (Privileges and Immunities) Act 1988 (c. 2).

“the Archives of CEPOL” means all records, correspondence, documents, manuscripts, photographs, films, recordings, computer programmes, video tapes, discs and data held in any other media belonging to or held by CEPOL and all information therein contained;

“CEPOL” means the European Police College;

“Council Decision” means Decision 2000/820/JHA of the Council of the European Union, as amended by Decision 2004/566/JHA and Decision 2004/567/JHA of the Council(a);

“Members of Staff” means the staff of the Secretariat of CEPOL set up pursuant to Article 4 of the Council Decision, other than locally recruited staff assigned to hourly rates of pay;

“Official Activities of CEPOL” means those activities carried out pursuant to Articles 6 and 7 of the Council Decision;

“the Premises of CEPOL” means the buildings or parts of buildings and the land ancillary thereto used for the Official Activities of CEPOL.

## PART II

### CEPOL

3. CEPOL is an organisation of which the United Kingdom and other sovereign powers are members.

4. CEPOL shall have the legal capacities of a body corporate.

5. The Archives of CEPOL 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.

6. The Premises of CEPOL shall have the like inviolability as, in accordance with the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission, except that:

- (a) the Premises of CEPOL may be entered with the consent of and under conditions approved by the Administrative Director of CEPOL; such consent shall be presumed if the Administrative Director cannot be reached in time in the case of fire or other emergency requiring prompt protective action, or in the event that the competent authorities of the United Kingdom have reasonable cause to believe that such an emergency has occurred or is about to occur in the Premises of CEPOL; and
- (b) the Premises of CEPOL may be entered by duly authorised representatives of appropriate public service bodies to inspect, repair, maintain, reconstruct or relocate utilities, conduits, mains or sewers within the Premises of CEPOL under conditions which will not unreasonably disturb the carrying out of the Official Activities of CEPOL and under suitable arrangements made by the Administrative Director of CEPOL.

7.—(1) Within the scope of the Official Activities of CEPOL, CEPOL shall enjoy immunity from suit and legal process except:

- (a) to the extent that CEPOL shall have expressly waived such immunity in a particular case;
- (b) in respect of a civil action by a third party for damage caused by a motor vehicle belonging to, or operated on behalf of, CEPOL 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 the enforcement of an arbitration award made against CEPOL as a result of an express submission to arbitration by or on behalf of CEPOL;
- (e) in respect of any counter-claim directly connected with court proceedings initiated by CEPOL;

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(a) OJ No L 336, 30.12.2000, p1 amended by OJ No L 251, 27.07.2004, p19, OJ No L 251, 27.07.2004, p20.

(f) in respect of proceedings relating to a contract of employment between CEPOL and a Member of Staff.

(2) Paragraph (1) shall not prevent the taking of such measures as may be permitted by law in relation to the property and assets of CEPOL, wheresoever located and by whomsoever held, upon the delivery of a final judgment against CEPOL.

8. Within the scope of its Official Activities CEPOL, its property, assets and income shall be exempt from all direct taxes.

9. Within the scope of its Official Activities CEPOL shall have the like relief from rates on the Premises of CEPOL as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

10. CEPOL shall have relief, under arrangements made by the Secretary of State, by way of value added tax paid on the purchase of new vehicles which are necessary for the Official Activities of CEPOL, and of value added tax paid on the supply of any other goods or services of substantial value which are necessary for the Official Activities of CEPOL, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

11. CEPOL shall have relief, under arrangements made by the Secretary of State, by way of refund of insurance premium tax and air passenger duty paid by CEPOL in the exercise of its Official Activities.

12. CEPOL shall have exemption from duties (whether of customs or excise) and taxes on the importation of goods imported by CEPOL 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.

13. CEPOL shall have exemption from prohibitions and restrictions on importation or exportation of goods by CEPOL and necessary for the exercise of its Official Activities except where the prohibitions or restrictions arise from European Community law.

14. CEPOL shall have relief, under arrangements made either by the Secretary of State or 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 by CEPOL and necessary for the exercise of the Official Activities of CEPOL, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

### PART III

#### MEMBERS OF STAFF

15. Members of Staff shall enjoy:—

- (a) immunity from suit and legal process, even after they have left the service of CEPOL, in respect of acts, including words written or spoken, done by them in the exercise of their official functions; this immunity shall not apply, however, in the case of a motor traffic offence committed by a Member of Staff, nor in the case of damage caused by a motor vehicle belonging to or driven by a Member of Staff;
- (b) unless they are British citizens, British overseas territories citizens, British Overseas citizens, British Nationals (Overseas) 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 —

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(a) 1979 c. 5.

- (i) at or about the time when they first enter the United Kingdom to take up their posts as Members of Staff of CEPOL 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.

**16.**—(1) As from the date on which an internal effective tax for the benefit of CEPOL on the salaries and emoluments paid to him by CEPOL is applied, any Member of Staff shall enjoy exemption from income tax in respect of such salaries and emoluments.

(2) Paragraph (1) shall not apply to pensions or annuities paid by CEPOL.

**17.** As from the date on which CEPOL has established a social security scheme, which the Secretary of State considers to provide adequate benefits, the Members of Staff shall enjoy exemptions whereby for the purposes of the enactments relating to social security, including enactments in force in Northern Ireland —

- (a) services rendered for CEPOL 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
- (b) 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.

*A. K. Galloway*  
Clerk of the Privy Council

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order confers privileges and immunities upon the European Police College and its members of staff. These privileges and immunities are conferred in accordance with the Headquarters Agreement between the United Kingdom of Great Britain and Northern Ireland and the European Police College (Cm.6342). The Order will enable Her Majesty's Government to give effect to that Agreement and will come into force on the date on which that Agreement enters into force.





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