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STATUTORY INSTRUMENTS

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**2009 No. 1748**

**The European Organization for Astronomical Research in the Southern Hemisphere (Immunities and Privileges) Order 2009**

**PART 4**

**Officers**

**High Officers**

**15.**—(1) Except in so far as in any particular case any privilege or immunity is waived by the Council of the Organization, the Director-General of the Organization, and the person appointed to act in his stead in accordance with Article VI of the Convention, shall enjoy—

- (a) the like immunity from suit and legal process, the like inviolability of residence, and the like exemption or relief from taxes and rates, other than duties (whether of customs or excise) and taxes on the importation of goods, as are accorded to or in respect of the head of a diplomatic mission;
- (b) the like exemption from duties (whether of customs or excise) and taxes on the importation of articles imported for his personal use or the use of members of his family forming part of his household, including articles intended for his establishment, and the like privilege as to the importation of such articles, as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles are 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 either by the Secretary of State or by the Commissioners for Her Majesty's Revenue and Customs, 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) which is bought in the United Kingdom by him or on his behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements;
- (e) exemptions whereby for the purposes of the enactments relating to social security, including enactments in force in Northern Ireland—
  - (i) services rendered for the Organization shall be deemed to be excepted from any class of employment in respect of which contributions under those enactments are payable, but
  - (ii) no person shall be rendered liable to pay any contribution which he would not be required to pay if those services were not deemed to be so excepted;

provided that this Article shall not apply to any person who is a British citizen, British overseas territories citizen, British Overseas citizen, British National (Overseas) or 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 families of the officers to whom this Article applies, except to the extent that members of families of such officers forming part of their households shall enjoy immunity from suit and legal process.

### **All Other Officers**

**16.**—(1) Except in so far as in any particular case any privilege or immunity is waived by the Director-General of the Organization, or the person appointed to act in his stead in accordance with Article VI of the Convention, the members of staff of the Organization, other than high officers to whom article 15 applies shall enjoy—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the course of performance of official duties, except in the case of motor traffic offences committed by them or of damage caused by a motor vehicle belonging to or driven by them;
- (b) exemption from income tax in respect of emoluments received as an officer or servant of the Organization, provided that nothing in this paragraph shall be interpreted as precluding such emoluments from being taken into account for the purpose of assessing the amount of taxation to be applied to income from other sources;
- (c) the like exemption from duties (whether of customs or excise) and taxes on the importation of articles which—
  - (i) at or about the time when they first enter the United Kingdom to take up their posts as members of the staff of the Organization are imported for their personal use, including articles intended for their establishments, 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,and the like privilege as to the importation of such articles as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent, if they have a contract of employment with the Organization of not less than one year;

provided that this paragraph shall not apply to any person who is a British citizen, British overseas territories citizen, British Overseas citizen, British National (Overseas) or 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 families of the officers to whom this Article applies, except to the extent that members of families of such officers forming part of their households shall enjoy immunity from suit and legal process to the extent enjoyed by such officers under paragraph (1) (a).