

## 1960 No. 1383

**The International Development Association Order, 1960***Laid before Parliament in draft**Made - - - 3rd August, 1960**Coming into Operation 24th September, 1960*

At the Court at Buckingham Palace, the 3rd day of August, 1960

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section three of the International Development Association Act, 1960(a), and of all other powers enabling Her in that behalf is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the International Development Association Order, 1960.

(2) This Order shall come into operation on the date on which Her Majesty's Government in the United Kingdom becomes a member of the Association, which date shall be notified in the London Gazette.

2.—(1) In this Order "the Agreement" and "the Association" have the same meanings respectively as in the International Development Association Act, 1960.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The provisions of the Agreement set out in the Schedule to this Order shall have the force of law:

Provided that nothing in Section 9 of Article VIII of the Agreement shall be construed as—

- (a) entitling the Association to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported; or
- (b) conferring on the Association any exemption from duties or taxes which form part of the price of goods sold; or
- (c) conferring on the Association any exemption from duties or taxes which are in fact no more than charges for services rendered.

4. This Order shall extend to all parts of Her Majesty's dominions (other than Canada, Australia, New Zealand, the Union of South Africa and Ceylon, and any territory administered by the Government of any of those countries) and, to the extent that Her Majesty has jurisdiction therein, to all other territories for whose foreign relations Her Majesty's Government in the United Kingdom is responsible:

Provided that if, whether before or after the passing of the International Development Association Act, 1960, and whether before or after the coming into operation of this Order, effect is given by or under the law of any such part of Her Majesty's dominions or other territory to any provision of the Agreement set out in the Schedule to this Order, this Order, so far as it gives effect to that provision, shall not extend to that part of Her Majesty's dominions or other territory in respect of any period for which effect is so given to that provision.

W. G. Agnew.

## SCHEDULE

### PROVISIONS OF THE AGREEMENT AS TO STATUS, IMMUNITIES AND PRIVILEGES

#### Article VIII

#### STATUS, IMMUNITIES AND PRIVILEGES

##### Section 2. *Status of the Association*

The Association shall possess full juridical personality and, in particular, the capacity:

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

##### Section 3. *Position of the Association with Regard to Judicial Process*

Actions may be brought against the Association only in a court of competent jurisdiction in the territories of a member in which the Association has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Association shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Association.

##### Section 4. *Immunity of Assets from Seizure*

Property and assets of the Association, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

##### Section 5. *Immunity of Archives*

The archives of the Association shall be inviolable.

##### Section 6. *Freedom of Assets from Restrictions*

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Association shall be free from restrictions, regulations, controls and moratoria of any nature.

**Section 8. Immunities and Privileges of Officers and Employees**

All Governors, Executive Directors, Alternates, officers and employees of the Association:

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Association waives this immunity . . . . .

**Section 9. Immunities from Taxation**

(a) The Association, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Association shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Association to Executive Directors, Alternates, officials or employees of the Association who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Association (including any dividend or interest thereon) by whomsoever held

- (i) which discriminates against such obligation or security solely because it is issued by the Association; or
- (ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Association.
- (d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Association (including any dividend or interest thereon) by whomsoever held
- (i) which discriminates against such obligation or security solely because it is guaranteed by the Association; or
- (ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Association.

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order confers the status, immunities and privileges required by the Agreement for the establishment and operation of the International Development Association (Cmnd. 965). It will not come into operation until Her Majesty's Government, having signed the Agreement, becomes a member of the Association. This date will, under the provisions of the Order, be notified in the London Gazette.