STATUTORY INSTRUMENTS

2015 No. 1884

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The Asian Infrastructure Investment Bank (Immunities and Privileges) Order 2015

Made - - - - 11th November 2015

Coming into force in accordance with article 1(2)

At the Court at Buckingham Palace, the 11th day of November 2015

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by section 1 of the International Organisations Act 1968(**1**).

A draft of this Order has been approved by resolution of each House of Parliament pursuant to section 10(1) of the International Organisations Act 1968(**2**).

Accordingly, Her Majesty is pleased, by and with the advice of Her Privy Council, to order as follows —

PART 1

General

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Asian Infrastructure Investment Bank (Immunities and Privileges) Order 2015.

(2) It comes into force on:

(**1**) 1968 c.48.

(**2**) The function of approving a draft of an Order in Council under section 10 of that Act has been transferred from both Houses of Parliament to the Scottish Parliament under section 118 of the Scotland Act 1998 c.46 (as amended by section 12 of the Scotland Act 2012 c.11) in so far as the function is exercisable within devolved competence.

(a) the day after the day on which it is made; or

(b) if later, the day on which the United Kingdom becomes a member of the Bank(**3**).

2. The Order extends to the whole United Kingdom subject to article 3.

3. Article 11 extends to England and Wales and Northern Ireland only(**4**).

4. In Scotland—

(a) articles 8, 9, 13 and 18 do not apply in so far as they would, if included in an Act of the Scottish Parliament, be within the legislative competence of that Parliament;

(b) article 10 does not apply to devolved taxes or local taxes to fund local authority expenditure (within the meaning of the exceptions to Section A1 (fiscal, economic and monetary policy) of Part 2 of Schedule 5 to the Scotland Act 1998)(**5**).

Interpretation

5.—(1) In this Order:

(a) "Agreement" means the Articles of Agreement of the Asian Infrastructure Investment Bank done in Beijing on 29th June 2015(**6**);

(b) "Bank" means the Asian Infrastructure Investment Bank established by the Agreement;

(c) "member of the Bank" means a member in accordance with Article 3 or Article 58 of the Agreement;

(d) "official activities" means activities of the Bank undertaken pursuant to the Agreement, including administrative activities;

(e) "person connected with the Bank" means a Governor, Alternate Governor, Director, Alternate Director, President, Vice-President, other officer or employee of the Bank, or expert or person engaged on a mission for the Bank;

(f) "premises of the Bank" means the land, buildings and parts of buildings used by the Bank for its official activities.

(2) In this Order, in respect of the Bank, references to:

(a) "official purposes" are to its official purposes pursuant to the Agreement;

(b) "official use" are to its official use pursuant to the Agreement.

PART 2

The Bank

6. The Bank is an organisation of which the United Kingdom and other sovereign Powers are members.

7. The Bank shall have the legal capacities of a body corporate.

(**3**) The United Kingdom will be become a member of the Bank in accordance with Article 58(2) of the Agreement when the Agreement enters into force for the United Kingdom. The date on which the Agreement enters into force for the United Kingdom will be published on the relevant page on UK Treaties Online which can be found at this link: https://www.gov.uk/uk-treaties.

(**4**) The setting of non-domestic rates is within the legislative competence of the Scottish Parliament by exemption to Section A1 of Schedule 5 of the Scotland Act 1998 c.46; Section A1 was amended by the Scotland Act 2012 (c.11), section 23(5).

(**5**) 1998 c.46.

(**6**) Cm. 9126.