Draft Legislation: *This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The European Organization for Astronomical Research in the Southern Hemisphere (Immunities and Privileges) (Amendment) Order 2017 ISBN 978-0-11-115498-4*

Draft Order laid before Parliament under section 10 of the International Organisations Act 1968, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2017 No.

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The European Organization for Astronomical Research in the Southern Hemisphere (Immunities and Privileges) (Amendment) Order 2017

Made - - - -	***
Coming into force - -	***

At the Court at Buckingham Palace, the *** day of ***

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 1 and 10(3) of the International Organisations Act 1968(**1**) ("the Act").

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

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

Citation and commencement

1. This Order may be cited as the European Organization for Astronomical Research in the Southern Hemisphere (Immunities and Privileges) (Amendment) Order 2017 and comes into force on the day after the day on which it is made.

(**1**) 1968 c.48; section 1 was amended by the International Organisations Act 1981 (c.9), section 1, and S.I. 2005/3542, article 2(1).

(**2**) The function of approving a draft of an Order in Council under section 10 of the 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.

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

2.—(1) The European Organization for Astronomical Research in the Southern Hemisphere (Immunities and Privileges) Order 2009(**3**) is amended as follows.

(2) After article 1, insert—

"**1A.**—(1) This Order extends to the whole of the United Kingdom subject to paragraph (2).

(2) Article 9 extends to England and Wales and Northern Ireland only.

(3) In Scotland, articles 6, 7, 11, 14, 15 and 16 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.".

(3) In article 15 (High Officers)—

(a) in paragraph (1)—

(i) for sub-paragraph (a), substitute—

"(a) the like—

(i) immunity from suit and legal process,

(ii) inviolability of residence, and

(iii) 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;", and

(ii) at the end of sub-paragraph (e), omit the words from "provided that this Article" to the end; and

(b) after paragraph (2), insert—

"(3) Subject to paragraphs (4) and (5), paragraph (1)(a) to (d) does 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.

(4) Paragraph (1)(a)(i) applies 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 in respect of things done or omitted to be done by them in the course of performance of official duties.

(5) Paragraph (1)(a)(iii) applies 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 only in respect of exemption from income tax on emoluments received as an officer 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.".

(4) In article 16(1) (All Other Officers), in the full out, for "this paragraph" substitute "sub-paragraph (c)".

(**3**) S.I. 2009/1748.