Draft Order in Council laid before Parliament under section 10 (1) of the International Organisations Act 1968, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No. 0000

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The European Organization for Nuclear Research (Privileges and Immunities) Order 2006

Made - - - -	*2006*
Coming into force - -	*2006*

At the Court at Buckingham Palace, the ** day of ** 2006

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 10 of the International Organisations Act 1968 ("the Act")(**1**) a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 1 of the Act(**2**) is pleased, by and with the advice of Her Privy Council, to order, and it is ordered, as follows: —

PART I

GENERAL

1. This Order may be cited as the European Organization for Nuclear Research (Privileges and Immunities) Order 2006, and shall come into force on the date on which the Protocol on the Privileges and Immunities of the European Organization for Nuclear Research(**3**) enters into force in respect of the United Kingdom. This date shall be notified in the London, Edinburgh and Belfast Gazettes.

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

(**2**) Paragraphs 3, 4, and 9 of Schedule 1 were amended by the Customs and Excise Management Act 1979 (c.2), Schedule 4, paragraph 12; paragraph 10 of Schedule 1 was amended by both by the Customs and Excise Management Act 1979, Schedule 4, paragraph 12 and the International Organisations Act 1981(c.9), section 5(2); paragraph 16 was amended by both the Customs and Excise Management Act 1979, Schedule 4, paragraph 12 and the International Organisations Act 1981, section 5(3).

(**3**) Cm. 6356.

2. In this Order—

"the Act" means the International Organisations Act 1968;

"Convention" means the Convention for the Establishment of a European Organization for Nuclear Research and the Financial Protocol annexed thereto, signed on 1 July 1953(**4**) and amended on 17 January 1971(**5**);

"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(**6**);

"Members" means those States which are a party to the Protocol on the Privileges and Immunities of the European Organization for Nuclear Research;

"official activities" refers to the activities of the Organisation as set out in the Convention;

"officials" means "staff" as defined in article VI of the Convention;

"the Organisation" means the European Organization for Nuclear Research;

"Protocol" means the Protocol on the Privileges and Immunities of the European Organization for Nuclear Research.

PART II

THE ORGANISATION

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

4. The Organisation shall have the legal capacities of a body corporate.

5. In the exercise of the official activities of the Organisation, the Organisation shall enjoy immunity from suit and legal process except—

(a) in so far as such immunity is waived in a particular case by the Council of the Organisation;

(b) in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle belonging to, or operated on behalf of, the Organisation or in respect of a motor traffic offence involving such a vehicle;

(c) in respect of the enforcement of an arbitration award made under Article 16 or 18 of the Protocol;

(d) in respect of any counter-claim directly connected with court proceedings initiated by the Organisation.

6. The Organisation's property and assets shall enjoy immunity from suit and legal process, except—

(a) in so far as such immunity is waived in a particular case by the Council of the Organisation;

(b) in so far as the property or assets may be temporarily necessary in connection with the prevention or investigation of accidents involving motor vehicles belonging to, or operated on behalf of, the Organisation;

(c) in respect of an attachment order against the salaries, wages and emoluments owed by the Organisation to an official of the Organisation.

(**4**) Cm. 928.
(**5**) Cm.5233.
(**6**) 1964 c.81.

7. The Organisation shall have the like inviolability of official archives and premises as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives and premises of a diplomatic mission, except that the premises of the Organisation may be entered by an agent of the competent authorities with the express consent of the Director-General of the Organisation or his duly authorised representative; such consent shall be presumed if it is not practicable to contact the Director-General in the case of fire or other disaster requiring prompt protective action.

8. Within the scope of its official activities the Organisation, its property and income shall be exempt from Income Tax, Corporation Tax and Capital Gains Tax.

9.—(1) The Organisation shall have—

(a) relief, under arrangements made by the Secretary of State, by way of refund of value added tax paid on the supply of any goods and services of substantial value which are necessary for the official activities of the Organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements;

(b) exemption from prohibitions and restrictions on importation or exportation of goods by the Organisation which are necessary for the exercise of its official activities except where the prohibitions or restrictions arise from European Community law; and

(c) exemption from duties (whether of customs or excise) and taxes on the importation of goods by the Organisation which are necessary for the exercise of its official activities, such exemption to be subject to compliance with such conditions as the Commissioners for Her Majesty's Revenue and Customs may prescribe for the protection of the Revenue.

(2) No exemption or reimbursement shall be granted for duties, taxes or other charges of any kind which only constitute remuneration for services rendered.

(3) No provision within this article is applicable to the purchase or use of goods or services or the importation of goods intended for the personal use of the Director-General or any official of the Organisation.

PART III

REPRESENTATIVES

10.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Member which they represent, representatives of Members at the meetings of the Organisation shall enjoy, while exercising their functions and in the course of their journeys to and from the place of meeting—

(a) the like immunity from personal arrest or detention as is accorded to the head of a diplomatic mission;

(b) the like exemption and privileges in respect of their personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent; and

(c) immunity from suit and legal process, even after the termination of their mission, in respect of acts, including words spoken or written, performed by them in their official capacity, except in the case of a motor traffic offence committed by a representative or in the case of damage caused by a motor vehicle belonging to or driven by him.

(2) This Article shall not operate so as to confer any privilege or immunity on any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen, a British National (Overseas) or a permanent resident of the United Kingdom.