

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(a) 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)”.

Name
Clerk of the Privy Council

(a) S.I. 2009/1748.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the European Organization for Astronomical Research in the Southern Hemisphere (Immunities and Privileges) Order 2009 (S.I. 2009/1748) (“the principal Order”). It is being issued free of charge as the amendments are made to ensure the principal Order properly implements the Protocol on the privileges and immunities of the European Organization for Astronomical Research in the Southern Hemisphere (Cm 8516) which entered into force for the UK on 25 September 2012 (“the Protocol”). It also clarifies the extent and application of the principal Order.

Articles 15 and 16 of the principal Order make provision for privileges and immunities conferred by the Protocol on the officers of the European Organization for Astronomical Research in the Southern Hemisphere (“the Organization”).

Article 2(3) amends article 15 of the principal Order to ensure that, if the Director-General or person appointed to act instead of the Director-General of the Organization has a form of British nationality, that person shall benefit from immunity from suit and legal process in respect of official acts, from exemption from income tax on emoluments received as an officer of the Organization, and from exemptions relating to social security.

Article 2(4) amends article 16 of the principal Order to provide that any officer of the Organization (other than an officer falling within article 15 of the principal Order) who has a form of British nationality shall benefit from immunity from suit and legal process in respect of official acts, and from exemption from income tax in respect of emoluments received as an officer of the Organization.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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