

This draft Statutory Instrument supersedes the drafts of the same title which were laid before Parliament on 27th January 2017 and 22nd February 2017 and published on the same dates (ISBN 978-0-11-115336-9 and ISBN 978-0-11-115471-7 respectively). It is being issued free of charge to all known recipients of those draft Statutory Instruments.

This Statutory Instrument rectifies a defect in S.I. 2009/1748 and is being issued free of charge to all known recipients of that Statutory Instrument.

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**(a)** (“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**(b)**.

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

(a) 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).

(b) 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.

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.

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) after sub-paragraph (e), omit the words from “provided that this Article” to the end of paragraph (1); 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, except in the case of motor traffic offences committed by them or of damage caused by a motor vehicle belonging to or driven by them.

(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)”.

(a) S.I. 2009/1748.

Name
Clerk of the Privy Council

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 (not including motor vehicle offences or damage), 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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