
STATUTORY INSTRUMENTS

1973 No. 958

**The African Development Fund
(Immunities and Privileges) Order 1973**

PART II

THE FUND

3. The African Development Fund (hereinafter referred to as the Fund) is an organisation of which the United Kingdom and foreign sovereign powers are members.

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

5.—(1) The Fund shall have immunity from suit and legal process except:

- (a) to the extent that the Board of Directors of the Fund shall have expressly waived such immunity in a particular case;
- (b) in relation to a civil action arising out of an accident caused by a motor vehicle belonging to the Fund or operated on its behalf or to a traffic offence committed by the driver of such a vehicle; and
- (c) if the Fund has appointed an agent for the purpose of accepting service or notice of process, in respect of any proceedings (other than proceedings brought against the Fund by any participant or by any agency or instrumentality of a participant, or by any entity or person directly or indirectly acting for or deriving claims from a participant or from any agency or instrumentality of a participant) arising out of or in connection with the exercise of its powers to receive loans.

(2) The provisions of paragraph (1) of this Article shall not prevent the taking of such measures as may be permitted by law in relation to the execution of judgment against the Fund.

6. The Fund shall have the like inviolability of official archives as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives of a diplomatic mission. Premises of the Fund shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure.

7. The Fund shall have the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, as is accorded to a foreign sovereign power.

8. The Fund shall have the like relief from rates on its official premises as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

9. The Fund shall have exemption from customs duties and taxes on the importation of goods imported by or on behalf of the Fund for its official use in the United Kingdom, or on the importation of any publications of the Fund imported by it or on its behalf, such exemption to be subject to compliance with such conditions as the Commissioners of Customs and Excise may prescribe for the protection of the Revenue.

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10. The Fund shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Fund for its official use and in the case of any publications of the Fund imported or exported by it.

11. The Fund shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs & Excise) Act 1971) which is bought in the United Kingdom and used for the official purposes of the Fund, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

12. The Fund shall have relief, under arrangements made by the Secretary of State, by way of refund of car tax paid on any vehicles and value added tax paid on the supply of any goods which are used for the official purposes of the Fund, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.