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STATUTORY INSTRUMENTS

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**1974 No. 1251**

**The Asian Development Bank  
(Immunities and Privileges) Order 1974**

**PART II**

**THE BANK**

**4.** The Asian Development Bank (hereinafter referred to as the Bank) is an organisation of which the United Kingdom and foreign sovereign Powers are members.

**5.** The Bank shall have the legal capacities of a body corporate.

**6.—(1)** The Bank shall have immunity from suit and legal process except;

- (a) to the extent that it shall have expressly waived such immunity in a particular case; and
- (b) if the Bank has appointed an agent for the purpose of accepting service or notice of process or has issued or guaranteed securities in the United Kingdom, in respect of any proceedings (other than proceedings brought against the Bank by any member, or by any agency or instrumentality of a member, or by any entity or person directly or indirectly acting for or deriving claims from a member or from any agency or instrumentality of a member) arising out of or in connection with the exercise of its powers to borrow money, to guarantee obligations, or to buy and sell or underwrite the sale of securities.

(2) 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 Bank.

**7.** The Bank 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 Bank shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure.

**8.** The Bank 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.

**9.** The Bank shall have the like relief from rates as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

**10.** The Bank shall have exemption from customs duties and taxes on the importation of goods imported by or on behalf of the Bank for its official use in the United Kingdom, 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.

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

**12.** The Bank 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

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for the official purposes of the Bank, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

**13.** The Bank 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 Bank, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.