

1975 No. 158

**DIPLOMATIC AND INTERNATIONAL
IMMUNITIES AND PRIVILEGES****The European Centre for Medium-range Weather Forecasts
(Immunities and Privileges) Order 1975***Laid before Parliament in draft**Made - - - - 12th February 1975**Coming into Operation On a date to be notified in the
London, Edinburgh and Belfast
Gazettes*

At the Court at Buckingham Palace, the 12th day of February 1975

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 10(1) of the International Organisations Act 1968(a) (hereinafter referred to as the Act) and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by section 1 of the Act or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

GENERAL

Citation and Entry into Force

1. This Order may be cited as the European Centre for Medium-range Weather Forecasts (Immunities and Privileges) Order 1975. It shall come into operation on the date on which the Convention establishing the European Centre for

(a) 1968 c. 48.

Medium-range Weather Forecasts (hereinafter referred to as the Convention) signed by the United Kingdom at Brussels on 11th October 1973(a), enters into force. This date shall be notified in the London, Edinburgh and Belfast Gazettes.

Interpretation

2.—(1) For the purposes of this Order, the official activities of the European Centre for Medium-range Weather Forecasts (hereinafter referred to as the Centre) shall include the administration of the Centre and its activities carried out in pursuance of its objectives as defined in Article 2 of the Convention.

(2) In this Order “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(b).

(3) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II

THE CENTRE

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

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

5.—(1) Within the scope of its official activities, the Centre shall have immunity from suit and legal process except:

(a) to the extent that such immunity in a particular case has either been expressly waived by a decision of the Council of the Centre or has been deemed to have been waived. The Centre shall be deemed to have waived immunity if, after receiving a request for waiver of immunity in a particular case by either another party to the proceedings or by the person or body before which the proceedings are pending, the Centre has not given notice, within 15 days of receipt of the request, that the Centre does not waive immunity;

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

(c) in respect of the enforcement of an arbitration award made under Article 17 of the Convention or pursuant to Article 23 of the Protocol annexed to the Convention; and

(a) Cmnd. 5632.

(b) 1964 c. 81.

(c) 1889 c. 63.

(d) in the event of the attachment, pursuant to the order of a court of law, of the salaries, wages or other emoluments owed by the Centre to an officer of the Centre.

(2) The provisions of the preceding paragraph shall not prevent the taking of such measures as may be permitted by law in relation to the property and assets of the Centre in so far as they may be temporarily necessary in connection with the prevention of, and investigation into, accidents involving vehicles belonging to, or operated on behalf of, the Centre.

6.—(1) The Centre 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.

(2) The Centre shall have the like inviolability of premises as, in accordance with the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission.

7. Within the scope of its official activities, the Centre 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 Centre 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 Centre shall have exemption from customs duties and taxes on the importation of goods imported by the Centre and necessary for the exercise of its official activities, or on the importation of any publications of the Centre imported by it, 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.

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

11. The Centre 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(a)) which is bought in the United Kingdom and necessary for the exercise of the official activities of the Centre, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

12. The Centre 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 and services which are necessary for the exercise of the official activities of the Centre, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART III

REPRESENTATIVES

13.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the Member State whom they represent, representatives of Member States of the Centre shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the exercise of their functions, except in the case of a traffic offence committed by a representative or in the case of damage caused by a vehicle belonging to or driven by him;
- (b) while exercising their functions and during their journeys to and from the place of meetings convened by the Centre, the like immunity from personal arrest or detention as is accorded to a diplomatic agent, provided that a representative shall not enjoy such immunity if there are reasonable grounds for suspecting that he is in the course of committing, attempting to commit, or has just committed an offence;
- (c) while exercising their functions and during their journeys to and from the place of meetings convened by the Centre, the like inviolability for all their official papers and documents as is accorded to a diplomatic agent.

(2) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on the official staff of representatives, other than alternate representatives.

(3) Neither the provisions of the preceding paragraphs of this Article, nor those of Part IV of Schedule 1 to the Act, shall operate so as to confer any privilege or immunity on any person as the representative or alternate representative of Her Majesty's Government in the United Kingdom or on any person who is a citizen of the United Kingdom and Colonies.

(4) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on families of representatives or alternate representatives.

PART IV
OFFICERS

14. Except in so far as in any particular case any privilege or immunity is waived by the Director of the Centre or (in the case of the Director) by the Council of the Centre, all officers of the Centre, with the exception of those who are recruited locally and assigned to hourly rates of pay or who are otherwise not subject to the staff rules of the Centre, shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the course of the performance of their official duties, except in the case of a traffic offence committed by an officer or in the case of damage caused by a vehicle belonging to or driven by him;
- (b) as from the date on which the emoluments received by them as officers of the Centre become subject to taxation by the Centre for its benefit, exemption from income tax in respect of such emoluments;
- (c) unless they are citizens of the United Kingdom and Colonies, the like exemption from customs duties and taxes on the importation of articles which—
 - (i) at or about the time when they first enter the United Kingdom, for the purpose of taking up post as officers of the Centre for a period of at least one year, are imported for their personal use or that of members of their families forming part of their households, including articles intended for their establishment, and
 - (ii) are articles which were in their ownership or possession or that of such members of their families, or which they or such members of their families were under contract to purchase, immediately before they so entered the United Kingdom,
 as, in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles, is accorded to a diplomatic agent; and
- (d) unless they are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, as from the date on which the Centre establishes its own social security scheme or joins that of another international organisation, exemptions whereby, for the purposes of the enactments relating to national insurance and social security, including enactments in force in Northern Ireland,—
 - (i) services rendered for the Centre by them shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but
 - (ii) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted,

provided that until the day appointed for the coming into force of section 2 of the Social Security Act 1973^(a) the following shall apply in substitution for the foregoing provisions of this sub-paragraph—

(a) 1973 c. 38.

“unless they are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, as from the date on which the Centre establishes its own social security scheme or joins that of another international organisation, exemptions whereby for the purposes of the National Insurance Acts 1965 to 1973, the National Insurance (Industrial Injuries) Acts 1965 to 1973, any enactment for the time being in force amending any of those Acts, and any enactment of the Parliament of Northern Ireland corresponding to any of those Acts or to any enactment amending any of those Acts,—

- (i) services rendered for the Centre by them shall be deemed to be excepted from any class of employment which is insurable employment, or in respect of which contributions are required to be paid, but
- (ii) no person shall be rendered liable to pay any contribution which he would not be required to pay if those services were not deemed to be so excepted.”.

PART V

EXPERTS

15. Except in so far as in any particular case any privilege or immunity is waived by the Director of the Centre, an expert (other than an officer of the Centre) serving on any committee of the Centre or employed on missions on its behalf shall, so far as is necessary for the carrying out of his functions, including during journeys made in carrying out his functions and in the course of such missions, enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by him in the exercise of his functions, except in the case of a traffic offence committed by him or in the case of damage caused by a vehicle belonging to or driven by him;
- (b) while he is employed by the Centre, the like inviolability for all his official papers and documents as is accorded to a diplomatic agent.

N. E. Leigh.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order confers privileges and immunities on the European Centre for Medium-range Weather Forecasts, representatives of its members, its officers and experts. These privileges and immunities are conferred in accordance with the Convention establishing the Centre, and the Protocol on Privileges and Immunities annexed to it, (Cmnd. 5632) signed by the United Kingdom on 11th October 1973. The Order will come into operation on the date on which the Convention enters into force.

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