
STATUTORY INSTRUMENTS

1978 No. 1105

The European Space Agency
(Immunities and Privileges) Order 1978

PART IV
OFFICERS

High Officers

15.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Council of the Agency, the Director General of the Agency and, when his office is vacant, the person appointed to act in his place in accordance with paragraph 1(c) of Article XII of the Convention shall enjoy:—

- (a) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from rates and taxes, other than income tax in respect of his emoluments and customs duties and taxes on the importation of goods, as are accorded to or in respect of the head of a diplomatic mission;
- (b) the like exemption from customs duties and taxes on the importation of articles imported for his personal use or the use of members of his family forming part of his household, including articles intended for his establishment, as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent;
- (c) the like exemption and privileges in respect of his personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent; and
- (d) relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of customs duty paid on or value added tax paid on the importation of any hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs and Excise) Act 1971) which is bought in the United Kingdom, by him or on his behalf, for his personal use or the use of members of his family forming part of his household, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements;

provided that this Article shall not apply to any person who is a citizen of the United Kingdom and Colonies or to any person who, at the time of taking up his duties in the United Kingdom, is a permanent resident of the United Kingdom.

(2) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on the families of the officers to whom this Article applies.

All Officers

16. Except in so far as in any particular case any privilege or immunity is waived by the Director General of the Agency or, in the case of the Director General, by the Council, the Director General and the other permanent members of the staff of the Agency shall enjoy:—

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- (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 motor traffic offence committed by a member of the staff of the Agency or in the case of damage caused by a motor vehicle belonging to or driven by a member of the staff;
- (b) exemption from income tax in respect of salaries and emoluments received by them as members of the staff of the Agency, provided that nothing in this sub-paragraph shall be interpreted as precluding such salaries and emoluments from being taken into account for the purpose of assessing the amount of taxation to be applied to income from other sources; and
- (c) unless they are citizens of the United Kingdom and Colonies or, at the time of taking up their duties in the United Kingdom, permanent residents of the United Kingdom, the like exemption from customs duties and taxes on the importation of articles which:—
 - (i) at the time when they first enter the United Kingdom to take up their posts as members of the staff of the Agency 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.