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STATUTORY INSTRUMENTS

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**1988 No. 1299**

**The EUTELSAT (Immunities and Privileges) Order 1988**

**PART II**

**THE ORGANISATION**

4. The Organisation is an organisation of which the United Kingdom and other sovereign Powers are members.

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

6.—(1) The Organisation shall, in the exercise of its official activities, have immunity from suit and legal process except in the following cases –

- (a) to the extent that the Director General shall have expressly waived such immunity in a particular case;
- (b) where a civil action is brought by a third party for damage arising from an accident caused by a motor vehicle or any other means of transport belonging to or operated on behalf of the Organisation, or in respect of a traffic offence involving such a vehicle or means of transport;
- (c) in the event of the attachment or, in Scotland, arrestment, pursuant to a final order of a court of law, of the salaries and emoluments including pensions, owed by the Organisation to a staff member or a former staff member;
- (d) in respect of a counter-claim directly connected with judicial proceedings instituted by the Organisation;
- (e) for the enforcement of an arbitration award made under Article XX of the Convention or Article 20 of the Operating Agreement.

(2) Notwithstanding paragraph (1), the Organisation shall have immunity from suit and legal process in respect of actions brought by Parties or Signatories or persons acting for or deriving claims from any of them, relating to rights or obligations under the Convention or Operating Agreement.

(3) The Organisation shall have immunity from all forms of search, restraint, requisition, seizure, confiscation, expropriation, sequestration or execution, in relation to –

- (a) the EUTELSAT space segment, wherever located and by whomsoever held; and
- (b) all other property of the Organisation, wherever located and by whomsoever held, except in respect of:
  - (i) attachment (or, in Scotland, arrestment) or execution in order to satisfy a final judgment or order of a court of law that relates to any proceedings brought against the Organisation pursuant to paragraph (1) of this Article;
  - (ii) any action permitted by law in so far as it is temporarily necessary in connection with the prevention of or investigation into accidents involving motor vehicles or other means of transport belonging to, or operated on behalf of, the Organisation;

(iii) expropriation in respect of real or, in Scotland, heritable, property for public purposes and subject to prompt payment of fair compensation, provided that such expropriation does not prejudice the functions and operations of the Organisation.

(4) The Assembly of Parties of the Organisation may waive any of the privileges and immunities accorded to the Organisation under the preceding provisions of this Article or under Articles 7 to 12 of this Order.

7. The Organisation shall have the like inviolability in respect of its archives as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives of a diplomatic mission.

8. Within the scope of its official activities, the Organisation shall have exemption from taxes on income and capital gains.

9. The Organisation 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.

10. Within the scope of its official activities, the Organisation shall have exemption from duties (whether of customs or excise) and taxes on the importation by or on behalf of the Organisation of communications satellites and their component parts, of the EUTELSAT space segment, and of equipment for use in the EUTELSAT space segment or imported in connection with the launching of satellites for that use, 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 Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Organisation and acquired by it, or on its behalf, within the scope of its official activities and in the case of official publications of the Organisation imported or exported by it.

12. The Organisation shall have relief, under arrangements made by the Secretary of State, by way of refund of car tax and value added tax paid on the purchase of new motor cars of United Kingdom manufacture and of value added tax paid on the supply of other goods or services, whenever the Organisation makes major purchases which are necessary for the performance of its official activities, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.