

1990 No. 2142

**INTERNATIONAL IMMUNITIES AND
PRIVILEGES**

**The European Bank for Reconstruction and
Development (Immunities and Privileges) Order 1990**

Made - - - - 31st October 1990

*Coming into force On a date to be notified in
the London, Edinburgh
and Belfast Gazettes*

At the Court at Buckingham Palace, the 31st day of October 1990

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 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(b) 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 Bank for Reconstruction and Development (Immunities and Privileges) Order 1990 and shall come into force on the date on which the Agreement establishing the European Bank for Reconstruction and Development(c) enters into force in respect of the United Kingdom. That date shall be notified in the London, Edinburgh and Belfast Gazettes.

Interpretation

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(d).

(a) 1968 c.48. (b) As amended by section 1 of the International Organisations Act 1981 (c.9). (c) Cm. 1116.
(d) 1964 c.81.

PART II

THE BANK

3. The European Bank for Reconstruction and Development (hereinafter referred to as "the Bank") is an organisation of which the United Kingdom and other sovereign Powers are members.

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

5. Except to the extent that the Board of Directors of the Bank shall have waived such immunity, the Bank shall have immunity from suit and legal process –

(a) where the Bank has no office in the United Kingdom, nor appointed an agent in the United Kingdom for the purpose of accepting service or notice of process, nor has issued or guaranteed securities in the United Kingdom; or

(b) where actions are brought by any member of the Bank or by any person acting for or deriving claims from any member of the Bank; or

(c) in respect of any form of seizure of, or attachment or execution on, the property or assets of the Bank, wheresoever located or by whomsoever held, before the delivery of final judgment against the Bank; or

(d) in respect of the search, requisition, confiscation or expropriation of the property or assets of the Bank, wheresoever located and by whomsoever held.

6. 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.

7. Within the scope of its official activities the Bank, its property and income shall have exemption from taxes on income and capital gains.

8. The Bank 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 Bank shall be exempt from duties (whether of customs or excise) and taxes on the importation by it or on its behalf of goods and publications necessary for the exercise of the official activities of the Bank, 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 Bank shall be exempt from prohibitions and restrictions on importation or exportation in the case of goods and publications imported or exported by the Bank and necessary for the exercise of its official activities.

11. The Bank shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of duty (whether of customs or excise) paid on imported hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979(a)) or value added tax paid on the importation of such oil which is bought in the United Kingdom and is necessary for the exercise of its official activities, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

12. 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 or services of substantial value which are necessary for the exercise of the official activities of the Bank, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

(a) 1979 c.5.

PART III
OFFICERS, EMPLOYEES AND EXPERTS

13. Except in so far as any privilege or immunity is waived by the Board of Directors or the President of the Bank, any Governor, Director, Alternate, officer or employee of the Bank and any expert performing a mission for the Bank shall enjoy –

- (a) immunity from suit and legal process in respect of acts, performed by him in his official capacity, except in respect of civil liability in the case of damage arising from a road traffic accident caused by him;
- (b) such immunity from suit and legal process as is necessary to ensure that all their official papers and documents have the like inviolability as, in accordance with the 1961 Convention Articles, is accorded in respect of official archives of a diplomatic mission.

14.—(1) As from the date on which an internal effective tax for the benefit of the Bank on the emoluments paid to him by the Bank is applied, any Director, Alternate Director, officer or employee of the Bank shall enjoy exemption from income tax in respect of such emoluments, provided that nothing in this paragraph shall be interpreted as precluding such emoluments from being taken into account for the purpose of assessing the amount of taxation to be applied to income from other sources.

(2) Paragraph (1) of this Article shall not apply to pensions and annuities paid by the Bank.

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers privileges and immunities on the European Bank for Reconstruction and Development, its officers, employees and experts performing missions for the Bank. These privileges and immunities are conferred in accordance with Chapter VIII of the Agreement establishing the European Bank for Reconstruction and Development (Cm.1116). It will enable Her Majesty's Government to give effect to Chapter VIII of the Agreement, and will come into force on the date on which the Agreement enters into force with respect to the United Kingdom.

95p net

ISBN 0 11 005142 4

Printed in the United Kingdom for HMSO

810 WO18699 C10 11/90 452 7102 O/N 88174