
S T A T U T O R Y I N S T R U M E N T S

2000 No. 1105

INTERNATIONAL IMMUNITIES AND PRIVILEGES

**The Organisation for Joint Armament Cooperation
(Immunities and Privileges) Order 2000**

Made - - - - - 19th April 2000

Coming into force in accordance with Article 1

At the Court at Windsor Castle, the 19th day of April 2000

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) ("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

1. This Order may be cited as the Organisation for Joint Armament Cooperation (Immunities and Privileges) Order 2000. It shall come into force on the date on which the Convention between the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the French Republic, the Government of the Federal Republic of Germany and the Government of the Italian Republic on the Establishment of the Organisation for Joint Armament Cooperation (Organisation Conjointe de Cooperation en Matiere d'Armament) OCCAR(c) (hereinafter referred to as the Convention) enters into force. This date shall be notified in the London, Edinburgh and Belfast Gazettes.

2. In this Order—

"the Organisation" means the Organisation for Joint Armament Cooperation established by the Convention;

"official activities" in relation to the Organisation means its administrative activities and those which it is authorised to undertake pursuant to the Convention;

"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. 4367.

(d) 1964 c. 81.

PART II

THE ORGANISATION

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

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

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

6.—(1) The Organisation 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;
- (b) in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle belonging to, or operated on behalf of, the Organisation, or in respect of a motor traffic offence involving such a vehicle;
- (c) in respect of the enforcement of an arbitration award made under the terms of any contract made by the Organisation;
- (d) in respect of an attachment order against the salaries, wages and emoluments owed by the Organisation to a member of staff.

(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 Organisation in so far as they may be temporarily necessary in connection with the prevention of, and investigation into, accidents involving motor vehicles belonging to, or operated on behalf of, the Organisation.

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

8. The Organisation 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.

9. The Organisation shall have exemption from all duties (whether of customs or excise) and taxes on the importation by it of goods necessary for the exercise of its official activities, 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 Organisation shall have exemption from prohibitions and restrictions on the importation or exportation in the case of goods imported or exported by it and necessary for its official activities and in the case of any of its official publications, imported or exported by it.

11. The Organisation shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of duty (whether 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 by the Organisation 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 Organisation shall have relief, under arrangements made by the Secretary of State, by way of refund of value added tax paid on any official vehicle and value added tax paid on the supply of any goods or services which are supplied for its official activities, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

(a) 1979 c. 5.

13. The Organisation shall have relief, under arrangements made by the Secretary of State, by way of refund of insurance premium tax and air passenger duty paid by the Organisation in the exercise of its official activities.

PART III

REPRESENTATIVES

14.—(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 Organisation shall enjoy:

- (a) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words spoken and written, done by them in the exercise of their functions, except in the case of a motor traffic offence committed by a representative of a Member State, or in the case of damage caused by a motor vehicle belonging to or driven by such a representative;
- (b) while exercising their functions and during their journeys to and from the place of meeting, the like inviolability for all their official papers and documents as is accorded to a diplomatic agent;
- (c) while exercising their functions and in the course of their journeys to and from the place of meeting the like immunity from personal arrest or detention and from seizure of their personal baggage 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 their alternate representatives and advisers.

(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 persons as the representatives or alternate representatives, or their advisers, of Her Majesty's Government in the United Kingdom or on any person who is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, or a British National (Overseas).

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

PART IV

MEMBERS OF STAFF

Director

15.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Board of Supervisors of the Organisation, the Director or any official acting on his behalf during his absence from duty shall enjoy:

- (a) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes (other than income tax in respect of his salary and emoluments and duties and taxes on the importation of goods) as are accorded to or in respect of a diplomatic agent;
- (b) the like exemption from duties and taxes on the importation of articles imported for his personal use, 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;
- (d) relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of duty (whether of customs or excise) or value added tax paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979) which is bought in the United Kingdom by him or on his behalf and which is for his personal

user or for that 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 British citizen, a British Dependent Territories citizen, a British Overseas citizen, a British National (Overseas), or who 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 family of any officer to whom this Article applies.

Members of Staff

16.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Director, the members of staff shall enjoy:

- (a) immunity from suit and legal process, even after they have left the services of the Organisation, in respect of acts, including words written and spoken, done by them in the exercise of their functions; this immunity shall not apply, however, in the case of a motor traffic offence committed by a member of staff of the Organisation, nor in the case of damage caused by a motor vehicle belonging to or driven by a member of staff;
- (b) unless they are British citizens, British Dependent Territories citizens, British Overseas citizens, British Nationals (overseas) or permanently resident in the United Kingdom, the like exemption from duties (whether of customs or excise) and taxes on the importation of furniture and personal effects (including one motor vehicle each) which—
 - (i) at or about the time when they first enter the United Kingdom to take up their posts as officers of the Organisation are imported for their personal use, and
 - (ii) are articles which were in their ownership or possession or which they 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.

17.—(1) As from the date on which an internal effective tax for the benefit of the Organisation on the salaries and emoluments paid to them by the Organisation is applied, the Director and the members of staff of the Organisation shall enjoy exemption from income tax in respect of such salaries and emoluments, provided that nothing in this 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.

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

18. Provided that the Organisation has established a social security scheme, which the Secretary of State considers to provide adequate benefits, the Director and the members of staff of the Organisation shall enjoy exemptions whereby for the purposes of the enactments relating to social security, including enactments in force in Northern Ireland—

- (i) services rendered for the Organisation 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.

PART V

EXPERTS PERFORMING MISSIONS

19. Except in so far as in any particular case any privilege or immunity is waived by the Director, experts (other than officials of the Organisation) performing missions on behalf of the Organisation shall enjoy:

- (a) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, done by them in the exercise of their functions;

- (b) during the period of their missions, including during journeys made in connection with service on such missions, the like immunity from personal arrest or detention and the like inviolability for all papers and documents as is accorded to a diplomatic agent.

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers privileges and immunities on the Organisation for Joint Armament Cooperation, on representatives of its Members, its members of staff and experts. These privileges and immunities are conferred in accordance with the Convention between the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the French Republic, the Government of the Federal Republic of Germany and the Government of the Italian Republic on the Establishment of the Organisation for Joint Armament Cooperation (Organisation Conjointe de Cooperation en Matiere d'Armement) OCCAR (Cm. 4367). The Order will enable Her Majesty's Government to give effect to that Convention and will come into force on the date on which that Convention enters into force.

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