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STATUTORY INSTRUMENTS

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**2006 No. 1922**

The European Organization for Nuclear Research  
(Privileges and Immunities) Order 2006

PART III

OFFICIALS

**High Officials**

**11.**—(1) Except in so far as in any particular case any privilege or immunity is waived by the Council of the Organisation, the Director-General of the Organisation, or any official acting in his stead as provided for in Article VI 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 taxes and rates, other than customs or excise 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 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;
- (c) relief, under arrangements made by the Commissioners for Her Majesty's Revenue and Customs, 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) or value added tax paid on the importation of such oil which is bought in the United Kingdom by him or on his behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements;
- (d) the exemptions accorded to officials of the Organisation under Article 12(1)(b); and
- (e) 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 Organisation by the officer shall be deemed to be excepted from any class of employment in respect of which contributions under those enactments are payable, 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.

(2) This Article shall not apply to any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen, a British National (Overseas) or a permanent resident of the United Kingdom.

## All Officials

12.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Director-General or any official acting in his stead as provided for in Article VI of the Convention, any officials of the Organisation shall enjoy—

- (a) immunity from suit and legal process, even after the termination of their functions, in respect of acts, including words written or spoken, done by them in the course of performance of official duties; this immunity shall not apply, however, in the case of a motor traffic offence committed by officials of the Organisation, nor in the case of damage caused by a motor vehicle belonging to or driven by officials of the Organisation;
- (b) 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 officials 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;
- (c) exemption from income tax in respect of salaries and emoluments paid by the Organisation, from the date that an internal effective tax for the benefit of the Organisation is applied by the Organisation on such salaries and emoluments.
- (d) the like exemption and privileges in respect of an official's personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent.

(2) In paragraph (1)(c), the reference to “salaries and emoluments” does not include pensions or annuities paid by the Organisation.

(3) Neither this Article nor Part IV of Schedule 1 to the Act shall apply to any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen, a British National (Overseas) or a permanent resident of the United Kingdom.

13. As from the date on which the Organisation has established a social security scheme, which the Secretary of State considers to provide adequate benefits, officials employed by the Organisation shall enjoy exemptions whereby for the purposes of the enactments relating to social security, including enactments in force in Northern Ireland—

- (a) services rendered for the Organisation by them shall be deemed to be excepted from any class of employment in respect of which contributions under those enactments are payable, but
- (b) 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.