
STATUTORY INSTRUMENTS

2015 No. 1884

**The Asian Infrastructure Investment Bank
(Immunities and Privileges) Order 2015**

PART 3

Immunities, privileges, reliefs and exemptions

Immunity of the Bank

8.—(1) Subject to paragraph (2), the Bank shall have immunity from suit and legal process except to the extent that it shall have expressly waived such immunity.

(2) The immunity of the Bank under paragraph (1) does not apply in respect of any civil action arising out of, or in connection with, the exercise of its powers to raise funds, borrow money, guarantee obligations or buy, sell, or underwrite the sale of securities if the Bank has in the United Kingdom:

- (a) established an office;
- (b) appointed an agent for the purpose of accepting service of process; or
- (c) issued or guaranteed securities.

(3) The property and assets of the Bank, wherever they may be located and by whomsoever they may be held, shall be immune from suit and legal process, except to the extent that the Bank shall have expressly waived such immunity, in respect of:

- (a) all forms of seizure, attachment or execution before final judgment against the Bank; and
- (b) search, requisition, confiscation, expropriation, or any other form of taking or foreclosure by the executive or pursuant to legislation.

(4) Nothing in paragraph (2) permits any action against the Bank by any member of the Bank or by a person acting on behalf of any member of the Bank.

Archives and premises

9. The official archives and the premises of the Bank shall have the like inviolability as, in accordance with the 1961 Convention Articles⁽¹⁾, is accorded in respect of the official archives and premises of a diplomatic mission.

Taxes, rates and duties

10. Within the scope of its official activities, the Bank shall be exempt from all taxation, other than rates, duties (whether of customs or excise) and the taxes referred to in Articles 12, 14, 15 and 16, on its assets, property, income, operations and transactions.

(1) The definition of “the 1961 Convention Articles” is in section 11 of the International Organisations Act 1968, c.48.

11. The Bank shall have the like relief from non-domestic rates on the premises of the Bank as, in accordance with Article 23 of the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission.

12. The Bank shall be exempt from duties (whether of customs or excise) and taxes on the importation of goods or publications of the Bank imported by or on behalf of the Bank for its official use in the United Kingdom.

13. The Bank shall be exempt from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Bank for its official use and in the case of any of the Bank's publications imported or exported by the Bank.

14. The Bank shall have 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(2)) or value added tax paid on the importation of such oil which is bought in the United Kingdom and is used for its official purposes.

15. The Bank shall have relief under arrangements made by the Secretary of State, by way of refund of car tax paid on any vehicle used for its official purposes and value added tax paid on the supply of any goods or services which are supplied for its official purposes.

16. The Bank shall have relief, under arrangements made by the Secretary of State, by way of refund of insurance premium tax paid by the Bank in exercise of its official activities.

17. The exemptions and relief granted in articles 12, 14 and 15 are to be subject to compliance with such conditions as the Commissioners for Her Majesty's Revenue and Customs may prescribe for the protection of the Revenue.

Person connected with the Bank

18.—(1) A person connected with the Bank shall enjoy immunity from suit and legal process in respect of things done, or omitted to be done, in the course of the performance of the person's official duties for the Bank, except to the extent that the Bank shall have expressly waived such immunity.

(2) No tax of any kind shall be levied on, or in respect of, emoluments paid by the Bank to a person connected with the Bank.

(3) Paragraph (2) does not apply to a person who is—

- (a) a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas), or a British protected person;
- (b) a Governor or an Alternate Governor of the Bank.