
STATUTORY INSTRUMENTS

2024 No. 368

The European Organization for Astronomical Research in the Southern Hemisphere and the European Space Agency (Immunities and Privileges) (Amendment) Order 2024

Amendments to the European Organization for Astronomical Research in the Southern Hemisphere and the European Space Agency (Immunities and Privileges) (Amendment) Order 2018

2.—(1) The European Organization for Astronomical Research in the Southern Hemisphere and the European Space Agency (Immunities and Privileges) (Amendment) Order 2018⁽¹⁾ is amended as follows.

(2) In article 2 after “article 4(2)”, insert “, (2A)”.

(3) Article 4(2)(c) is revoked.

(4) After article 4(2), insert—

“(2A) After article 15, insert—

“High ranking staff

15A.—(1) This article applies to up to seven officers of the Agency who—

- (a) hold the position of Head of Office,
- (b) are high ranking staff discharging their functions in the United Kingdom, and
- (c) are notified to the Secretary of State by the Agency.

(2) Except in so far as in any particular case any privilege or immunity is waived by the Director General of the Agency, an officer mentioned in paragraph (1) shall enjoy—

- (a) the like immunity from suit and legal process, except in the case of a motor traffic offence committed by that officer or in the case of damage caused by a motor vehicle belonging to or driven by that officer, the like inviolability of residence and the like exemption or relief from rates and taxes, other than income tax in respect of their emoluments and customs or excise duties and taxes on the importation of goods, as are accorded to or in respect of a diplomatic agent,
- (b) the like exemption from customs duties and taxes on the importation of articles imported for their personal use or the use of members of their family forming part of their household, including articles intended for their 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 their personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent, and
- (d) relief, under arrangements made by the Commissioners of His Majesty's Revenue and Customs, by way of refund of customs duty paid on or value added tax paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979⁽²⁾) which is bought in the United Kingdom, by them or on their behalf, for their personal use or the use of members of their family forming part of their household, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements,

provided that this paragraph shall not apply to an officer who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or to an officer who, at the time of taking up his duties in the United Kingdom, is a permanent resident of the United Kingdom.

(3) Part IV of Schedule 1 to the Act does not operate so as to confer any privilege or immunity on any person who is a member of the family of an officer mentioned in paragraph (1) if that member of the family is a British citizen, a British overseas territories citizen, a British Overseas citizen, a British National (Overseas) or permanent resident of the United Kingdom.

(4) "High ranking staff" has the same meaning in this article as is set out in the Agreement between the United Kingdom and the European Space Agency concerning the European Space Agency's Sites and Facilities in the United Kingdom signed in Glasgow on 16th July 2013."."

(2) 1979 c. 5.