STATUTORY INSTRUMENTS

1983 No. 142

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The African Development Bank (Immunities and Privileges) Order 1983

Laid before Parliament in draft

Made - - - *11th February* 1983

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

At the Court at Buckingham Palace, the 11th day of February 1983

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(1) 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

1. This Order may be cited as the African Development Bank (Immunities and Privileges) Order 1983. It shall come into operation on the date on which the Agreement establishing the African Development Bank (with amendments, including those to admit non-regional countries as members of the Bank)(c) enters into force in respect of the United Kingdom. That date shall be notified in the London, Edinburgh and Belfast Gazettes.

(a) 1968 c.48.
(b) As amended by section 1 of the International Organisations Act 1981 (c.9).
(c) Cmnd. 8284.

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(**a**).

3. The African Development Bank (Privileges) Order 1978(**b**) is hereby revoked.

PART II

THE BANK

4. The African Development Bank (hereinafter referred to as the Bank) is an organisation of which the United Kingdom and other sovereign Powers are members.

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

6. The Bank shall have immunity from suit and legal process, except:

(*a*) to the extent that the Board of Directors of the Bank shall have waived immunity;

(*b*) in a case arising out of the exercise of its borrowing powers if it has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities, in the United Kingdom;

(*c*) in respect of a civil action by a third party for damage arising out of an accident caused by a motor vehicle belonging to, or operated on behalf of, the Bank, or in respect of a traffic offence committed by the driver of such a vehicle;

provided that no proceedings may be brought against the Bank by a member or any person acting for or deriving a claim from a member.

7. 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.

8. Within the scope of its official activities the Bank shall have the like exemption or relief from taxes, other than duties and taxes on the importation of goods, as is accorded to a foreign sovereign Power.

9. The Bank 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.

10. The Bank shall have exemption from duties (whether of customs or excise) and taxes on the importation of goods imported by the Bank and 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.

11. The Bank shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by it and necessary for its official use.

(**a**) 1964 c.81. (**b**) S.I. 1978/1884.

12. 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 by the Bank and which is used for and 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.

13. The Bank shall have relief, under arrangements made by the Secretary of State, by way of refund of car tax and value added tax paid on the purchase of new motor cars of United Kingdom manufacture and of value added tax paid on the supply of other goods or services of substantial value which are necessary for 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.

GOVERNORS, OFFICERS AND EXPERTS

14.—(1) Except in so far as it is waived by the Board of Directors or the President of the Bank, any governor, director, alternate, officer, and employee and any expert performing missions for the Bank shall enjoy immunity from suit in respect of acts performed by him in his official capacity; but this immunity shall not apply in the case of a traffic offence committed by him or in the case of a civil action by a third party for damage arising out of any accident caused by a motor vehicle belonging to or operated by him or on his behalf.

(2) Unless he is a British citizen, a British Dependent Territories citizen, or a British Overseas citizen or is permanently resident in the United Kingdom, any director, alternate, officer and other member of the professional staff of the Bank shall enjoy exemption from income tax in respect of emoluments received by him from the Bank.

(3) 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 alternates, nor on the families of representatives or alternates.

(4) 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 person as the representative or alternate representative of Her Majesty's Government in the United Kingdom.

N. E. Leigh,
Clerk of the Privy Council.

(**a**) 1979 c.5.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order confers privileges and immunities upon the African Development Bank, its staff and other persons connected with it. The privileges and immunities are conferred in accordance with the Agreement establishing the African Development Bank as amended to admit non-regional countries as members of the Bank (Cmnd. 8284). The Order will enable the United Kingdom to give effect to the Agreement, and will come into force on the date on which the Agreement enters into force with respect to the United Kingdom.

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