STATUTORY INSTRUMENTS

1966 No. 1017

DIPLOMATIC AND INTERNATIONAL IMMUNITIES AND PRIVILEGES

The Asian Development Bank (Immunities and Privileges) Order 1966

Laid before Parliament in draft

Made - - - - 11*th August* 1966

Coming into Operation *On a date to be notified in the London Gazette.*

At the Court at Buckingham Palace, the 11th day of August 1966

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 6 of the International Organisations (Immunities and Privileges) Act 1950(a) (hereinafter referred to as the Act), and an address has been presented to Her Majesty by each House of Parliament praying that an Order may be made in the terms of the said draft:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by section 1 of the Act 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

THE ORGANISATION

1. The Asian Development Bank (hereinafter referred to as the Organisation) is an Organisation of which the United Kingdom and foreign sovereign Powers are members.

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

3. The Organisation shall have immunity from suit and legal process except:

(*a*) in respect of any proceedings (other than proceedings brought against the Organisation by any member, any agency or instrumentality of a member, or any person directly or indirectly acting for or deriving claims from a member or from any agency or instrumentality of a member) arising out of or in connection with the exercise of its powers to borrow money, guarantee obligations, or buy, sell or underwrite the sale of securities;

(*b*) to the extent that the Organisation shall have expressly waived such immunity in a particular case;

(a) 1950 c. 14.

(*c*) in respect of a civil action by a third party for damages 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.

4. The Organisation shall have the like inviolability of official archives as is accorded in respect of the official archives of an envoy of a foreign sovereign Power accredited to Her Majesty. Premises owned by the Organisation and occupied as offices shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure.

5. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.

6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in the United Kingdom or for exportation, or on the importation of any publications of the Organisation directly imported by it, 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.

7. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of any publications of the Organisation directly imported or exported by it.

8. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside the United Kingdom), of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II

Officers and Experts

9. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, any Governor, Director, alternate, officer and servant of the Organisation and any expert performing a mission for the Bank shall enjoy:—

(*a*) immunity from suit and legal process in respect of acts, including words written or spoken, done or omitted to be done by him in the course of the performance of official duties, except in the case of a motor traffic offence committed by him or in the case of damage caused by a motor vehicle belonging to or driven by him;

(*b*) unless he is a citizen of the United Kingdom and Colonies, exemption from income tax in respect of emoluments received by him as an officer of the Organisation.

PART III

General

10. The Interpretation Act 1889(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

11. This Order may be cited as the Asian Development Bank (Immunities and Privileges) Order 1966. It shall come into operation on the date on which the Agreement establishing the Asian Development Bank, signed at Manila on 4th December 1965, enters into force with respect to the United Kingdom. This date shall be notified in the London Gazette.

W. G. Agnew.

(a) 1889 c. 63.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order confers immunities and privileges upon the Asian Development Bank, its officers and servants and experts performing missions on its behalf. It will enable the United Kingdom to give effect to Chapter VIII of the Agreement Establishing the Asian Development Bank which the United Kingdom signed at Manila on 4th December 1965 (Cmnd. 2989). It will come into operation on the date on which the Agreement enters into force with respect to the United Kingdom.