SCHEDULE

Article 2

DECLARATION

In pursuance of paragraph 9 of Article 8 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the United Kingdom hereby declares that it considers itself bound by paragraphs 2 and 3 of the said Article 8 to the following extent:

(1) in cases where assistance is provided by the International Atomic Energy Agency, to the extent to which the privileges and immunities provided for in those paragraphs are accorded in the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, approved by the Board of Governors on 1st July 1959(a);

(2) in cases where assistance is provided by any other international intergovernmental organisation, to the extent to which the United Kingdom has agreed to accord the privileges and immunities provided for in those paragraphs;

(3) in cases where assistance is provided by a State Party to the Convention, to the following extent:

(i) in relation to the State Party providing assistance to the extent that that State Party is itself bound by those paragraphs in relation to the United Kingdom;

(ii) the United Kingdom shall only be bound to apply paragraph 2(b) in cases where the State Party is providing assistance without cost to the United Kingdom; and

(iii) the exemption from taxation provided for in paragraph 2(b) shall only extend to an exemption from income tax on the salaries and emoluments of personnel which are paid from the State Party providing assistance and the United Kingdom reserves the right to take those salaries and emoluments into account for the purpose of assessing the amount of taxation to be applied to income from other sources.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order certifies that a declaration has been made by Her Majesty's Government under paragraph 9 of Article 8 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency 1986. Section 5(3) of the Atomic Energy Act 1989 provides that at any time when a declaration under paragraph 9 is in force the provisions set out in the Schedule to that Act (which reproduce paragraphs 2 and 3 of Article 8 of the Countries relating to privileges and immunities) shall only have the force of law in the United Kingdom to the extent indicated in the declaration.

(a) Cmnd. 1675 (S.I. 1974/1256).

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STATUTORY INSTRUMENTS

1990 No. 235

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The Atomic Energy (Mutual Assistance Convention) Order 1990

Made - - - - 14th February 1990

Coming into force in accordance with article 1

At the Court of Saint James, the 14th day of February 1990

Present,

The Counsellors of State in Council

Whereas Her Majesty in pursuance of the Regency Acts 1937 to 1953 was pleased, by Letters Patent dated the 18th day of January 1990, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required;

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by section 5(4) of the Atomic Energy Act 1989(a), and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:

1. This Order may be cited as the Atomic Energy (Mutual Assistance Convention) Order 1990 and shall come into force on the date on which the Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency(b) opened for signature at Vienna on 26th September 1986 (hereinafter referred to as the Convention) enters into force in respect of the United Kingdom (which date will be notified in the London, Edinburgh and Belfast Gazettes).

2. It is hereby certified that Her Majesty's Government in the United Kingdom has, under paragraph 9 of Article 8 of the Convention, made the declaration which is set out in the Schedule to this Order.

G.I. de Deney
Clerk of the Privy Council

(a) 1989 c.7. (b) Cm. 566.