STATUTORY INSTRUMENTS

1999 No. 278

EUROPEAN COMMUNITIES

The European Communities (Immunities and Privileges of the North-East Atlantic Fisheries Commission) Order 1999

Made - - - - 10th February 1999

Coming into force in accordance with Article 1

At the Court at Buckingham Palace, the 10th day of February 1999

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament 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 2(2) of the European Communities Act 1972**(a)** 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 European Communities (Immunities and Privileges of the North-East Atlantic Fisheries Commission) Order 1999. It shall come into force on the date on which the Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the North-East Atlantic Fisheries Commission**(b)** ("the Agreement") enters into force. That date shall be notified in the London, Edinburgh and Belfast Gazettes.

2. In this Order:

"the Commission" means the Commission established by the Convention on Future Multilateral Co-operation in North-East Atlantic Fisheries**(c)** known as the North-East Atlantic Fisheries Commission;

"official activities" in relation to the Commission means its administrative activities and those which it is authorised to undertake pursuant to the Convention on Future Multilateral Co-operation in North-East Atlantic Fisheries;

"the 1961 Convention Articles" means that 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**(d)**.

(a) 1972 c. 68.
(b) Cm. 4265.
(c) Cmnd. 8474.
(d) 1964 c. 81.

PART II

THE COMMISSION

3. The Commission shall have the legal capacities of a body corporate.

4. The Commission shall have the like inviolability in respect of its official archives and premises as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives and premises of a diplomatic mission.

5. Within the scope of its official activities, the Commission, its property, assets and income shall have exemption from taxes on income, capital gains tax and corporation tax.

6. The Commission shall have the like relief from rates on its official premises as, in accordance with Article 23 of the 1961 Convention Articles, is accorded in respect of the official premises of a diplomatic mission.

7. The Commission shall have relief, under arrangements made by the Secretary of State, by way of refund of value added tax paid on any official vehicle and value added tax paid on the supply of any good or services which are supplied for its official activities, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

8. The Commission shall have relief, under arrangements made by the Secretary of State, by way of a refund of insurance premium tax and air passenger duty paid by the Commission in the exercise of its official activities.

9. The Commission shall have exemption from all duties (whether of customs or excise) and taxes on the importation by it or on its behalf of goods 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.

10. The Commission 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 activities and in the case of its official publications, imported or exported by it.

11. The Commission shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of duty (whether 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 and is 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.

PART III

REPRESENTATIVES

12.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Member States which they represent, representatives of Member States of the Commission shall enjoy, while exercising their official functions and in the course of their journeys to and from the place of meeting:–

(a) immunity from suit and legal process, even after the termination of their mission, in respect of acts, including words spoken and written, done by them in the exercise of their functions, except in the case of a motor traffic offence committed by a

(a) 1979 c. 5.

representative or in the case of damage caused by a motor vehicle belonging to or driven by such a representative;

(b) the like inviolability for all their official papers and documents as is accorded to a diplomatic agent.

(2) This Article shall not apply to any person as the representative of the United Kingdom or to any person who is a British citizen, a British Dependent Territories citizen, a British Overseas citizen or a British National (overseas).

PART IV

OFFICERS

13. Except in so far as in any particular case any privilege or immunity is waived by the Secretary of the Commission or, in the case of the Secretary, by the Commission, all officers of the Commission appointed or recruited for employment with the Commission and subject to its staff regulations, with the exception of experts, persons who are in the domestic service of the Commission and persons who are recruited locally and assigned to hourly rates of pay, shall enjoy;

(a) immunity from suit and legal process in respect of acts done by them in the exercise of their functions, including words written or spoken, except in the case of a motor traffic offence committed by an officer or in the case of damage caused by a vehicle belonging to or driven by him;

(b) as from the date on which the salaries and emoluments received by them as officers of the Commission become subject to taxation by the Commission for its benefit, exemption from income tax in respect of such salaries and emoluments, provided that nothing in this sub-paragraph shall be interpreted as precluding such salaries and emoluments from being taken into account for the purpose of assessing the amount of taxation to be applied to income from other sources;

(c) unless they are British citizens, British Dependent Territories citizens, British Overseas citizens, British Nationals (overseas) or permanent residents in the United Kingdom, the like exemption from duties and taxes on the importation of furniture and personal effects (including one motor car each) which–

(i) at the time when they first enter the United Kingdom to take up their post, are imported for their personal use or for their establishment, and

(ii) were in their ownership or possession or which they were under contract to purchase immediately before they so entered the United Kingdom,

as in accordance with paragraph 1 of Article 36 of 1961 Convention Articles is accorded to a Diplomatic agent; and

(d) unless they are British citizens, British Dependent Territories citizens, British Overseas citizens, British Nationals (overseas) or permanently resident in the United Kingdom, and provided that they are participating in a social security scheme established by the Commission or in another such scheme, exemptions whereby for the purposes of the enactments relating to social security, including enactments in force in Northern Ireland–

(i) services rendered for the Commission by them shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but

(ii) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted.

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers privileges and immunities upon the North-East Atlantic Fisheries Commission, representatives of its members and its officials. These privileges and immunities are conferred in accordance with a Headquarters Agreement which has been negotiated between the Government of the United Kingdom and the Commission (Cm. 4265). The Order will enable Her Majesty's Government to give effect to the Headquarters Agreement, and will come into force on the date on which the Headquarters Agreement enters into force.

£1.50

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WO 4077 2/99 ON (MFK)