1965 No. 1533

DIPLOMATIC AND INTERNATIONAL IMMUNITIES AND PRIVILEGES

The European Space Research Organisation (Immunities and Privileges) Order 1965

Laid before Parliament in draft

Made - - - -	*3rd August* 1965
Coming into Operation	*On a date to be notified in the London Gazette*

At the Court at Buckingham Palace, the 3rd day of August 1965

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 European Space Research Organisation (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.

(a) 14 Geo. 6. c. 14.

3.—(1) The Organisation shall have immunity from suit and legal process except—

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

(*b*) in respect of a civil action by a third party for damage 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; and

(*c*) in respect of the enforcement of an arbitration award made under Article 25 or Article 26 of the Protocol on the Privileges and Immunities of the Organisation opened for signature in Paris on 31st October 1963(a).

(2) The provisions of the preceding paragraph shall not prevent the taking of such measures as may be permitted by law in relation to the property and assets of the Organisation in so far as they may be temporarily necessary in connection with the prevention of, and investigation into, accidents involving motor vehicles belonging to, or operated on behalf of, the Organisation.

4. The Organisation shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty.

5. Within the scope of its official activities, 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 it and strictly 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.

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 and strictly necessary for the exercise of its official activities.

8. The Organisation shall have the right to avail itself, for official 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.

9. For the purposes of this Order, the official activities of the Organisation shall include its administrative activities and those undertaken in the field of space research and space technology in pursuance of the purposes of the Organisation as defined in the Convention for the Establishment of the Organisation(b).

(a) Cmnd. 2265. (b) Cmnd. 2489.

PART II

REPRESENTATIVES

10.—(1) Except in so far as in any particular case any immunity or privilege is waived by the Member State which he represents, a representative of a Member State of the Organisation on any of its organs 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 exercise of his functions;

(*b*) while exercising his functions and during his journeys to and from the place of meeting, the like immunity from personal arrest and detention and from seizure of his personal baggage and the like inviolability for all his official papers and documents as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(2) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on members of the official staff of a representative to whom this Article applies.

(3) The provisions of this Article shall not operate so as to confer any immunity or privilege on any person as the representative of Her Majesty's Government in the United Kingdom or on any person who is a citizen of the United Kingdom and Colonies.

PART III

OFFICERS

11.—(1) Except in so far as in any particular case any immunity or privilege is waived by the Council of the Organisation, the Director-General of the Organisation, and the person appointed to act in his stead in accordance with Article XI (1) (*c*) of the Convention for the Establishment of the Organisation(a), shall enjoy:—

(*a*) if he is not a citizen of the United Kingdom and Colonies—

(i) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than income tax, as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty;

(ii) as from the date on which the emoluments received by him as a member of the staff of the Organisation become subject to taxation by the Organisation for its benefit, exemption from income tax in respect of such emoluments;

(*b*) if he is a citizen of the United Kingdom and Colonies—

(i) 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;

(a) Cmnd. 2489.

(ii) the like inviolability for all his official papers and documents as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty;

(iii) as from the date on which the emoluments received by him as a member of the staff of the Organisation become subject to taxation by the Organisation for its benefit, exemption from income tax in respect of such emoluments.

(2) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on the families of officers to whom this Article applies.

12. Except in so far as in any particular case any immunity or privilege is waived by the Director-General of the Organisation, a permanent member of the staff of the Organisation in any of the staff categories A, B, C and L 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*) as from the date on which the emoluments received by him as a member of the staff of the Organisation become subject to taxation by the Organisation for its benefit, exemption from income tax in respect of such emoluments.

PART IV

EXPERTS

13.—(1) Except in so far as in any particular case any immunity or privilege is waived by the Director-General of the Organisation, an expert (other than a member of the staff of the Organisation to whom Article 12 applies) who is under contract to the Organisation and who is a member of any committee or organ of the Organisation or is employed on a mission on behalf of the Organisation shall, so far as is necessary for the carrying out of his functions, including during journeys made in carrying out his functions, in connection with such committee or organ or in the course of such mission, 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 exercise of his functions, 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*) while he is employed by the Organisation, the like inviolability for all his official papers and documents as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(2) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on the official staff of persons to whom the provisions of paragraph (1) of this Article apply.

PART V

GENERAL

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

15. This Order may be cited as the European Space Research Organisation (Immunities and Privileges) Order 1965. It shall come into operation on the date on which the Protocol on the Privileges and Immunities of the Organisation enters into force with respect to the United Kingdom. This date shall be notified in the London Gazette.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order confers immunities and privileges upon the European Space Research Organisation, representatives on its organs, its officers and experts serving on its committees and organs or employed on missions on its behalf. It will enable the United Kingdom to ratify the Protocol on the Privileges and Immunities of the Organisation which was opened for signature in Paris on 31st October 1963 (Cmnd. 2265). It will come into operation on the date on which the Protocol enters into force with respect to the United Kingdom.

(a) 52 & 53 Vict. c. 63.