STATUTORY INSTRUMENTS

2023 No. 1118

RETAINED EU LAW REFORM

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The European University Institute Regulations 2023

Sift requirements satisfied	*17th October 2023*
Made - - - -	*24th October 2023*
Laid before Parliament	*26th October 2023*
Coming into force in accordance with Regulation 1(2)	

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 11(1) and (6), 13(2) and (3), and 20(1) of the Retained EU Law (Revocation and Reform) Act 2023 ("the 2023 Act")(**a**).

The Secretary of State is a relevant national authority for the purposes of sections 11(1) and 13(3) of the 2023 Act(**b**).

The requirements of paragraph 6(2) of Schedule 5 to the 2023 Act (relating to the appropriate Parliamentary procedure for these regulations) have been satisfied.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the European University Institute Regulations 2023.

(2) These Regulations come into force immediately before the end of 2023.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Interpretation

2.—(1) In these Regulations—

"the Institute" means the European University Institute, which is established by the Convention setting up a European University Institute(**c**);

(**a**) 2023 c. 28.

(**b**) The term "relevant national authority" is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.

(**c**) OJ C 29, 9.2.1976, p 1-17. The Convention setting up a European University Institute ("the Convention") was signed by its original six members – Belgium, France, Germany, Italy, Luxembourg and the Netherlands – on 19 April 1972. The United Kingdom acceded to the Convention on 20 March 1975. The European Communities (Definition of Treaties) Order 1975 (S.I. 1975/408) ("the Order") specified the Convention as an "EU Treaty" as defined in section 1 of the European Communities Act 1972 (c. 68). The Order was revoked by regulation 2 of the European Union (Definition of Treaties) (Revocation) (EU Exit) Regulations 2018 (S.I. 2018/1012) which came into force on IP completion day (31

"relevant contract" means a contract of employment requiring service for the Institute, which was in effect immediately before 25th November 2022(**a**);

"relevant person" means—

(a) the Principal of the Institute(**b**),

(b) the Secretary of the Institute(**c**), or

(c) a member of the teaching staff or other staff of the Institute.

(2) In these Regulations, the term of the relevant contract is that prevailing immediately before 25th November 2022 ("the prevailing term"), and does not include any period of extension, continuation or renewal of the prevailing term which commences on or after 25th November 2022.

Immunity from suit and legal process

3.—(1) A relevant person has immunity from suit and legal process in respect of acts done by them in the exercise of and within the limits of their functions at the Institute, including words written or spoken, on or after:

(a) 20th March 1975(**d**) and prior to 25th November 2022, and

(b) 25th November 2022 where the relevant person is party to a relevant contract and the act takes place before the term of the relevant contract comes to an end.

(2) No immunity conferred on a person by this Regulation applies in relation to—

(a) a road traffic offence committed by the person, or

(b) a civil action brought against the person by a third party for damages resulting from an accident caused by a motor vehicle belonging to, or operated by, the person.

(3) The immunity conferred under paragraph (1) continues to apply to a relevant person after they cease to be employed by the Institute.

Income tax privilege

4.—(1) This Regulation applies to a relevant person who is party to a relevant contract.

(2) Income tax will not be payable on the salary, wages or emoluments earned by that person under the relevant contract and during the term of the relevant contract.

(3) Paragraph (2) does not apply to pensions and annuities earned by a relevant person under the relevant contract.

(4) The salary, wages and emoluments earned by that person under the relevant contract may be taken into account for the purpose of assessing the amount of taxation to be applied to income from other sources.

Robert Halfon
Minister of State
Department for Education

24th October 2023

December 2020). The relevant version of the Convention is that in force immediately before exit day. Subsequent changes have been made to the Convention but they are not relevant to these Regulations.

(**a**) This is the date that the European University Institute (EU Exit) Regulations 2022 (S.I. 2022/1231) ("the 2022 Regulations") came into force. The 2022 Regulations revoked the retained EU law deriving from the Convention except for a legal proceedings immunity. The 2022 Regulations also made saving provision in respect of individuals who were serving as staff of the European University Institute immediately before the coming into force of the 2022 Regulations, namely continued immunity for those staff from legal proceedings and a continued income tax privilege.

(**b**) The role and responsibilities of the Principal are set out in the Convention.

(**c**) The role and responsibilities of the Secretary are set out in the Convention.

(**d**) This is the date of accession of the United Kingdom to the Convention.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under section 2 of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28) ("the 2023 Act"), any rights, powers, liabilities etc retained by virtue of section 4 of the European Union (Withdrawal) Act 2018 are not recognised or available in domestic law (and, accordingly, are not to be enforced, allowed or followed) at and after the end of 2023.

The Convention setting up the European University Institute ("the Convention") established the European University Institute ("the Institute"). The European University Institute (EU Exit) Regulations 2022 (S.I. 2022/1231) ("the 2022 Regulations") revoked the retained EU law deriving from the Convention except for the legal proceedings immunity which applied to acts done in service of the Institute prior to the coming into force of the 2022 Regulations. Notwithstanding this revocation, the 2022 Regulations also made saving provision in respect of individuals who were serving as staff of the Institute immediately before the coming into force of the 2022 Regulations, namely continued immunity for those staff from legal proceedings in respect of acts done in service of the Institute during the term of their contract with the Institute and a continued income tax privilege relating to salaries, wages and emoluments earned by those staff during the term of their contract. These Regulations restate those privileges and immunities, which would otherwise not be recognised or available by virtue of section 2 of the 2023 Act.

Regulation 3 restates the legal proceedings immunity for acts done in service of the Institute both prior to the coming into force of the 2022 Regulations and afterwards for acts done during the term of the relevant person's contract with the Institute. The legal proceedings immunity is restated in the same terms as it was excluded from the revocation in the 2022 Regulations and as it continues by virtue of section 4 of the European Union (Withdrawal) Act 2018. This immunity does not apply to a road traffic offence or a motor vehicle accident.

Regulation 4 restates the right of Institute employees not to pay UK income tax on their Institute salary, wages or emoluments in the same terms as it continues by virtue of section 4 of the European Union (Withdrawal) Act 2018.

A copy of the Convention that was in force immediately before exit day, from which the rights are restated, is published alongside these Regulations and copies can be obtained on request from the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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ISBN 978-0-34-825278-1

£5.78

http://www.legislation.gov.uk/id/uksi/2023/1118