

1948-28

**Diplomatic Privileges (International
Organisations)**

Subsidiary Legislation made under s.2.

**Diplomatic Privileges (European Bank for Reconstruction
and Development) Order, 1990**

LN.1990/100

Commencement **1.8.1990**

Amending enactments	Relevant current provisions	Commencement date
Act. 2007-17	Para. 3(4) & (6)	14.6.2007

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Title and commencement.

1. This Order may be cited as the Diplomatic Privileges (European Bank for Reconstruction and Development) Order, 1990 and shall be deemed to have come into effect on 1st day of August, 1990.

The Organisation.

2.(1) The European Bank for Reconstruction and Development (hereinafter referred to as “the Organisation”) is an Organisation of which Her Majesty’s Government in the United Kingdom and the Government or Governments of one or more foreign sovereign powers are members.

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

Immunities and privileges of the Organisation.

3.(1) Except in so far as in any particular case it has expressly waived its immunity, the Organisation shall have immunity from suit and legal process –

- (a) where the Organisation has no office in Gibraltar, nor appointed an agent in Gibraltar for the purpose of accepting service or notice of process, nor has issued or guaranteed securities in Gibraltar; or
- (b) where actions are brought by any member of the Organisation or by any person acting for or deriving claims from any member of the Organisation; or
- (c) in respect of any form of seizure of, or attachment or execution on, the property or assets of the Organisation, wheresoever located or by whomsoever held, before the delivery of final judgement against the Organisation; or
- (d) in respect of the search, requisition, confiscation or expropriation of the property or assets of the Organisation, wheresoever located and by whomsoever held.

(2) The Organisation shall have the like inviolability of official archives as is accorded in respect of official archives of an envoy of a foreign sovereign power accredited to Her Majesty.

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

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(4) The Organisation shall have exemption from taxes on the importation of goods imported by the Organisation for its official use in Gibraltar or for exportation or on the importation of any of the publications of the Organisation imported by it, such exemption to be subject to compliance with such conditions as the Minister responsible for finance may prescribe for the protection of the revenue.

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

(6) The Organisation shall have exemption, from the payment of car tax on any vehicles which are necessary for the exercise of the official activities of the Organisation, subject to compliance with such conditions as may be imposed by the Minister responsible for finance.

Privileges and immunities of officers, employees and experts.

4. Except in so far as in any particular case any privileges or immunity is waived by the Organisation, any Governor, Director, Alternate, Officer or employee of the Organisation shall enjoy—

- (a) immunity from seizure of personal baggage and inviolability of all papers and documents relating to the work of the Organisation;
- (b) immunity from legal process of every kind in respect of words spoken or written and to all acts done by them in the exercise of their functions.

Such immunity shall continue notwithstanding that the persons concerned are no longer employed on behalf of the Organisation but shall not extend to civil liability in the case of a road traffic accident caused by him.

Exemption of Directors, etc., from income tax.

5.(1) As from the date on which an internal effective tax for the benefit of the Organisation on the emoluments paid to him by the Organisation is applied, any Director, Alternate Director, officer or employee of the Organisation shall enjoy exemption from income tax in respect of such emoluments, provided that nothing in this sub-paragraph shall be interpreted as precluding such emoluments from being taken into account for the purpose of assessing the amount of taxation to be applied to income from other sources.

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(2) Subparagraph (1) of this Paragraph shall not apply to pensions and annuities paid by the Organisation.

Publication of names.

6. The names of persons to whom the provisions of paragraph 4 apply shall be set forth in a list compiled and published from time to time by the Governor under section 2(3) of the Act, and such list shall show in regard to each person the date as from which, for the purpose of this Order, he first held the office or employment in question, and the date when he ceased to hold that office or employment.