

## SCHEDULE 3

Article 2

### ORGANISATION FOR JOINT ARMAMENT COOPERATION

#### *General*

**1.** In this Schedule—

“the Organisation” means the Organisation for Joint Armament Cooperation established by the Convention;

“the Convention” means the Convention on the Establishment of the Organisation for Joint Armament Cooperation (OCCAR)(1);

“official activities” in relation to the Organisation means its administrative activities and those which it is authorised to undertake pursuant to the Convention;

“the 1961 Convention Articles” means the 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.

#### *The Organisation*

**2.** The Organisation shall have the like inviolability of 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.

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

- (a) to the extent that it 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;
- (c) in respect of the enforcement of an arbitration award made under the terms of any contract made by the Organisation;
- (d) in respect of an attachment order against the salaries, wages and emoluments owed by the Organisation to a member of staff.

(2) The preceding sub 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 relief from non-domestic rates as, in accordance with Article 23 of the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission.

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

(2) Sub-paragraph (1) shall not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part II of Schedule 5 to the Scotland Act 1998(2).

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(1) Cm. 4367.

(2) 1998 c. 46.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### *Representatives*

6.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Government of the Member State which they represent, representatives of a Member State of the Organisation shall enjoy—

- (a) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, done by them in the exercise of their functions;
- (b) while exercising their functions (and during their journeys to and from the place of meeting), the like inviolability for all their official papers and documents as is accorded to a diplomatic agent; and
- (c) while exercising their functions (and in the course of their journeys to and from the place of meeting), the like immunity from personal arrest or detention and from seizure of their personal baggage as is accorded to a diplomatic agent.

(2) The immunity accorded by sub-paragraph (1)(a) shall not apply in the case of a motor traffic offence committed by a representative of a Member State or in the case of damage caused by a motor vehicle belonging to or driven by such a representative.

(3) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on the official staff of representatives, other than their alternate representatives and advisers.

(4) Neither the preceding sub paragraphs nor Part IV of Schedule 1 to the 1968 Act shall operate so as to confer any immunity or privilege on—

- (a) persons as the representatives or alternate representatives, or their advisers, of Her Majesty's Government in the United Kingdom; or
- (b) any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas).

(5) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on families of representatives, alternate representatives or advisers.

### *Director and other members of staff*

7.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Board of Supervisors of the Organisation, the Director (or any official acting instead during the Director's absence from duty) shall enjoy—

- (a) the like immunity from suit and legal process as is accorded to or in respect of a diplomatic agent; and
- (b) the like inviolability of residence as is accorded to or in respect of a diplomatic agent.

(2) This paragraph shall not apply to any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is a permanent resident of the United Kingdom.

(3) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on the family of the Director (or any official acting instead).

8.—(1) Except in so far as in any particular case such immunity is waived by the Director, the members of staff shall enjoy immunity from suit and legal process (even after they have left the services of the Organisation) in respect of acts, including words written or spoken, done by them in the exercise of their functions.

(2) The immunity accorded by sub-paragraph (1) shall not apply in the case of a motor traffic offence committed by a member of staff of the Organisation or in the case of damage caused by a motor vehicle belonging to or driven by such a member of staff.

#### *Experts*

9. Except in so far as in any particular case any immunity or privilege is waived by the Director, experts (other than officials of the Organisation) performing missions on behalf of the Organisation shall enjoy—

- (a) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, done by them in the exercise of their functions;
- (b) during the period of their missions (including during journeys made in connection with service on such missions), the like immunity from personal arrest or detention as is accorded to a diplomatic agent; and
- (c) during the period of their missions (including during journeys made in connection with service on such missions), the like inviolability for all papers and documents as is accorded to a diplomatic agent.