

CAYMAN ISLANDS



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NOTICE

**THE EUROPEAN ORGANIZATION FOR ASTRONOMICAL
RESEARCH IN THE SOUTHERN HEMISPHERE AND THE
EUROPEAN SPACE AGENCY (IMMUNITIES AND
PRIVILEGES) (AMENDMENT) ORDER 2018
SI 2018 NO. 787**

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THE EUROPEAN ORGANIZATION FOR ASTRONOMICAL RESEARCH IN THE SOUTHERN HEMISPHERE AND THE EUROPEAN SPACE AGENCY (IMMUNITIES AND PRIVILEGES) (AMENDMENT) ORDER 2018 SI 2018 NO. 787

NOTICE is hereby given that the European Organization For Astronomical Research In The Southern Hemisphere And The European Space Agency (Immunities And Privileges) (Amendment) Order 2018 SI 2018 No. 787, was made on 27th June, 2018 and came into force on 28th June, 2018.

The full text of the Instrument can be viewed via the following link:

<http://www.legislation.gov.uk/ukxi/2018/787/made/data.pdf>

The Explanatory Note of the European Organization for Astronomical Research in the Southern Hemisphere and the European Space Agency (Immunities and Privileges) (Amendment) Order 2018 is as follows:

“EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the European Organization for Astronomical Research in the Southern Hemisphere (Immunities and Privileges) Order 2009 (S.I. 2009/1748) (“the ESO Order”) and the European Space Agency (Immunities and Privileges) Order 1978 (S.I. 1978/1105) (“the ESA Order”).

The ESO Order implements the Protocol on the privileges and immunities of the European Organization for Astronomical Research in the Southern Hemisphere (Cm 8516) which entered into force for the UK on 25th September 2012 (“the Protocol”). Articles 15 and 16 of the ESO Order make provision for privileges and immunities conferred by the Protocol on the officers of the European Organization for Astronomical Research in the Southern Hemisphere (“the Organization”).

Article 3(3) of this Order amends article 15 of the ESO Order to ensure that, if the Director General or person appointed to act instead of the Director General of the Organization has a form of British nationality, that person shall benefit from immunity from suit and legal process in respect of official acts (not including motor vehicle offences or damage), from exemption from income tax on

emoluments received as an officer of the Organization, and from exemptions relating to social security.

Article 3(4) of this Order amends article 16 of the ESO Order to provide that any officer of the Organization (other than an officer falling within article 15 of that Order) who has a form of British nationality shall benefit from immunity from suit and legal process in respect of official acts, from exemption from income tax in respect of emoluments received as an officer of the Organization, and from exemptions relating to social security.

The ESA Order implements Annex I of the Convention for the Establishment of a European Space Agency, which entered into force on 30 October 1980 (Cm 6272). An Agreement between the United Kingdom and the European Space Agency concerning the European Space Agency's Sites and Facilities in the United Kingdom signed on 13th June 2013 ('the Agreement') provides for the establishment and operation of an Agency centre at the Harwell Science and Innovation Campus in the United Kingdom. This Order will enable Her Majesty's Government to give effect to its obligations under the Agreement relating to privileges and immunities.

Article 4(2) amends article 15 of the ESA Order to include the Head of the Harwell Centre as a high officer. It also provides that up to seven high-ranking officials, in addition to the Director General and the Head of the Harwell Centre, are high officers but limits their privileges and immunities so that they do not have immunity from suit and legal process (except in relation to things done in the exercise of their functions) or inviolability of their residence.

Article 4(3) amends article 16 of the ESA Order to provide that all officers have customs and tax exemptions in relation to a vehicle imported to replace any vehicle imported upon taking up their position and to exempt them from social security contributions. The first of these exemptions does not apply to British nationals or permanent residents of the United Kingdom.”.