

# PROJET DE LOI

ENTITLED

## **The European Bank for Reconstruction and Development (Sark) Law, 1994 \***

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from the Greffier, La Chasse Murette, Sark, GY10 1SF.*

©Chief Pleas of Sark

---

\* No. XXIX of 1994 (Ordres en Conseil Vol. XXXV(2), p. 643). See also the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991 (No. XIII of 1991, Ordres en Conseil Vol. XXXIII, p. 217).

# PROJET DE LOI

ENTITLED

## **The European Bank for Reconstruction and Development (Sark) Law, 1994**

### ARRANGEMENT OF SECTIONS

1. Purposes of Law.
2. EBRD' s status and capacities.
3. Legal process.
4. Official archives.
5. Import and export prohibitions.
6. Rates and property taxes.
7. Import duties and fuel impôts.
8. Interpretation.
9. Citation.

## **The European Bank for Reconstruction and Development (Sark) Law, 1994**

**THE CHIEF PLEAS OF SARK**, in pursuance of their Resolution of 6<sup>th</sup> October, 1993, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Sark.

### **Purposes of Law.**

**1.** The provisions of this Law have effect, notwithstanding any rule of law or any other enactment from time to time in force, for the purposes of –

- (a) recognising the capacities of the European Bank for Reconstruction and Development (in this Law referred to as "**the EBRD**") established by an Agreement done at Paris on 29<sup>th</sup> May 1990, and
- (b) affording privileges, immunities, exemptions and reliefs in relation to the EBRD and its Governors, Directors, Alternate Governors, Alternate Directors, officers and employees, and to experts performing missions for it.

### **EBRD's status and capacities.**

**2.** (1) The EBRD is an organisation of which the United Kingdom and other sovereign powers are members.

(2) The EBRD has the legal capacities of a body corporate.

### **Legal process.**

**3.** (1) The EBRD has immunity from suit and legal process –

- (a) if it has no office and no appointed agent for the purpose of accepting service or notice of process, in the Bailiwick of Guernsey, and has not issued or

guaranteed securities in the Bailiwick of Guernsey,

- (b) in actions brought by, or by a person acting for or deriving claims from, any member of the EBRD,
- (c) in respect of any form of seizure of, or attachment of or execution on, the EBRD's property or assets (wherever located and by whomever held) before delivery of final judgment against the EBRD,
- (d) in respect of the search, requisition, confiscation or expropriation of such property or assets.

(2) Any Governor, Director, Alternate Governor, Alternate Director, officer or employee of the EBRD, and any expert performing a mission for EBRD has –

- (a) immunity from suit and legal process in respect of acts performed by him in his official capacity, except in respect of civil liability in the case of damage arising from a road traffic accident caused by him,
- (b) such immunity from suit and legal process as is necessary to ensure that all of his official documents have the like inviolability as is accorded in respect of the EBRD's official archives by section 4 of this Law.

(3) The immunities conferred by this section may be waived –

- (a) in the case of those conferred by subsection (1), by the EBRD's Board of Directors, or
- (b) in the case of those conferred by subsection (2), by the EBRD's Board of Directors or President,

either entirely or to such extent as may be specified by the waiver.

**Official archives.**

4. The EBRD's official archives are inviolable at any time and wherever they are.

**Import and export prohibitions.**

5. The EBRD is exempt from prohibitions and restrictions on importation and exportation in the case of goods and publications imported or exported by the EBRD and necessary for the exercise of its official activities.

**Rates and property taxes.**

6. (1) The EBRD is not liable in respect of its official premises to pay any taxes or dues, except such as represent payment for specific services rendered.

(2) For the avoidance of doubt, subsection (1) of this section does not apply to sums payable under any rule of law or enactment from time to time in force by people contracting with the EBRD.

(3) For the purposes of this section, EBRD's "**official premises**" are all buildings, parts of buildings and land ancillary to them, which (irrespective of ownership) are used for the purposes of the EBRD, including the residence of any person appointed by the EBRD to be in charge of its operations in any Island of the Bailiwick of Guernsey.

**Import duties and fuel impôts.**

7. (1) Subject to compliance with such conditions as the Chief Revenue Officer may impose for the protection of the Revenue, the EBRD is exempt from duties and taxes on the importation by it or on its behalf of goods and publications necessary for the exercise of its official activities.

(2) The EBRD shall be entitled to relief by way of refund of duty paid on any motor spirit necessary for its official activities, under and subject to arrangements made by the Chief Pleas.

**NOTE**

*In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991, section 12, the reference in this section to the "Chief Revenue Officer" shall, save where the context otherwise requires, be deemed to be a reference to the Chief Officer of Customs and Excise for the time being appointed by the Policy & Resources Committee and shall include any person acting by or under his authority.*

---

**Interpretation.**

8. The Interpretation (Guernsey) Law, 1948<sup>a</sup> applies as respects the interpretation of this Law in the Island of Sark.

**Citation.**

9. This Law may be cited as the European Bank for Reconstruction and Development (Sark) Law, 1994.

---

**NOTE**

*The Law received Royal Sanction on 2nd November, 1994 and was registered on the Records of the Island of Guernsey and came into force on 16th January, 1995.*

---

---

<sup>a</sup> Ordres en Conseil Vol. XIII, p. 355.