

ORDER IN COUNCIL

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1994

ratifying a Projet de Loi

ENTITLED

The European Bank for Reconstruction and Development (Guernsey and Alderney) Law, 1994

(Registered on the Records of the Island of Guernsey
on the 7th June, 1994.)



1994

The European Bank for Reconstruction and Development
(Guernsey and Alderney) Law, 1994

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THE STATES, in pursuance of their Resolution of 13th November 1991¹, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Alderney, Herm and Jethou.

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 29th 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 -

¹ On Article IV of Billet d'État No. XXIV of 1991.

- (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.

Income tax.

6. (1) Within the scope of its official activities, the EBRD and its income are exempt from income tax.

(2) As from the date on which an internal effective tax for the benefit of the EBRD on the emoluments paid to him by the EBRD is applied, any Director, Alternate Director, officer or employee of the EBRD shall enjoy exemption from income tax in respect of such emoluments, provided that nothing in this subsection 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.

(3) Subsection (2) of this section shall not apply to pensions and annuities paid by the EBRD.

Rates and property taxes.

7. (1) The EBRD is not liable in respect of its official premises to pay any -

- (a) occupiers' rate,

- (b) tax on rateable values,
- (c) dwellings profit tax,
- (d) other 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.

8. (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 Revenue Officer.

Interpretation.

9. The Interpretation (Guernsey) Law, 1948² applies as respects the interpretation of this Law throughout the Bailiwick; and in this Law the expression "the Bailiwick" means the Bailiwick of Guernsey excluding the Island of Sark.

² Ordres en Conseil Vol. XIII, p.355.

Citation.

10. This Law may be cited as the European Bank for Reconstruction and Development (Guernsey and Alderney) Law, 1994.