

**2021 No. 533**

**INTERNATIONAL IMMUNITIES AND PRIVILEGES**

**The Bank for International Settlements (Immunities and Privileges) Order 2021**

*Made* - - - - 28th April 2021

*Coming into force* - - 29th April 2021

At the Court at Windsor Castle, the 28th day of April 2021

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 12(4) of the International Development Act 2002(a), a draft of this Order was laid before, and approved by a resolution of, each House of Parliament.

Accordingly, Her Majesty, in exercise of the powers conferred by section 12(1) of the International Development Act 2002, is pleased, by and with the advice of Her Privy Council, to order as follows:

**Citation and commencement**

1. This Order may be cited as the Bank for International Settlements (Immunities and Privileges) Order 2021 and comes into force on the day after the day on which it is made.

**Interpretation**

2.—(1) In this Order—

“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(b);

“the Bank” means the Bank for International Settlements;

“BISIH London Centre” means the Bank for International Settlements Innovation Hub London Centre in the United Kingdom;

“expert” means a person, other than a member of staff of the Bank or a secondee—

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(a) 2002 c. 1. Section 12 was amended to include reference to the Bank for International Settlements by the International Settlements (International Development Act 2002 and Immigration (Exemption from Control) Order 1972) (Amendment) Order 2021.

(b) 1964 c. 81. Schedule 1 was amended by section 6 of, and paragraph 1 of Schedule 2 to, the Diplomatic and Consular Premises Act 1987 (C. 46).

## **Relief on VAT and customs duty on imported hydrocarbon oil**

**10.** The Bank has relief by way of refund of duty (whether of customs or excise) paid on imported hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979(a)) or value added tax paid on the importation of such oil which is purchased in the United Kingdom and is used for the Bank's official activities.

## **Customs treatment**

**11.—**(1) The Bank is exempt from duties (whether of customs or excise), taxes and other levies on all goods imported or exported by the Bank used pursuant to its official activities.

(2) The Bank is exempt from any obligation for the payment, withholding or collection of any customs or excise duty.

## **Social security and welfare**

**12.—**(1) Where the Bank establishes or joins a social security scheme in respect of protected members of staff the Bank is exempt from the requirements of any enactment relating to social security, including enactments in force in Northern Ireland or Scotland in, relation to those members of staff.

(2) In this article, a "protected member of staff" is—

- (a) a member of staff appointed to the BISI London Centre; or
- (b) a secondee.

## **Members of the board of directors and staff of the Bank and secondees**

**13.—**(1) A person connected with the Bank has the following immunities—

- (a) immunity from suit and legal process in respect of things done, or omitted to be done, while carrying out any official activities of the Bank;
- (b) the like exemption and privileges in respect of their official baggage as, in accordance with the 1961 Convention Articles, are accorded to a diplomatic agent; and
- (c) the like inviolability as, in accordance with the 1961 Convention Articles, is accorded to a diplomatic agent in respect of all official papers, documents, data and data media.

(2) The immunity granted under paragraph (1)(a) continues to apply to the person after they cease to be a person connected with the Bank.

(3) In addition to the immunities granted under paragraph (1), any person who is the General Manager of the Bank, the Deputy General Manager of the Bank, a member of staff of the Bank or a secondee—

- (a) is exempt from tax of any kind on the salaries and emoluments, except pensions or annuities, paid by the Bank (but such salaries or emoluments may be taken into account by the Commissioners for Her Majesty's Revenue and Customs, for the purpose of taxation to be applied to income from other sources); and
- (b) enjoys exemptions whereby, for the purposes of the requirements of any enactment relating to social security, including enactments in force in Northern Ireland or Scotland—
  - (i) services rendered for the Bank by the person are deemed excepted from any class of employment in respect of which contributions or premiums under those enactments are payable; but

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(a) 1979 c. 5; to which there are amendments not relevant to this Order. For the definition of "hydrocarbon oil" see section 1.

- (ii) the person may not be rendered liable to pay any contribution or premium which the person would not be required to pay if those services were not deemed to be so excepted.
- (4) A person who is a member of staff appointed to the BISIH London Centre or a secondee—
  - (a) is exempt from public service of any kind, except serving on a jury; and
  - (b) is exempt from duties (whether customs or excise) and taxes on the importation of articles (except payments for services) in respect of import of their furniture and personal effects (including one motor vehicle), provided such importation takes place within six months of the time of first taking up their post with the BISIH London Centre.
- (5) A person who ceases to be a member of staff appointed to the BISIH London Centre, or a secondee, is exempt from duties (whether customs or excise) and taxes on the exportation of articles (except payments for services) in respect of export of their furniture and personal effects.
- (6) Paragraph (3)(b) does not apply to a person who is a British citizen, British overseas territories citizen, British Overseas citizen, British National (Overseas) or any person who at the time of taking up their functions with the Bank is a permanent resident of the United Kingdom.
- (7) Paragraphs (1)(b), (3)(a), (4)(a) and (b) and (5) do not apply to a member of staff appointed to the BISIH London centre or secondee who is a British Citizen, British overseas territories citizen, British Overseas citizen, British National (Overseas) or any person who at the time of taking up their functions with the Bank is a permanent resident of the United Kingdom.
- (8) In this article, “person connected with the Bank” means—
  - (a) a member of the board of directors of the Bank;
  - (b) the General Manager of the Bank;
  - (c) the Deputy General Manager of the Bank;
  - (d) a member of staff of the Bank;
  - (e) a secondee; or
  - (f) a representative of a central bank or monetary authority which is a member of the Bank.

## **Experts**

- 14.—**(1) Experts have the following immunities—
  - (a) immunity from suit and legal process in respect of things done, or omitted to be done in connection with the official activities of the Bank;
  - (b) while carrying out any official activities of the Bank, the like inviolability in respect of official papers, documents, data and data media as, in accordance with the 1961 Convention Articles, is accorded to a diplomatic agent.
- (2) The immunity granted under paragraph (1)(a) continues to apply to a person after they cease to be engaged as an expert by the Bank.

## **Power to waive in relation to the board of directors, members of staff, secondees and experts**

- 15.—**(1) The chairman of the Bank’s board of directors may waive any immunity granted under this Order to—
  - (a) a member of the board of directors of the Bank;
  - (b) the General Manager of the Bank;
  - (c) the Deputy General Manager of the Bank; or
  - (d) a representative of a central bank or monetary authority which is a member of the Bank.
- (2) The General Manager of the Bank may waive any immunity granted under this Order to—
  - (a) a member of staff of the Bank;
  - (b) a secondee; or