



Jersey

**ORGANISATION FOR ECONOMIC CO-
OPERATION AND DEVELOPMENT
(IMMUNITIES AND PRIVILEGES) (JERSEY)
REGULATIONS 1999**

Official Consolidated Version

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ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (IMMUNITIES AND PRIVILEGES) (JERSEY) REGULATIONS 1999

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THE STATES, in exercise of the powers conferred on them by Article 12 of the [Privileges and Immunities \(Diplomatic, Consular, etc.\) \(Jersey\) Law 1998](#) have made the following Regulations –

Commencement [[see endnotes](#)]

PART 1

INTERPRETATION

1

In these Regulations –

“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 Law;

“expert” means a person who is not an officer of the Organisation, but is appointed as an expert by it to perform a mission for it;

“High Officer” of the Organisation means the Secretary-General of the Organisation and any Deputy Secretary-General of the Organisation;

“Law” means the [Privileges and Immunities \(Diplomatic, Consular, etc.\) \(Jersey\) Law 1998](#);

“officer” in relation to the Organisation includes its High Officers, as well as any Assistant Secretary-General and any established member of its staff;

“official premises” means all buildings, parts of buildings and land ancillary to them, which (irrespective of ownership) are used for the purposes of the Organisation, including the residence of any officer appointed by the Organisation to be in charge of its operations in Jersey;

“Organisation” means the Organisation for Economic Co-operation and Development established by a Convention done at Paris on 14th December 1990;

“Representative” to the Organisation means a person appointed by a member State, other than the United Kingdom, as its representative to principal and subsidiary organs.

PART 2

THE ORGANISATION

2

The Organisation is one to which Part 5 of the Law applies.

3

The Organisation has the legal capacities of a body corporate.

4

Except in so far as in any particular case it has expressly waived its immunity, the Organisation shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

5

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.

6

The Organisation shall have the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, as is accorded to a foreign sovereign Power.

7

The Organisation shall have the like relief from rates as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

8

The Organisation shall have exemption from customs duties and taxes on the importation of goods imported by the Organisation for its official use in Jersey and on the importation of publications of the Organisation imported by it, such exemption to be subject to

compliance with such conditions as the Agent of the Impôts may impose for the protection of the Revenue.

9

The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Organisation for its official use and in the case of any publications of the Organisation imported or exported by it.

10

The Organisation shall have relief, under arrangements made by the Agent of the Impôts by way of refund of duty paid on any *huiles et essences* within the meaning of the [Customs and Excise \(Jersey\) Law 1999](#) which is bought in Jersey and used for the official purposes of the Organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART 3

REPRESENTATIVES

11

- (1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which he or she represents, any representative of a member to the principal and subsidiary organs of the Organisation shall, while exercising the representative's functions and during the representative's journeys to and from the place of meeting, enjoy –
 - (a) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, and rates as are accorded to or in respect of a diplomatic agent;
 - (b) the like exemption from customs duties and taxes on the importation of articles imported for the representative's personal use or the use of members of the representative's family forming part of the representative's household, including articles intended for the representative's establishment, as in accordance with paragraph (1) of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent;
 - (c) the like exemption and privileges in respect of the representative's personal baggage as in accordance with paragraph (2) of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent;
 - (d) relief, under arrangements made by the Agent of the Impôts, by way of refund of customs duty paid on any *huiles et essences* within the meaning of the [Customs and Excise \(Jersey\) Law 1999](#) which is bought in Jersey by the representative or on the representative's behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements; and

- (e) exemptions whereby, for the purposes of the [Social Security \(Jersey\) Law 1974](#) –
 - (i) services rendered for the Organisation by the representative shall be deemed to be excepted from any class of employment in respect of which contributions under that Law are payable, but
 - (ii) no person shall be rendered liable to pay any contribution which the person would not be required to pay if those services were not deemed to be so excepted.
- (2) Part IV of Schedule 3 to the Law shall not operate so as to confer any privilege or immunity on –
 - (a) the official staff of a representative other than delegates, alternates, advisers, technical experts and secretaries of delegations; or
 - (b) the family of a representative or of a member of the official staff of a representative.
- (3) Neither this Regulation nor Part IV of Schedule 3 to the Law shall operate so as to confer any privilege or immunity on any person as the representative of the United Kingdom or of Jersey or as a member of the official staff of such a representative or on any person who is a citizen of the United Kingdom and Colonies.

PART 4

OFFICERS

12

- (1) Except in so far as in any particular case any privilege or immunity is waived by the Council of the Organisation, and subject to the provisions of paragraph (2) of this Regulation the Secretary-General of the Organisation and any Deputy Secretary-General shall enjoy –
 - (a) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, and rates as are accorded to or in respect of the head of a diplomatic mission;
 - (b) the like exemption from customs duties and taxes on the importation of articles imported for their personal use or the use of members of their families forming part of their households, including articles intended for their establishment, as in accordance with paragraph (1) of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent;
 - (c) the like exemption and privileges in respect of their personal baggage as in accordance with paragraph (2) of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent;
 - (d) relief, under arrangements made by the Agent of the Impôts, by way of refund of customs duty paid on any *huiles et essences* within the meaning of the [Customs and Excise \(Jersey\) Law 1999](#) which is bought in Jersey by them or on their behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements; and

- (e) exemptions whereby, for the purposes of the [Social Security \(Jersey\) Law 1974](#) –
 - (i) services rendered by them for the Organisation shall be deemed to be excepted from any class of employment in respect of which contributions under that Law are payable, but
 - (ii) no person shall 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.
- (2) This Regulation shall not apply to any person who is a citizen of the United Kingdom and Colonies or a permanent resident of the United Kingdom or Jersey.
- (3) Part IV of Schedule 3 to the Law shall not operate so as to confer any privilege or immunity on any member of the family of the Secretary-General other than the Secretary-General's spouse or civil partner and children under the age of 21 or on any member of the family of any Deputy Secretary-General.¹

13

Except in so far as any particular case any privilege or immunity is waived by the Secretary-General, Assistant Secretaries-General and established members of the staff of the Organisation shall enjoy –

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in their official capacity;
- (b) exemption from income tax in respect of emoluments received by them as officers of the Organisation; and
- (c) the like exemption from customs duties and taxes on the importation of articles which –
 - (i) at or about the time when they first enter Jersey to take up their posts as officers of the Organisation are imported for their personal use or that of members of their families forming part of their household, including articles rendered for their establishment, and
 - (ii) are articles which were in their ownership or possession or that of such members of their families, or which they or such members of their families were under contract to purchase, immediately before they so entered Jersey,as in accordance with paragraph (1) of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent.

PART 5

EXPERTS

14

Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General, experts (other than officers of the Organisation) performing missions for the Organisation shall enjoy –

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the course of the performance of their missions;
- (b) during the period of their missions, including the time spent on journeys in connection with their missions, the like immunity from personal arrest or detention and from seizure of their baggage and the like inviolability for all papers and documents as is accorded to a diplomatic agent.

PART 6

THE TRIBUNAL

15

- (1) In this Regulation the “Tribunal” means the Tribunal established by the Convention on the Establishment of a Security Control in the field of Nuclear Energy.
- (2) Except in so far as in any particular case any immunity is waived by the Tribunal, the judges of the Tribunal shall enjoy immunity from suit and legal process in respect of things done or omitted to be done by them in their judicial capacity.
- (3) Except in so far as in any particular case any immunity is waived by the Tribunal, the representatives, counsel and advocates appearing before the Tribunal shall enjoy –
 - (a) immunity from suit and legal process in regard to statements made and writings produced by them in connection with the performance of their duties as representatives, counsel or advocates before the Tribunal; and
 - (b) inviolability for their documents.

PART 7

GENERAL

16

These Regulations may be cited as the [Organisation for Economic Co-operation and Development \(Immunities and Privileges\) \(Jersey\) Regulations 1999](#).

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Organisation for Economic Co-operation and Development (Immunities and Privileges) (Jersey) Regulations 1999	R&O.9443	29 September 1999
Civil Partnership (Consequential Amendments) (Jersey) Regulations 2012	R&O.47/2012	2 April 2012

Table of Renumbered Provisions

Original	Current
PART I	Part 1
PART II	Part 2
PART III	Part 3
PART IV	Part 4
PART V	Part 5
PART VI	Part 6
PART VII	Part 7

Table of Endnote References

¹ Regulation 12(3) amended by R&O.47/2012