

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT EUROPEAN ORGANIZATION FOR
ASTRONOMICAL RESEARCH IN THE SOUTHERN
HEMISPHERE AND THE EUROPEAN SPACE
AGENCY (IMMUNITIES AND PRIVILEGES)
(AMENDMENT) ORDER 2018

Monday 14 May 2018

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Friday 18 May 2018

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The Committee consisted of the following Members:

Chair: MR VIRENDRA SHARMA

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| † Bradley, Ben (<i>Mansfield</i>) (Con) | Mahmood, Shabana (<i>Birmingham, Ladywood</i>) (Lab) |
| † Campbell, Mr Alan (<i>Tynemouth</i>) (Lab) | † Mann, John (<i>Bassetlaw</i>) (Lab) |
| † Courts, Robert (<i>Witney</i>) (Con) | † Masterton, Paul (<i>East Renfrewshire</i>) (Con) |
| † Duguid, David (<i>Banff and Buchan</i>) (Con) | † Rowley, Danielle (<i>Midlothian</i>) (Lab) |
| † Duncan, Sir Alan (<i>Minister for Europe and the Americas</i>) | † Stewart, Iain (<i>Milton Keynes South</i>) (Con) |
| † Elliott, Julie (<i>Sunderland Central</i>) (Lab) | † Syms, Sir Robert (<i>Poole</i>) (Con) |
| † Freer, Mike (<i>Finchley and Golders Green</i>) (Con) | † Timms, Stephen (<i>East Ham</i>) (Lab) |
| † Goodman, Helen (<i>Bishop Auckland</i>) (Lab) | Gail Bartlett, <i>Committee Clerk</i> |
| † Grady, Patrick (<i>Glasgow North</i>) (SNP) | † attended the Committee |
| † Letwin, Sir Oliver (<i>West Dorset</i>) (Con) | |

First Delegated Legislation Committee

Monday 14 May 2018

[MR VIRENDRA SHARMA *in the Chair*]

Draft European Organization for Astronomical Research in the Southern Hemisphere and the European Space Agency (Immunities and Privileges) (Amendment) Order 2018

4.30 pm

The Minister for Europe and the Americas (Sir Alan Duncan): I beg to move,

That the Committee has considered the draft European Organization for Astronomical Research in the Southern Hemisphere and the European Space Agency (Immunities and Privileges) (Amendment) Order 2018.

The order was laid before the House on 29 March. It amends the European Space Agency (Immunities and Privileges) Order 1978 and the European Organization for Astronomical Research in the Southern Hemisphere (Immunities and Privileges) Order 2009.

The European Organization for Astronomical Research in the Southern Hemisphere—the ESO—was established by a convention in 1962. The United Kingdom acceded to the convention and joined the organisation in 2002. In 2012, we acceded to the ESO privileges and immunities protocol, which had been given effect in domestic law by the 2009 order. This order corrects various errors in the 2009 order that unduly limited the privileges and immunities given to British nationals and permanent residents working for the ESO. It is necessary to correct them to ensure that we are fully compliant with our international obligations under the ESO privileges and immunities protocol.

The amendments made by this order concern three issues. First, on the taxation of employees, the protocol requires the United Kingdom to exempt from taxation the emoluments of officers who are British nationals or permanent residents. Secondly, the protocol requires the United Kingdom to confer on officers of the organisation who are British nationals or permanent residents immunity from legal process in respect of their official acts. Motor vehicle offences and motor vehicle damage are excluded from that immunity. Thirdly, the protocol requires the United Kingdom to grant social security exemptions to all officers of the organisation who are British nationals or permanent residents. This order does all those things. An earlier version of the amendments contained in this order was laid in Parliament in 2017 but withdrawn when this order was laid, because the earlier version had not exempted all officers of the organisation from social security contributions.

The second organisation that this order concerns is the European Space Agency, which was established by a convention in 1975. The United Kingdom acceded to the convention and joined the agency in the same year. In 2009, we welcomed the European Centre for Space Applications and Telecommunications to Harwell in Oxfordshire. With the establishment of that new UK ESA

campus, we need to amend the original UK legislation—the 1978 order—that gave privileges and immunities to ESA staff and high-ranking officers.

The revisions contained in this order confirm the immunities and privileges to which staff are entitled and the number of high-ranking officers that the UK will recognise. That number has grown as a result of the new UK ESA campus. Specifically, it confers the status of high-ranking officer on the head of the Harwell centre, and it provides that the ESA director general and a maximum of seven further members of staff working at the centre can also be considered high-ranking officers. That means that they are entitled to certain privileges and immunities, for example relief from taxes and certain exemptions from social security contributions. However, they are not entitled to immunity from suit or legal process, except for actions carried out during their official functions.

The privileges and immunities afforded to officers of both these organisations—the ESO and the ESA—including those who are British nationals or permanent residents, are limited to those that the organisations need to conduct their official activities. They are in line with those given to officers of other international organisations of which the UK is a member. Leaving the European Union will have no direct impact on the United Kingdom's membership of the ESO or the ESA. The ability of British and permanent resident staff to work for the organisations is dependent on the domestic legislation, which accurately reflects the relevant international conventions and protocols, and the privileges and immunities that they afford to staff.

4.35 pm

Helen Goodman (Bishop Auckland) (Lab): It is nice to see you in the Chair this afternoon, Mr Sharma.

It is my understanding that space research is important for scientific and commercial reasons, and that we will do much better space research if we collaborate internationally. The European Organization for Astronomical Research in the Southern Hemisphere is one of those international organisations for collaboration, and the statutory instrument will improve its functioning, so we should approve it.

I have just one question for the Minister: why are we using the affirmative procedure, and not the negative, for the statutory instrument?

4.36 pm

Patrick Grady (Glasgow North) (SNP): It is a pleasure to serve under your chairmanship, Mr Sharma.

The Scottish National party has no objections to the statutory instrument. We recognise the importance of the space industry to the UK economy and, indeed, my constituency and the city of Glasgow play an important part in it. The University of Glasgow recently played an important role in the discovery of gravitational waves. It is important for scientists and researchers to be able to travel and benefit from the appropriate amenities.

As to what the Minister said about the European Space Agency being autonomous in relation to the EU, and there being no Brexit impact, I want to press him a little for reassurance that the arrangements being put in place today will be future-proofed against potential fallout from Brexit, in relation to freedom of movement or people's ability to travel. Maintaining a strong relationship with such European agencies will become even more important in the light of Brexit.

4.37 pm

Sir Oliver Letwin (West Dorset) (Con): Without delaying the Committee more than 30 seconds, I want to ask a further question—or, really, to make a plea. The Minister gave a blissfully clear account in rather few words of what the order is all about. I tried to read the explanatory note, and then I read the explanatory memorandum; I am not quite sure why there are both. After I had read it three times I dimly perceived what the Minister has explained in a few words, very clearly. Would it be possible in future to have explanatory notes that are actually explanatory?

4.38 pm

Sir Alan Duncan: In answer to my right hon. Friend, I believe—but I am ready to stand corrected—that explanatory notes are put together by Parliament. *[Interruption.]* They are put together by us. I take the entire blame, and I will endeavour to be clearer in the way we publish those bits of paper in future, and try to get them raised to the standard I was able to reach earlier. I rather agree with my right hon. Friend that as far as possible all language should be free of jargon. The measure should be explicable to any intelligent person, and it should be possible to understand every bit of paper in the House.

As I have said, the amendment order simply corrects a number of errors and omissions in, and makes necessary updates to, the orders it amends. It aligns domestic law with the obligations that we have entered into with European partners, with whom we share an endeavour to increase our knowledge of space.

I believe that I can give the hon. Member for Glasgow North the assurance he seeks about future-proofing, and I can answer the hon. Member for Bishop Auckland, who speaks for the Opposition, by telling her that the affirmative procedure is required by the parent legislation. If it is stated in the primary law, we must follow that procedure.

This latest amendment order is necessary to give full effect to the UK's international obligations, so that we can continue our fruitful relationship with both the organisations, to which we remain fully committed. I trust, therefore, that right hon. and hon. Members will appreciate that our approach is straightforward and fully support the order.

The Chair: Just to make it absolutely clear, explanatory notes are not prepared by Parliament.

Question put and agreed to.

4.40 pm

Committee rose.

