
STATUTORY INSTRUMENTS

1996 No. 270

**INTERNATIONAL IMMUNITIES
AND PRIVILEGES**

**The International Sea-Bed Authority
(Immunities and Privileges) Order 1996**

Made - - - - 14th February 1996

Coming into force in accordance with Article 1

At the Court at Buckingham Palace, the 14th day of February 1996

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 10 of the International Organisations Act 1968(1) ("the Act") and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by section 1 of the Act(2) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**PART I
GENERAL**

Citation and Entry into Force

1.—(1) This Order may be cited as the International Sea-Bed Authority (Immunities and Privileges) Order 1996.

(2) It shall, with the exception of Article 13, come into force on the date, to be notified in the London, Edinburgh and Belfast Gazettes, on which the United Nations Convention on the Law of

(1) 1968 c. 48.

(2) As amended by section 1 of the International Organisations Act 1981 (c. 9).

the Sea of 10th December 1982⁽³⁾ (“the Convention”) enters into force in respect of the United Kingdom.

(3) Article 13 shall come into force on the date, to be notified in the London, Edinburgh and Belfast Gazettes, on which the Enterprise operates independently of the Secretariat of the Authority.

Interpretation

2. In this Order:

- (a) “the 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⁽⁴⁾;
- (b) “Authority” means the International Sea-Bed Authority established by the Convention;
- (c) “Enterprise” means the organ of the Authority referred to in Article 158(2) and Article 170 of the Convention;
- (d) “representative” means a representative of a member of the Authority attending meetings of the Assembly, the Council or organs of the Assembly or Council.

PART II

THE AUTHORITY

3. The Authority is an organisation of which the United Kingdom and other sovereign Powers are members.

4. The Authority (including the Enterprise) shall have the legal capacities of a body corporate.

5. The Authority, its property and assets shall enjoy immunity from suit and legal process, except to the extent that the Authority expressly waives this immunity in a particular case.

6. The Authority shall have the like inviolability in respect of its premises and archives as, in accordance with the 1961 Convention Articles, is accorded in respect of the official premises and archives of a diplomatic mission.

7. Within the scope of its official activities, the Authority, its assets and property, its income, and its operations and transactions, authorised by the Convention, shall have exemption from income tax, capital gains tax and corporation tax.

8. The Authority 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.

9. The Authority shall have exemption from customs duties and taxes on the importation of goods for its official use in the United Kingdom.

10. The Authority shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of customs duty paid on imported hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979⁽⁵⁾) or value added tax paid on the importation of such oil which is bought in the United Kingdom and used for the official purposes of the Authority, such relief to be subject to the compliance with the conditions as may be imposed in accordance with the arrangements.

(3) Cmnd. 8941.

(4) 1964 c. 81.

(5) 1979 c. 5.

11. The Authority shall have relief, under arrangements made by the Secretary of State, by way of refund of value added tax paid on the purchase of new motor vehicles of United Kingdom manufacture and of value added tax on the supply of any goods or services which are used for the official purposes of the Authority, such relief to be subject to compliance with the conditions as may be imposed in accordance with the arrangements.

PART III

THE ENTERPRISE

12. Articles 5 to 11 of this Order shall not apply to the Enterprise.

13. Except to the extent that the Enterprise shall have waived such immunity, the Enterprise shall have immunity from suit and legal process—

- (a) where the Enterprise has no office in the United Kingdom, has not appointed any agent in the United Kingdom for the purpose of accepting service or notice of process, has not entered into a contract for goods or services in the United Kingdom, has not issued securities in the United Kingdom and has not otherwise engaged in commercial activity in the United Kingdom;
- (b) in respect of all forms of seizure, attachment or execution before the delivery of final judgment against the Enterprise; and
- (c) in respect of the requisition, confiscation, expropriation or any other form of seizure of property or assets of the Enterprise wherever located and by whomsoever held.

PART IV

REPRESENTATIVES

14.—(1) Representatives shall enjoy immunity from suit and legal process with respect to acts performed by them in the exercise of their functions, except to the extent that the State which they represent expressly waives this immunity in a particular case.

(2) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on—

- (a) the official staff of a representative other than alternate representatives and advisers, or
- (b) the family of a representative.

(3) Neither the preceding paragraphs of this Article nor Part IV of Schedule 1 to the Act shall operate so as to confer any privilege or immunity on any person as the representative of the United Kingdom or as a member of the official staff of such a representative or on any person who is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, or a British National (Overseas).

PART IV

OFFICIALS

15.—(1) The Secretary-General and staff of the Authority shall enjoy immunity from suit and legal process with respect to acts performed by them in the exercise of their functions, except to the extent that the Authority expressly waives this immunity in a particular case.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) The Secretary-General and staff of the Authority, who are not British citizens, British Dependent Territories citizens, British Overseas citizens, or British Nationals (Overseas) shall enjoy exemption from income tax in respect of emoluments received by them from the Authority.

(3) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on any member of the family of an official to whom this Article applies.

(4) Paragraph (2) of this Article shall not apply to pensions and annuities paid by the Authority.

PART V

EXPERTS PERFORMING MISSIONS

16. Experts performing missions for the Authority who are not British citizens, British Dependent Territories citizens, British Overseas citizens, or British Nationals (Overseas) shall enjoy exemption from income tax in respect of emoluments received by them from the Authority.

N. H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers privileges and immunities on the International Sea-Bed Authority, its officials, representatives of its members and experts performing missions for it, and on the Enterprise, an organ of the Authority. These privileges and immunities are conferred in accordance with the United Nations Convention on the Law of the Sea (Cmnd. 8941). The Order will enable Her Majesty's Government to give effect to that Convention, and will come into force, with the exception of Article 13, on the date on which the Convention enters into force in respect of the United Kingdom. Article 13 will come into force when the Enterprise operates independently of the Secretariat of the Authority.