
STATUTORY INSTRUMENTS

2000 No. 1817

**INTERNATIONAL IMMUNITIES
AND PRIVILEGES**

The European Court of Human Rights
(Immunities and Privileges) Order 2000

Made - - - - 12th July 2000

Coming into force in accordance with Article 1

At the Court at Buckingham Palace, the 12th day of July 2000

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) (hereinafter referred to as "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 5 of the Act 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

1.—(1) This Order may be cited as the European Court of Human Rights (Immunities and Privileges) Order 2000.

(2) Parts I and II of this Order shall come into force on the date on which the Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe done at Strasbourg on 5th March 1996(2) enters into force with respect to the United Kingdom. Part III of this Order shall come into force on the date on which the European Agreement relating to Persons Participating

(1) 1968 c. 48.

(2) Cm. 4727.

in Proceedings of the European Court of Human Rights done at Strasbourg on 5th March 1996⁽³⁾ enters into force with respect to the United Kingdom. These dates shall be notified in the London, Edinburgh and Belfast Gazettes.

2.—(1) In this Order—

“the Convention” means the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November 1950⁽⁴⁾ as amended by Protocol No 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms restructuring the control machinery established thereby⁽⁵⁾;

“the Committee of Ministers” means the Committee of Ministers of the Council of Europe when exercising its functions under Article 46(2) of the Convention;

“the Court” means the European Court of Human Rights established by Article 19 of the Convention or any Chamber, judge or judges of the Court carrying out their duties under the terms of the Convention or the rules of the Court;

“judges of the Court” means judges elected under Article 22 or appointed under Article 27 of the Convention;

“persons participating in proceedings” means—

- (a) any persons taking part in proceedings instituted before the Court as parties, their representatives and advisors.
- (b) witnesses and experts called upon by the Court and other persons invited by the President of the Court to take part in proceedings.
- (c) any person mentioned in sub-paragraph (a) or (b) of this paragraph who is called upon to appear before or to submit written statements to the Committee of Ministers;

“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⁽⁶⁾.

(2) For the purposes of this Order any petition, complaint or other communication which, with a view to action to be taken by or before the Court—

- (a) is made to the Court, or
- (b) is made to a person through whom, in accordance with the constitution, rules or practice of the Court, such a communication can be received,

shall be deemed to be proceedings before the Court, and the person making any such communication shall be deemed to be a party to such proceedings.

PART II

THE COURT

3. The judges of the Court, the Registrar of the Court and the Deputy Registrar of the Court shall have inviolability in respect of their documents and papers in so far as they relate to the business of the Court.

(3) Cm. 4728.
(4) Cmnd. 8969.
(5) Cm. 4353.
(6) 1964 c. 81.

4.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Court sitting in plenary session, judges of the Court, the Registrar of the Court and, when he is acting as the Registrar, the Deputy Registrar of the Court shall enjoy:—

- (a) unless they are British citizens, British Dependent Territories citizens, British Overseas citizens, British Nationals (Overseas) or permanently resident in the United Kingdom 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) immunity from suit and legal process in respect of words spoken or written and things done or omitted to be done by them in their official capacity;
 - (c) exemption from income tax in respect of the salaries and emoluments received by them;
 - (d) the like exemption from duties and taxes on the importation of articles imported for their personal use, 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;
 - (e) unless they are British citizens, British Dependent Territories citizens, British Overseas citizens, British Nationals (Overseas) or permanently resident in the United Kingdom 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;
 - (f) unless they are British citizens, British Dependent Territories citizens, British Overseas citizens, British Nationals (Overseas) or permanently resident in the United Kingdom 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(7)) or value added tax paid on the importation of such oil which is bought in the United Kingdom by or on their behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements; and
 - (g) exemptions whereby, for the purposes of the enactments relating to national insurance and social security, including enactments in force in Northern Ireland,
 - (i) services rendered for the Court by them shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but
 - (ii) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted.
- (2) Paragraph 1(c) of this Article shall not apply to pensions or annuities paid by the Court.

PART III

PERSONS PARTICIPATING IN PROCEEDINGS

5. Except in so far as in any particular case any immunity is waived by the Court, persons participating in proceedings shall have:—

- (a) in respect of words spoken or written and documents or other evidence submitted by them before or to the Court (but not where such words, documents or evidence or any part thereof are communicated by them or on their behalf outside the Court) the like immunity from suit and legal process as is accorded to the head of a diplomatic mission;

(7) 1979 c. 5.

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

- (b) while passing in transit through the United Kingdom during their journeys to and from the proceedings or while in the United Kingdom for the purpose of such proceedings there, immunity from criminal proceedings and, except for the purpose of detaining a person who has escaped from legal custody, from personal arrest in respect of acts or convictions prior to the commencement of the journey, provided that their presence at the proceedings has been authorised in advance by the Court and that fifteen days have not elapsed from the date when their presence is no longer required by the Court.

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers privileges and immunities on the European Court of Human Rights, its judges, Registrar and Deputy Registrar, and on persons participating in proceedings before the Court or the Committee of Ministers of the Council of Europe. It will enable Her Majesty's Government to give effect—

- (i) to the Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe (Cm. 4727.);
- (ii) to the European Agreement relating to Persons Participating in Proceedings of the European Court of Human Rights (Cm. 4728.).