

SCHEDULE 11

Article 2

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

*General*

1. In this Schedule—

“the Tribunal” means the International Tribunal for the Law of the Sea established by the Convention;

“the Convention” means the United Nations Convention on the Law of the Sea of 10th December 1982<sup>(1)</sup>;

the “Statute” means the Statute of the International Tribunal for the Law of the Sea in annex VI to the Convention;

“member of the Tribunal” means an elected member of the Tribunal or a person chosen under article 17 of the Statute for the purpose of a particular case;

“officials of the Tribunal” means the Registrar and other officers of the Tribunal;

“Registrar” means the Registrar of the Tribunal (and includes any official of the Tribunal acting as Registrar);

“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.

*The Tribunal*

2. The Tribunal shall enjoy immunity from suit and legal process, including in respect of its property, assets and funds, except in so far as the Tribunal has expressly waived such immunity in any particular case.

3. The Tribunal 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.

4. The Tribunal shall have the like relief from non-domestic rates on its official premises as, in accordance with Article 23 of the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission.

5.—(1) The Tribunal shall have exemption from prohibitions and restrictions, except where the prohibitions or restrictions arise from European Community law, on importation or exportation of goods by the Tribunal for its official use and in the case of any publications of the Tribunal imported or exported by it.

(2) Sub-paragraph (1) shall not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part II of Schedule 5 to the Scotland Act 1998<sup>(2)</sup>.

*Members of the Tribunal*

6.—(1) Members of the Tribunal shall enjoy the immunities and privileges set out in sub paragraph (2) when—

(a) engaged on the business of the Tribunal;

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(1) Cmnd. 8941.

(2) 1998 c. 46.

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- (b) residing in the United Kingdom for the purpose of holding themselves at the disposal of the Tribunal;
- (c) on journeys in or through the United Kingdom in connection with the exercise of their functions.

(2) Those immunities and privileges are—

- (a) the like immunity from suit and legal process as is accorded to or in respect of the head of a diplomatic mission;
- (b) the like inviolability of residence as is accorded to or in respect of the head of a diplomatic mission;
- (c) the like immunity from personal arrest, detention and seizure of personal baggage as is accorded to or in respect of the head of a diplomatic mission; and
- (d) the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) as is accorded to or in respect of the head of a diplomatic mission.

(3) Sub paragraphs (1) and (2) shall not operate so as to confer any immunity or privilege on any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is permanently resident in the United Kingdom.

(4) But any such person (as is described in sub-paragraph (3)) who is a member of the Tribunal shall enjoy immunity from suit and legal process (even after ceasing to exercise official functions) in respect of acts, including words written or spoken, done by the person in the course of discharging functions in connection with the Tribunal.

(5) Members of the family forming part of the household of a member of the Tribunal—

- (a) during any period in which the Tribunal member is resident in the United Kingdom for the purpose of holding that member at the disposal of the Tribunal; or
- (b) when that member is on journeys in or through the United Kingdom in connection with the exercise of functions,

shall also enjoy the immunities and privileges under paragraph (2) during the period of that residence or when on such journeys.

(6) Members of the Tribunal after the expiry of their terms of office shall enjoy immunity from suit and legal process in respect of acts, including words written or spoken, done by them in the course of discharging their functions in connection with the Tribunal.

(7) Immunities and privileges accorded by this paragraph may be waived by the Tribunal.

#### *Registrar and the officials*

7.—(1) The Registrar, when engaged on the business of the Tribunal, shall enjoy—

- (a) the like immunity from suit and legal process as is accorded to or in respect of a diplomatic agent;
- (b) the like inviolability of residence as is accorded to or in respect of a diplomatic agent;
- (c) the like immunity from personal arrest, detention and seizure of personal baggage as is accorded to or in respect of a diplomatic agent; and
- (d) the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) as is accorded to or in respect of a diplomatic agent.

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(2) Sub paragraph (1) shall not operate so as to confer any immunity or privilege on any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is permanently resident in the United Kingdom.

(3) But any such person (as is described in sub-paragraph (2)) who is the Registrar shall enjoy immunity from suit and legal process (even after ceasing to exercise official functions) in respect of acts, including words written or spoken, done by the person in the course of discharging functions in connection with the Tribunal.

(4) Immunities and privileges accorded by this paragraph may be waived by the Tribunal.

**8.—(1)** Officials of the Tribunal (other than the Registrar), when engaged on the business of the Tribunal and as necessary for the independent exercise of their functions, shall enjoy—

(a) immunity from suit and legal process (even after they have ceased to exercise their functions) in respect of acts, including words written or spoken, done by them in the course of discharging their functions for the Tribunal; and

(b) the like immunity from personal arrest, detention and seizure of personal baggage as is accorded to a diplomatic agent.

(2) Sub paragraph (1)(b) shall not operate so as to confer any immunity or privilege on any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is permanently resident in the United Kingdom.

(3) Where the incidence of any form of local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) depends on residence, any period during which officials of the Tribunal are present in the United Kingdom for the discharge of their functions shall not be considered as a period of residence in the United Kingdom.

(4) Immunities and privileges accorded by this paragraph may be waived by the Registrar acting with the approval of the President of the Tribunal.

#### *Experts*

**9.—(1)** Except in so far as in any particular case such immunity or privilege is waived by the Tribunal, experts appointed under article 289 of the Convention, during the period of their mission (including time spent on journeys in that connection), shall as necessary for the independent exercise of their functions enjoy—

(a) immunity from suit and legal process (even after they have ceased to exercise their functions) in respect of acts, including words written or spoken, done by them in the course of discharging their functions for the Tribunal;

(b) the like inviolability for all papers and documents as is accorded to a diplomatic agent; and

(c) the like immunity from personal arrest, detention and seizure of personal baggage as is accorded to a diplomatic agent.

(2) Sub paragraph (1)(b) and (c) shall not operate so as to confer any immunity or privilege on any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is permanently resident in the United Kingdom.

#### *Agents, counsel and advocates*

**10.—(1)** Subject to the production of the required certificate, agents, counsel and advocates before the Tribunal during the period of their missions (including time spent on journeys in that connection), shall as necessary for the independent performance of their functions enjoy—

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- (a) immunity from suit and legal process (even after they have ceased to exercise their functions) in respect of acts, including words written or spoken, done by them in the course of discharging their functions for the Tribunal;
  - (b) the like inviolability for all papers and documents as is accorded to a diplomatic agent; and
  - (c) the like immunity from personal arrest, detention and seizure of personal baggage as is accorded to a diplomatic agent.
- (2) Sub paragraph (1)(b) and (c) shall not operate so as to confer any immunity or privilege on any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is permanently resident in the United Kingdom.
- (3) Immunities and privileges accorded by this paragraph may be waived—
- (a) in the case of agents, counsel and advocates representing, or designated by, a State which is a party to proceedings before the Tribunal, by that State;
  - (b) in the case of all other agents, counsel and advocates, by the Tribunal.
- (4) For the purposes of this paragraph, “required certificate” means a certificate signed by the Registrar certifying the status of the agent, counsel or advocate and specifying a time period reasonably required for the proceedings.

*Witnesses, experts and persons performing missions*

- 11.**—(1) Except in so far as in any particular case such immunities or privileges are waived by the Tribunal, witnesses, experts and persons performing missions by order of the Tribunal shall during the period of their mission (including time spent on journeys in that connection) enjoy the same immunities and privileges as are provided for in paragraph 9(1).
- (2) Sub paragraph (1) shall not operate so as to confer any immunity or privilege set out in paragraph 9(1)(b) and (c) on any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is permanently resident in the United Kingdom.