



# International Organisations Act 2005

## 2005 CHAPTER 20

An Act to make provision about privileges, immunities and facilities in connection with certain international organisations. [7th April 2005]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Commonwealth Secretariat**

- (1) In the Commonwealth Secretariat Act 1966 (c. 10) the following provisions (which limit the privileges and immunities of the Secretariat) are omitted—
  - (a) in section 1, subsections (3) and (4), and
  - (b) in the Schedule, paragraph 1(1)(b) and the word “and” before it.
- (2) In Schedule 3 to the Arbitration Act 1996 (c. 23) (consequential amendments), paragraph 23 is omitted.
- (3) This section does not have effect in relation to any written contract entered into by or on behalf of the Commonwealth Secretariat before this section comes into force.
- (4) “The Commonwealth Secretariat” has the same meaning as in the Commonwealth Secretariat Act 1966.

### **2 Commonwealth Secretariat Arbitral Tribunal**

- (1) The Commonwealth Secretariat Act 1966 is amended as follows.
- (2) In section 1(2) (immunities and privileges), after “their families” insert “and the President and members of the Commonwealth Secretariat Arbitral Tribunal”.
- (3) In the Schedule (immunities and privileges)—
  - (a) in paragraph 6, after “of this Schedule” there is inserted “, and the President and members of the Commonwealth Secretariat Arbitral Tribunal,” and

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*Status: This is the original version (as it was originally enacted).*

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- (b) in paragraph 8, after “their families” there is inserted “and on the President and members of the Commonwealth Secretariat Arbitral Tribunal”.
- (4) If the Commonwealth Secretariat Arbitral Tribunal is replaced by a successor, the Secretary of State may by order made by statutory instrument amend the Commonwealth Secretariat Act 1966 (c. 10) in whatever way he considers appropriate for the purpose of conferring, in relation to the successor, immunities and privileges equivalent to those conferred by virtue of subsections (2) and (3).
- (5) No order under subsection (4) may be made unless a draft of the statutory instrument containing the order has been laid before, and approved by resolution of, each House of Parliament.

### **3 Commonwealth Secretariat: income tax**

In the Schedule to the Commonwealth Secretariat Act 1966 (immunities and privileges)—

- (a) in paragraph 5(1) the words from “except that” to the end are omitted,
- (b) after paragraph 5 there is inserted—
  - “5A (1) With effect from the relevant day, the officers and servants of the Commonwealth Secretariat are exempt from income tax in respect of the salaries and emoluments received by them in that capacity.
  - (2) The relevant day is the day specified by the Secretary of State as the day from which the officers and servants of the Commonwealth Secretariat become subject to internal income tax imposed by the Secretariat for its benefit.
  - (3) Sub-paragraphs (1) and (2) do not apply to any pension or annuity paid by the Commonwealth Secretariat to any person who has ceased to be an officer or servant of the Secretariat.
  - (4) This paragraph applies to senior officers of the Commonwealth Secretariat in place of any exemption from liability for income tax in respect of the salaries and emoluments received by them in that capacity to which (but for this sub-paragraph) they would be entitled by virtue of paragraph 5(1) of this Schedule.”

### **4 Organization for Security and Co-operation in Europe**

- (1) If at any time the Organization for Security and Co-operation in Europe (“the OSCE”) is not for the purposes of section 1 of the International Organisations Act 1968 (c. 48) (“the 1968 Act”) an organisation of which—
  - (a) the United Kingdom, or Her Majesty’s Government in the United Kingdom, and
  - (b) at least one other sovereign Power, or the Government of such a Power,
 are members, it is to be treated for those purposes as such an organisation.
- (2) Any agreement or formal understanding between the United Kingdom or Her Majesty’s Government in the United Kingdom and any other sovereign Power or the Government of such a Power and relating to the OSCE is to be treated for the

purposes of section 1(5) and (6)(a) of the 1968 Act as an agreement between the United Kingdom and the OSCE.

## **5 Bodies established under Treaty on European Union**

After section 4A of the 1968 Act there is inserted—

### **“4B Bodies established under Treaty on European Union**

- (1) This section applies to any body—
  - (a) established under Title V (provisions on a common foreign and security policy) or Title VI (provisions on police and judicial cooperation in criminal matters) of the Treaty on European Union signed at Maastricht on 7th February 1992 as amended from time to time; and
  - (b) in relation to which the United Kingdom, or Her Majesty’s Government in the United Kingdom, has obligations by virtue of any instrument under that Treaty or by virtue of any agreement to which the United Kingdom, or Her Majesty’s Government in the United Kingdom, is a party (whether made with another sovereign Power or the Government of such a Power or not).
- (2) Her Majesty may by Order in Council make any one or more of the following provisions in respect of a specified body to which this section applies—
  - (a) confer on the body the legal capacities of a body corporate;
  - (b) provide that the body shall, to such extent as is specified, have such specified privileges and immunities as (having regard to the obligations referred to in subsection (1)(b)) it is in the opinion of Her Majesty in Council appropriate for the body to have;
  - (c) confer on such specified classes of persons mentioned in subsection (3), to such extent as is specified, such specified privileges and immunities as (having regard to those obligations) it is in the opinion of Her Majesty in Council appropriate to confer on them.
- (3) The persons mentioned in subsection (2)(c) are—
  - (a) the body’s officers or staff;
  - (b) other persons connected with the body,  
and members of their families who form part of their households.
- (4) In this section, “specified” means specified in the Order in Council.”

## **6 International Criminal Court**

- (1) Paragraph 1 of Schedule 1 to the International Criminal Court Act 2001 (c. 17) (supplementary provisions relating to International Criminal Court) is amended as follows.
- (2) In sub-paragraph (2)—
  - (a) at the end of paragraph (b) there is added “and members of their families who form part of their households,”
  - (b) the word “and” at the end of paragraph (c) is omitted, and
  - (c) at the end of paragraph (d) there is inserted “and

- (e) persons attending meetings of the Assembly (including persons attending such meetings as observers and persons invited to such meetings),”.

(3) After sub-paragraph (2) there is added—

“(3) In sub-paragraph (2)(e) “the Assembly” means the Assembly of States Parties to the ICC statute (and includes the subsidiary organs of that Assembly).”

## **7 European Court of Human Rights**

Section 5 of the 1968 Act (privileges relating to international judicial proceedings) applies to members of the family of a judge of the European Court of Human Rights as it applies to a judge of that court.

## **8 International Tribunal for the Law of the Sea**

The International Tribunal for the Law of the Sea is to be treated for the purposes of section 1 of the 1968 Act (organisations of which the United Kingdom is a member) as an organisation of which—

- (a) the United Kingdom, or Her Majesty’s Government in the United Kingdom, and
- (b) at least one other sovereign Power, or the Government of such a Power, are members.

## **9 Repeals**

The Schedule contains a list of enactments repealed by this Act.

## **10 Devolution**

For the purposes of the Scotland Act 1998 (c. 46), sections 4, 5, 7 and 8 of this Act are to be taken to be pre-commencement enactments within the meaning of that Act.

## **11 Short title, interpretation, commencement and extent**

- (1) This Act may be cited as the International Organisations Act 2005.
- (2) In this Act “the 1968 Act” means the International Organisations Act 1968 (c. 48).
- (3) Except for sections 1 to 3, this Act comes into force at the end of the period of two months beginning with the day on which it is passed.
- (4) Sections 1 to 3 come into force on such day as the Secretary of State by order made by statutory instrument appoints, and he may appoint different days for different purposes.
- (5) This Act extends to Northern Ireland.

## SCHEDULE

Section 9

## REPEALS

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
Commonwealth Secretariat Act 1966 (c. 10)	Section 1(3) and (4). In the Schedule, paragraph 1(1)(b) and the word “and” before it; and in paragraph 5(1), the words from “except that” to the end.
Arbitration Act 1996 (c. 23)	In Schedule 3, paragraph 23.
International Criminal Court Act 2001 (c. 17)	In Schedule 1, in paragraph 1(2), the word “and” at the end of paragraph (c).

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