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## STATUTORY INSTRUMENTS

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# 1983 No. 144

## The Commonwealth Telecommunications Organisation (Immunities and Privileges) Order 1983

### PART II

#### THE ORGANISATION

3. The Organisation is an organisation of which Her Majesty's Government in the United Kingdom and the Governments of other sovereign Powers are members.

4. The Organisation shall have the legal capacities of a body corporate.

5.—(1) Within the scope of its official activities the Organisation shall have immunity from suit and legal process except:

- (a) to the extent that the Organisation shall have expressly waived such immunity in a particular case;
- (b) in respect of any contract for the supply of goods or services, and any loan or other transaction for the provision of finance and any guarantee or indemnity in respect of any such transaction or of any other financial obligation;
- (c) in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle belonging to, or operated on behalf of, the Organisation, or in respect of a traffic offence involving such a vehicle;
- (d) in respect of a civil action relating to death or personal injury caused by an act or omission in the United Kingdom;
- (e) in the event of the attachment or, in Scotland, arrestment, pursuant to the final order of a court of law, of the salaries, wages or other emoluments owed by the Organisation to a staff member;
- (f) in respect of a counter-claim directly connected with proceedings instituted by the Organisation;
- (g) in respect of the enforcement of an arbitration award made under Article 21 of the Agreement; and
- (h) in respect of proceedings relating to a contract of employment between the Organisation and a staff member.

(2) Paragraph (1) of this Article shall not prevent the taking of such measures as may be permitted by law in relation to the property and assets of the Organisation in so far as they may be temporarily necessary in connection with the prevention of, and investigation into, accidents involving motor vehicles belonging to, or operated on behalf of, the Organisation.

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

7. Within the scope of its official activities, the Organisation shall have exemption from taxes on income and capital gains.

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**8.** The Organisation shall have the like relief from 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.

**9.** The Organisation shall have relief, under arrangements made by the Secretary of State, by way of refund of car tax and value added tax paid on the purchase of new motor cars of United Kingdom manufacture and of value added tax paid on the supply of other goods or services which are necessary for the official activities of the Organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

**10.** The Organisation shall have exemption from duties (whether of customs or excise) and taxes on the importation of goods imported by or on behalf of the Organisation and necessary for the exercise of its official activities, such exemption to be subject to compliance with such conditions as the Commissioners of Customs and Excise may prescribe for the protection of the Revenue.

**11.** The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Organisation and necessary for the exercise of its official activities and in the case of any publications of the Organisation imported or exported by it.

**12.** The Organisation shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of duty (whether of customs or excise) paid on imported Hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979) or value added tax paid on the importation of such oil which is bought in the United Kingdom by the Organisation and necessary for the exercise of its official activities, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.