

STATUTORY INSTRUMENTS

1983 No. 144

INTERNATIONAL IMMUNITIES AND PRIVILEGES

**The Commonwealth Telecommunications Organisation
(Immunities and Privileges) Order 1983***Laid before Parliament in draft*

Made - - - - - 11th February 1983
Coming into Operation *On a date to be notified in the
London, Edinburgh and Bel-
fast Gazettes*

At the Court at Buckingham Palace, the 11th day of February 1983
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(1) of the International Organisations Act 1968(a) (hereinafter referred to as the Act) and has been approved by 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 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. This Order may be cited as the Commonwealth Telecommunications Organisation (Immunities and Privileges) Order 1983. It shall come into operation on the date on which the Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Commonwealth Telecommunications Organisation (b) (hereinafter referred to as the Agreement) enters into force. The date shall be notified in the London, Edinburgh and Belfast Gazettes.

(a) 1968 c.48; section 1 was amended by the International Organisations Act 1981 (c.9) section 1(1).
(b) Cmnd. 8674.

2.—(1) For the purposes of this Order, the official activities of the Commonwealth Telecommunications Organisation (hereinafter referred to as the Organisation) includes its administrative activities.

(2) In this Order “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(a).

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.

(a) 1964 c.81.

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.

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^(a)) 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.

PART III

REPRESENTATIVES

13.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government which they represent, representatives of members of the Organisation shall enjoy, while exercising their functions and in the course of their journeys to and from the place of meeting:

(a) 1979 c.5.

- (a) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, done by them in the exercise of their functions, except in the case of a motor traffic offence committed by a representative or in the case of damage caused by a vehicle belonging to or driven by him; and
- (b) the like inviolability for all their official papers and documents as is accorded to diplomatic agents.

(2) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on the official staff of representatives, other than alternate representatives and advisers.

(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 a representative, alternate representative or adviser.

(4) Neither the provisions of the preceding paragraphs of this Article, nor those of Part IV of Schedule 1 to the Act, shall operate so as to confer any privilege or immunity on any person as the representative or alternate representative, or their adviser, of Her Majesty's Government in the United Kingdom or on any person who is a British citizen, a British Dependent Territories citizen or a British Overseas citizen.

PART IV

OFFICERS

14. Except in so far as in any particular case any privilege or immunity is waived by the General Secretary of the Organisation or, in the case of the General Secretary, by the Council of the Organisation, all officers of the Organisation employed full time by the Organisation and subject to its staff regulations, with the exception of persons recruited locally and assigned to hourly rates of pay, shall enjoy:

- (a) immunity from suit and legal process in respect of acts done by them in the exercise of their functions, including words written or spoken, except in the case of a motor traffic offence committed by an officer or in the case of damage caused by a motor vehicle belonging to or driven by him;
- (b) as from the date on which the salaries and emoluments received by them as officers of the Organisation become subject to taxation by the Organisation for its benefit, exemption from income tax in respect of such salaries and emoluments, provided that nothing in this paragraph shall be interpreted as precluding such salaries and emoluments from being taken into account for the purpose of assessing the amount of taxation to be applied to income from other sources;
- (c) unless they are British citizens, British Dependent Territories citizens or British Overseas citizens or are permanently resident in the United Kingdom, the like exemption from duties and taxes on the importation of furniture and personal effects (including one motor car each) which—
 - (i) at the time when they first enter the United Kingdom to take up their post, are imported for their personal use or for their establishment, and
 - (ii) were in their ownership or possession or which they were under

contract to purchase immediately before they so entered the United Kingdom,

as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent; and

- (d) unless they are British citizens, British Dependent Territories citizens or British Overseas citizens or are permanently resident in the United Kingdom, and provided that the Organisation has established or joined a social security scheme, exemptions whereby for the purposes of the enactments relating to social security including enactments in force in Northern Ireland—
- (i) services rendered for the Organisation 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.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order confers privileges and immunities on the Commonwealth Telecommunications Organisation, on representatives of its Member Governments and on its officers. These privileges and immunities are conferred in accordance with an Agreement which has been negotiated between the Government of the United Kingdom and the Commonwealth Telecommunications Organisation (Cmnd. 8674). The Order will enable Her Majesty's Government to give effect to the Agreement, which will enter into force on signature. The Order will come into operation on the date on which the Agreement enters into force.

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