1962 No. 1337

DIPLOMATIC AND INTERNATIONAL IMMUNITIES AND PRIVILEGES

The Central Treaty Organisation (Immunities and Privileges) Order 1962

Laid before Parliament in draft

Made - - - - *27th June* 1962

Coming into Operation *on a date to be notified in the London Gazette*

ARRANGEMENT OF ORDER

PART I — THE ORGANISATION
PART II — REPRESENTATIVES
PART III — OFFICERS
PART IV — EXPERTS ON MISSIONS
PART V — GENERAL

At the Court at Buckingham Palace, the 27th day of June 1962

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section six of the International Organisations (Immunities and Privileges) Act 1950(a) (hereinafter referred to as "the Act"), and an address has been presented to Her Majesty by each House of Parliament praying that an Order may be made in the terms of the said draft:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf conferred on Her by 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

THE ORGANISATION

1. The Central Treaty Organisation (hereinafter referred to as the Organisation) is an Organisation of which the United Kingdom and foreign sovereign Powers are members.

2. The Organisation shall have the legal capacities of a body corporate and, except in so far as in any particular case the Secretary-General acting on behalf of the Organisation has expressly waived its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

(a) 14 Geo. 6. c. 14.

3. The Organisation shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty.

4. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.

5. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in the United Kingdom or for exportation, or on the importation of any publications of the Organisation directly imported by it, 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.

6. The Organisation shall have exemption from quantitative restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of any publications of the Organisation directly imported or exported by it.

PART II

REPRESENTATIVES

7.—(1) Except in so far as in any particular case any immunity or privilege is waived by the State which he represents, any person designated by a Contracting State as its principal permanent representative to the Organisation in the United Kingdom shall enjoy the like immunity from suit and legal process, the like inviolability of residence, and the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(2) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on members of the official staff of a principal permanent representative other than, to the extent specified in Article 9 of this Order, official clerical staff.

8.—(1) Except in so far as in any particular case any immunity or privilege is waived by the State which he represents, any representative of a Contracting State to the Council of the Organisation or to any organ, committee or service established by the Council or under its authority, shall, while present in the United Kingdom for the discharge of his duties, enjoy :—

(*a*) In respect of words spoken or written and all acts done by him in his official capacity, the like immunity from legal process as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty ;

(*b*) The like immunity from personal arrest or detention and from seizure of his personal baggage and the like inviolability for all papers and documents as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(2) Where the incidence of any form of taxation depends upon residence, any period during which a representative to whom this Article applies is present in the United Kingdom for the discharge of his duties shall, for the purpose of determining his liability to taxation, be treated as not being a period of residence in the United Kingdom.

(3) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on members of the official staff of a representative to whom this Article applies other than:—

(*a*) advisers and technical experts of delegations; and

(*b*) to the extent specified in Article 9 of this Order, official clerical staff.

9. The following immunities and privileges conferred on representatives shall be extended to their official clerical staffs referred to in Articles 7 (2) and 8 (3) (*b*) of this Order while they are present in the United Kingdom for the discharge of their duties:—

(*a*) In respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process, and inviolability for all papers and documents.

(*b*) Where the incidence of any form of taxation depends upon residence, any period during which they are present in the United Kingdom for the discharge of their duties shall, for the purpose of determining their liability to taxation, be treated as not being a period of residence in the United Kingdom.

10. Neither the provisions of Articles 7, 8 and 9 of this Order, nor those of Part IV of the Schedule to the Act shall operate so as to confer any immunity or privilege on any person as the representative of Her Majesty's Government in the United Kingdom or as a member of the official staff of such a representative or on any person who is a citizen of the United Kingdom and Colonies.

PART III

OFFICERS

11.—(1) Except in so far as in any particular case any immunity or privilege is waived by the Council, the Secretary-General of the Organisation and the senior Deputy Secretary-General in office shall enjoy the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than income tax, as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, and exemption from income tax in respect of emoluments received by them as officers of the Organisation.

Provided that if any such officer is a citizen of the United Kingdom and Colonies he shall enjoy, in addition to the privileges and immunities conferred by Article 12 (*a*) and (*b*) of this Order, only the like inviolability for all papers and documents relating to the work on which he is engaged for the Organisation as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(2) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on the families of officers to whom this Article applies.

12. Except in so far as in any particular case any immunity or privilege is waived by the Council, all officers of Grades 1 to 10 inclusive and all military personnel permanently attached for administrative services with the Organisation's Combined Military Planning Staff shall enjoy:—

(*a*) Immunity from suit and legal process in respect of words spoken or written and all acts done by them in their official capacity and within the limits of their authority.

(*b*) Exemption from income tax in respect of emoluments received by them as officers of the Organisation.

PART IV

EXPERTS ON MISSIONS

13. Except in so far as in any particular case any immunity or privilege is waived by the Council, experts, other than any persons referred to in Article 11 or 12 of this Order, employed on missions on behalf of the Organisation, shall, so far as is necessary for the effective exercise of their functions while present in the United Kingdom for the discharge of their duties, enjoy:—

(*a*) In respect of words spoken or written and all acts done by them in the performance of their official duties, the like immunity from legal process as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(*b*) The like immunity from personal arrest or detention and from seizure of their personal baggage as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(*c*) The like inviolability for all papers and documents relating to the work on which they are engaged for the Organisation as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

Provided that, if any such expert is a citizen of the United Kingdom and Colonies, he shall not enjoy any immunity under sub-paragraph (*b*) of this Article.

PART V

GENERAL

14.—(1) The Interpretation Act 1889(a), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(2) In this Order, the words "Contracting State" shall mean a contracting State to the Agreement on the Status of the Central Treaty Organisation, National Representatives and International Staff, which was signed at Ankara on 9th November 1960.

15. This Order may be cited as the Central Treaty Organisation (Immunities and Privileges) Order 1962. It shall come into operation on the date on which the said Agreement enters into force with respect to the United Kingdom. This date shall be notified in the London Gazette.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order confers immunities and privileges upon the Central Treaty Organisation, representatives to its organs, its officers, and experts employed on missions on its behalf, in accordance with the Agreement on the Status of the Central Treaty Organisation, National Representatives and International Staff, signed at Ankara on 9th November 1960 (Cmnd. 1721). It will come into operation on the date on which this Agreement enters into force with respect to the United Kingdom.

(a) 52 & 53 Vict. c. 63.