1961 No. 63

DIPLOMATIC AND INTERNATIONAL IMMUNITIES AND PRIVILEGES

The Customs Co-operation Council (Immunities and Privileges) Order, 1961

Laid before Parliament in draft

Made - - - - 17*th January*, 1961
Coming into Operation 17*th January*, 1961

ARRANGEMENT OF ORDER

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

At the Court at Buckingham Palace, the 17th day of January, 1961

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 Customs Co-operation Council (hereinafter referred to as the Council) is an organisation of which Her Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

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

2. The Council shall have the legal capacities of a body corporate and, except in so far as in any particular case it 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.

3. The Council 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 Council 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 Council shall have exemption from taxes on the importation of goods directly imported by the Council for its official use in the United Kingdom or for exportation, or on the importation of any publications of the Council 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 Council shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Council for its official use and in the case of any publications of the Council directly imported or exported by it.

7. The Council shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside the United Kingdom), of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II

REPRESENTATIVES

8.—(1) Except in so far as in any particular case any immunity or privilege is waived by the member Government whom he represents, a representative of a member Government of the Council on any of its organs at meetings of the Council or any of its committees shall enjoy:—

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

(*b*) While exercising his functions and during his journeys to and from the place of meeting, 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) 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 alternates, advisers, technical experts and secretaries of delegations.

(3) Neither the provisions of the preceding paragraphs of this Article 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

9.—(1) Except in so far as in any particular case any immunity or privilege is waived, in the case of the Secretary-General, by the Council, and in the case of the Deputy Secretary-General, by the Secretary-General, the Secretary-General and the Deputy Secretary-General 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 Council.

(2) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on the family of the Deputy Secretary-General.

10. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General, officers of the Council of all categories other than those specified in Article 9 of this Order shall enjoy:—

(*a*) Immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties;

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

PART IV

EXPERTS

11. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General, experts (other than officers to whom Part III of this Order applies) employed on missions on behalf of the Council shall enjoy, during the period of their missions, including time spent on journeys in connexion with their missions:—

(*a*) In respect of words spoken or written or things done by them in the performance of their mission and within the limits of their authority, the like immunity from suit and 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 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.

PART V

GENERAL

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

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

13.—(1) The International Organisations (Immunities and Privileges of the Customs Co-operation Council) Order, 1954(a) is hereby revoked.

(2) Section 38 of the Interpretation Act, 1889, shall apply in relation to the said Order as if the present Order were an Act of Parliament and as if the said Order were an enactment repealed by an Act of Parliament.

14. This Order may be cited as the Customs Co-operation Council (Immunities and Privileges) Order, 1961.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order revokes and re-enacts with technical and drafting amendments the International Organisations (Immunities and Privileges of the Customs Co-operation Council) Order, 1954. It confers immunities and privileges on the Council, representatives to it, its officers, and experts employed on missions on its behalf, in accordance with the Annex to the Convention establishing the Customs Co-operation Council which was signed at Brussels on 15th December, 1950 (Cmd. 9232).

(a) S.I. 1954/1468 (1954 I, p. 685).