Draft Order in Council laid before Parliament under section 10 of the International Organisations Act 1968 (c. 48), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The International Claims Commission for Ukraine (Immunities and Privileges) Order 2026

Made - - - - ***

Coming into force in accordance with article 1(2)

At the Court at Buckingham Palace, the day of 2026

Present,

The King's Most Excellent Majesty in Council

In accordance with section 10(1) of the International Organisations Act 1968(**a**), a draft of this Order was laid before, and approved by a resolution of, each House of Parliament.

Accordingly, His Majesty, in exercise of the powers conferred on Him by section 1 of that Act(**b**), is pleased, by and with the advice of His Privy Council, to order as follows.

PART 1
General

Citation, commencement, extent and application

1.—(1) This Order may be cited as the International Claims Commission for Ukraine (Immunities and Privileges) Order 2026.

(2) This Order comes into force on the day on which the Convention enters into force for the United Kingdom or, if later, on the day after the day on which it is made.

(3) This Order extends to England and Wales, Scotland and Northern Ireland.

(**a**) 1968 c. 48. The function of approving a draft of an Order in Council under section 10 of that Act has been transferred from both Houses of Parliament to the Scottish Parliament under section 118 of the Scotland Act 1998 (c. 46) (as amended by section 12 of the Scotland Act 2012 (c. 11)) in so far as the function is exercisable within devolved competence.

(**b**) Section 1 was amended by the International Organisations Act 1981 (c. 9), section 1(1); and by the Civil Partnership Act 2004 (International Immunities and Privileges, Companies and Adoption) Order 2005 (S.I. 2005/3542).

(4) In Scotland, articles 5 to 15 of this Order do not apply in so far as they would, if included in an Act of the Scottish Parliament, be within the legislative competence of that Parliament.

Interpretation

2. In this Order—

"Assembly" has the same meaning as in Article 1(a) of the Convention;

"Claims" has the same meaning as in Article 1(b) of the Convention;

"Commission" has the same meaning as in Article 1(c) of the Convention;

"Commissioner" has the same meaning as in Article 1(d) of the Convention;

"the Convention" means the Convention establishing an International Claims Commission for Ukraine, done at The Hague on 16 December 2025(**a**);

"Council" has the same meaning as in Article 1(e) of the Convention;

"Executive Director" has the same meaning as in Article 1(f) of the Convention;

"Financial Committee" has the same meaning as in Article 1(g) of the Convention;

"Member" has the same meaning as in Article 1(i) of the Convention;

"members of the Secretariat" means staff members of the Commission's Secretariat referred to in Article 13(4) of the Convention;

"organ of the Commission" means the Assembly, the Council, the Financial Committee or any subsidiary organ established under Article 7(4)(i) of the Convention;

"representative of a Member" means a person representing a Member in an organ of the Commission;

"Secretariat" has the same meaning as in Article 1(o) of the Convention.

PART 2

The Commission

Membership of the Commission

3. The Commission is an organisation of which the United Kingdom and other sovereign Powers are members.

Legal personality

4. The Commission has the legal capacities of a body corporate.

(**a**) CP 1561, available at https://assets.publishing.service.gov.uk/media/69d787d3e1430e837a86f698/MS_3.2026_Convention_Establishing_International_Claims_Commission_Ukraine.pdf.

PART 3

Immunities, privileges, reliefs and exemptions of the Commission

Immunity of the Commission, its property and assets

5.—(1) The Commission has immunity from suit and legal process.

(2) The property and assets of the Commission, wheresoever located in the United Kingdom and by whomsoever held, are immune from suit and legal process including in respect of all forms of search, requisition, confiscation, expropriation and any other form of interference, whether by administrative, judicial or legislative action.

Inviolability of archives

6. The archives of the Commission have the like inviolability as, in accordance with the 1961 Convention Articles(**a**), is accorded in respect of the official archives of a diplomatic mission.

Inviolability of premises

7.—(1) The premises of the Commission have the like inviolability as, in accordance with the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission.

(2) In this article, "premises of the Commission" means any land, building or part of a building in the United Kingdom occupied by the Commission for its official purposes.

Taxes, rates, duties and customs treatment

8.—(1) The Commission is exempt from all direct taxation on its assets, income and other property, except for the proportion of any business rates charged for public services rendered.

(2) The Commission is exempt from duties (whether of customs or excise) on the importation of—

(a) goods imported by or on behalf of the Commission for its official use, and

(b) publications of the Commission.

(3) The Commission is exempt from prohibitions and restrictions on the importation or exportation of—

(a) goods imported or exported by or on behalf of the Commission for its official use, and

(b) publications of the Commission.

(4) The Commission has relief, under arrangements made by the Commissioners for His Majesty's Revenue and Customs, 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(**b**)), which is bought in the United Kingdom and used for the official purposes of the Commission, subject to compliance with such conditions as may be imposed in accordance with the arrangements.

(**a**) Section 11(1) of the International Organisations Act 1968 defines "the 1961 Convention Articles" as 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 (c. 81).

(**b**) 1979 c. 5.

PART 4

Immunities, privileges, reliefs and exemptions of persons connected with the Commission

Representatives of Members

9.—(1) A representative of a Member has immunity from suit and legal process in respect of words spoken or written and all acts performed by them in their official capacity.

(2) The immunity granted under paragraph (1) continues to apply to the person after they cease to be a representative of a Member.

(3) This article does not apply to a representative of the United Kingdom.

Commissioners

10.—(1) A Commissioner has the following privileges and immunities—

(a) immunity from suit and legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) exemption from income tax in respect of salaries and other emoluments paid to them by the Commission;

(c) exemption from duties (whether of customs or excise) on the importation of furniture and effects at the time of first taking up their post in the United Kingdom.

(2) The immunity granted under paragraph (1)(a) continues to apply to the person after they cease to be a Commissioner.

(3) In addition to the privileges and immunities granted under paragraph (1), a Commissioner, when engaged on the business of the Commission, has—

(a) the like immunity from suit and legal process and the like inviolability of residence as, in accordance with the 1961 Convention Articles, are accorded to or in respect of the head of a diplomatic mission,

(b) the like exemption or relief from taxes and rates, other than duties (whether of customs or excise) and taxes on the importation of goods, as, in accordance with the 1961 Convention Articles, is accorded to or in respect of the head of a diplomatic mission,

(c) the like exemption from duties (whether of customs or excise) and taxes on the importation of articles imported for the personal use of the Commissioner or of the Commissioner's spouse or minor child, including articles intended for the Commissioner's establishment, and the like privilege as to the importation of such articles, as, in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles, is accorded to a diplomatic agent, and

(d) the like exemption and privileges in respect of personal baggage as, in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles, are accorded to a diplomatic agent.

Executive Director and other members of the Secretariat

11.—(1) The Executive Director and other members of the Secretariat have the following privileges and immunities—

(a) immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) exemption from income tax in respect of salaries and other emoluments paid to them by the Commission;

(c) exemption from duties (whether of customs or excise) on the importation of furniture and effects at the time of first taking up their post in the United Kingdom.

(2) The immunity granted under paragraph (1)(a) continues to apply to the person after they cease to be the Executive Director or a member of the Secretariat (as the case may be).

Experts engaged by the Commission

12.—(1) An expert engaged by the Commission has immunity from suit and legal process in respect of words spoken or written and all acts performed by them in their official capacity.

(2) The immunity granted under paragraph (1) continues to apply to the person after they cease to be an expert engaged by the Commission.

Disapplication in respect of official staff and family members

13.—(1) Subject to paragraph (2), Part 4 of Schedule 1 to the International Organisations Act 1968 does not operate so as to confer any privilege or immunity on—

(a) a member of the official staff of any person granted a privilege or immunity under this Part,

(b) a member of the family of any person granted a privilege or immunity under this Part, or

(c) a member of the family of a member of the official staff of any person granted a privilege or immunity under this Part.

(2) Part 4 of Schedule 1 to the International Organisations Act 1968 has effect only to the extent that it confers on the spouse or minor child of a Commissioner the like privileges and immunities granted to the Commissioner under article 10(3) of this Order.

PART 5

Waiver and exceptions

Waiver

14.—(1) The Assembly may waive—

(a) any immunity granted under Part 3 of this Order to the Commission, and

(b) any privilege or immunity granted under Part 4 of this Order to—

(i) a Commissioner;

(ii) the spouse or minor child of a Commissioner.

(2) A waiver of immunity under paragraph (1)(a) is not to be held to imply waiver of immunity in respect of the execution of judgment, for which a separate waiver by the Assembly is necessary.

(3) A Member may waive any immunity granted under article 9 of this Order in relation to a representative of that Member.

(4) The Secretary General of the Council of Europe may waive any privilege or immunity granted under Part 4 of this Order in relation to—

(a) the Executive Director;

(b) other members of the Secretariat;

(c) an expert engaged by the Commission.

Road traffic offences etc.

15.—(1) No immunity conferred under Part 3 or 4 of this Order applies in relation to—

(a) a road traffic offence committed by the Commission or a relevant person, or

(b) a civil action brought by a third party for damages resulting from an accident caused by a motor vehicle belonging to the Commission or a relevant person, or operated by a relevant person.

(2) In this article, "relevant person" means a person on whom immunity is conferred under Part 4 of this Order.

NAME
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect in the United Kingdom to the privileges and immunities required by the Convention establishing an International Claims Commission for Ukraine done at The Hague on 16 December 2025. The Order confers legal capacity on the Commission and grants privileges and immunities to the Commission, its officials and experts, and to representatives of Member States in the organs of the Commission.

The Convention is available online at https://assets.publishing.service.gov.uk/media/69d787d3e1430e837a86f698/MS_3.2026_Convention_Establishing_International_Claims_Commission_Ukraine.pdf. Copies can also be obtained on request from the Foreign, Commonwealth and Development Office, King Charles Street, London SW1A 2AH.

An impact assessment has not been prepared for this Order as no, or no significant, impact is foreseen on the private, voluntary or public sectors in the United Kingdom.

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