EXPLANATORY MEMORANDUM TO

THE INTERNATIONAL CRIMINAL POLICE ORGANISATION (IMMUNITIES AND PRIVILEGES) ORDER 2023

2023 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Foreign, Commonwealth and Development Office and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 The INTERNATIONAL CRIMINAL POLICE ORGANISATION – INTERPOL ("INTERPOL") is a global law enforcement organisation, whose objective is to facilitate transnational police cooperation in the fight against crime. The UK is a member of INTERPOL, and in order to enable increased collaboration with the organisation, it is necessary to grant INTERPOL a set of privileges and immunities covering their activities in the UK. This will also be a requirement for the 2024 INTERPOL General Assembly, which will be held in the UK.

2.2 The Home Office, with FCDO support, has negotiated an Agreement with INTERPOL to grant appropriate privileges and immunities to INTERPOL and its officials, employees and country representatives.

2.3 The instrument confers legal capacity and privileges and immunities on INTERPOL and accords certain privileges and immunities to INTERPOL officials, experts and country representatives in accordance with the Agreement.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the United Kingdom.

4.2 The territorial application of this instrument is England and Wales, Scotland and Northern Ireland. In Scotland, articles 4 to 18 of this Order do not apply in so far as they would, if included in an Act of Scottish Parliament, be within the legislative competence of that Parliament.

5. European Convention on Human Rights

5.1 Minister Rutley has made the following statement regarding Human Rights:

"In my view the provisions of the International Criminal Police Organisation (Immunities and Privileges) Order 2023 are compatible with the Convention rights."

6. Legislative Context

6.1 Section 1 of the International Organisations Act 1968 (c. 48) allows His Majesty by Order in Council to specify an organisation of which the United Kingdom and other

sovereign Powers are members, to confer on the organisation the legal capacities of a body corporate, and to confer on the organisation and persons connected with it certain privileges and immunities. Subsection (6) provides that such Order in Council shall be framed as to secure that the privileges and immunities conferred by the Order are not greater in extent than those which are required to be conferred in accordance with any agreement between the United Kingdom and the organisation.

7. Policy background

What is being done and why?

7.1 The Home Office has made a successful bid to host the INTERPOL General Assembly in the United Kingdom in 2024. It is a requirement that the Host Country of the General Assembly and its associated meetings grants INTERPOL and relevant participants in those meetings appropriate privileges and immunities. Moreover, in order to enhance collaboration between the UK and INTERPOL more broadly, it is necessary to grant INTERPOL the relevant privileges and immunities required to operate effectively across Great Britain and Northern Ireland on an ongoing basis.

7.2 The Agreement has been concluded between His Majesty's Government and INTERPOL to grant those privileges and immunities. It will enter into force once the instrument has been approved and made. In particular, the Agreement obliges the UK to confer legal personality on INTERPOL; to grant certain privileges and immunities to INTERPOL including immunity from jurisdiction within the scope of its official activities and inviolability of its premises and archives; and to grant certain privileges and immunities to INTERPOL officials and experts, members of INTERPOL bodies such as the Executive Committee or Commission for the Control of Files, and to representatives of INTERPOL Member Countries (or countries undergoing the INTERPOL membership admission process). The Agreement provides for exceptions to immunity in respect of road traffic offences and accidents.

7.3 INTERPOL has become increasingly important to the UK following EU Exit; with the loss of UK access to EU law enforcement data sharing tools, INTERPOL has become our principal means of sharing law enforcement data with international partners. It is therefore vital that these privileges and immunities are granted to INTERPOL, in order for the UK to exact the maximum benefit from our collaboration. Enhanced collaboration with INTERPOL will assist the UK in our fight against transnational crime, and will reduce domestic crime as a result.

Explanations

What did any law do before the changes to be made by this instrument?

7.4 There was previously no law granting privileges and immunities to INTERPOL in the UK.

Why is it being changed?

7.5 It is being changed in order to grant INTERPOL the privileges and immunities necessary for their increased and facilitated operation in the UK and with UK partners.

What will it now do?

7.6 As with other international organisations of which the UK is a member, INTERPOL will enjoy certain privileges and immunities in the UK.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 Not applicable.

10. Consultation outcome

10.1 No external consultation was undertaken as the instrument implements provisions of an international agreement to which the United Kingdom will be obliged to give effect as a matter of international law once it enters into force.

11. Guidance

11.1 No guidance will be published.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because there is no, or no significant, impact on the public sector, business, charities or voluntary bodies.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The instrument is not time limited and there is no requirement to monitor its implementation. Officials at the Foreign, Commonwealth and Development Office and the Home Office will monitor the implementation of the Agreement on an ongoing and informal basis.

14.2 The instrument does not include a statutory review clause.

15. Contact

15.1 Jane Farrar at the Foreign, Commonwealth and Development Office (Jane.Farrar@fcdo.gov.uk) can be contacted with any queries regarding the instrument.

15.2 Jeremy Pilmore-Bedford, Deputy Director Protocol at the Foreign, Commonwealth and Development Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 Minister Rutley at the Foreign, Commonwealth and Development Office can confirm that this Explanatory Memorandum meets the required standard.