Draft Order in Council laid before Parliament under section 10(1) of the International Organisations Act 1968 (c. 48), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No. XXXX

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The North-East Atlantic Fisheries Commission (Immunities and Privileges) Order 2026

Made - - - -	*****
Coming into force - -	*31st March 2027*

At the Court at Buckingham Palace, the xx day of xx 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 North-East Atlantic Fisheries Commission (Immunities and Privileges) Order 2026.

(2) This Order comes into force on 31st March 2027.

(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 12 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—

"Agreement" means the Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the North-East Atlantic Fisheries Commission, done at London on 18th February 1999(**a**);

"Commission" means the North-East Atlantic Fisheries Commission established by Article 3 of the Convention;

"Convention" means the Convention on Future Multilateral Cooperation in North-East Atlantic Fisheries 1982(**b**);

"member" means a contracting party to the Convention;

"official activities" of the Commission means all activities undertaken pursuant to the Convention, including administrative activities;

"representatives" means representatives of members of the Commission and in each case means heads of delegations, alternates, advisers and experts;

"staff members" means the Secretary of the Commission and all persons appointed or recruited for employment with the Commission and subject to its staff regulations, other than persons in the domestic service of the Commission and persons recruited locally and assigned to hourly rates of pay.

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.

PART 3

Inviolability, privileges, reliefs and exemptions of the Commission

Inviolability of archives

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

(**a**) Cm 4265.
(**b**) Cmnd 8474.
(**c**) Section 11(1) of the International Organisations Act 1968 defines "the 1961 Convention Articles" as being 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).

Taxes, rates, duties and customs treatment

6.—(1) Within the scope of its official activities, the Commission is exempt from all direct taxation on its assets, property and income except for the proportion of any business rates charged for public services rendered.

(2) The Commission will have relief under arrangements made by the Secretary of State by way of refund of value added tax paid on any new motor cars and of value added tax paid on the supply of other goods or services which are of substantial value and which are used for the official activities of the Commission, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

(3) The Commission will have relief, under arrangements made by the Secretary of State, by way of refund of insurance premium tax and air passenger duty paid by the Commission in the exercise of its official activities.

(4) The Commission is exempt from duties (whether customs or excise) and taxes on the importation of goods imported by the Commission for its official activities, such exemption to be subject to compliance with such conditions as the Commissioners of His Majesty's Revenue and Customs may prescribe for the protection of the Revenue.

(5) The Commission is exempt from all prohibitions and restrictions on the importation or exportation of goods imported or exported by the Commission for its official activities and in the case of any publications of the Commission imported or exported by it.

(6) The Commission will have relief under arrangements made by the Commissioners of His Majesty's Revenue and Customs, by way of refund of duty (whether 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 Commission 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 4

Immunities, privileges, reliefs and exemptions of representatives, staff members etc.

Representatives

7.—(1) Representatives have the following privileges and immunities while carrying out official activities and throughout their journeys to and from the place where a meeting is held by the Commission—

(a) immunity from suit and legal process in respect of things done or omitted to be done by them in exercise of their functions;

(b) the like inviolability as, in accordance with the 1961 Convention Articles, is accorded to a diplomatic agent in respect of official papers and documents.

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

(3) This article does not apply to any representative of the United Kingdom, or of His Majesty's Government in the United Kingdom.

Staff members

8. Staff members have the following privileges and immunities—

(**a**) 1979 c. 5.

(a) immunity from suit and legal process in respect of things done or omitted to be done by them in the exercise of their functions;

(b) exemption from income tax in respect of salaries and emoluments paid by the Commission from the date on which such salaries and emoluments become subject to taxation by the Commission for its benefit, but 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) 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;

(d) provided that they are participating in a social security scheme established by the Commission or in another such 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 Commission by them are 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 is rendered liable to pay any contribution or premium which they would not be required to pay if those services were not deemed to be so excepted.

Road traffic offences etc

9.—(1) No immunity conferred on a person by a relevant provision of this Part applies in relation to—

(a) a road traffic offence committed by the person; or

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

(2) In this article "relevant provision of this Part" means—

(a) article 7(1)(a) (immunity of representatives from suit and legal process);

(b) article 8(a) (immunity of staff members from suit and legal process).

British nationals and permanent residents

10. The privileges and immunities referred to in the following provisions do not apply to a person if that person is a British citizen, British overseas territories citizen, British Overseas citizen, British National (Overseas) or a permanent resident of the United Kingdom—

(a) article 7(1) (privileges and immunities of representatives);

(b) article 8(d) (exemption from customs duties and taxes on import of furniture and personal effects of staff members);

(c) article 8(e) (social security exemption for staff members).

Disapplication in respect of official staff or family members

11. 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 privileges and immunities under this Part,

(b) a member of the family of any person granted privileges and immunities under this Part, or

(c) a member of the family of a member of the official staff of any person granted privileges and immunities under this Part.

Waiver

12.—(1) The Secretary of the Commission may waive any immunity granted under this Order to staff members, other than the Secretary.

(2) The Commission may waive any immunity granted under this Order to the Secretary.

(3) A member may waive any immunity granted to their representatives under article 7.

NAME
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to the Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the North-East Atlantic Fisheries Commission (the "Agreement") (Cm 4265).

The Agreement came into force on 18th February 1999 and was implemented under the European Communities (Immunities and Privileges of the North-East Atlantic Fisheries Commission) Order 1999 (S.I. 1999/278) (the "1999 Order"). The 1999 Order became secondary assimilated law within the meaning of section 12(2) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28). The European Communities (Immunities and Privileges of the North Atlantic Salmon Conservation Organization and North-East Atlantic Fisheries Commission) (Revocation) Regulations 2026 (S.I. 2026/518) (the "2026 Regulations") revoke the 1999 Order. This Order replaces it, in order to ensure continuity in the privileges and immunities granted to the Commission under the Agreement. Both this Order and the 2026 Regulations come into force on 31st March 2027.

The Agreement is available at: https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=69354. Copies can also be obtained on request from the Foreign, Commonwealth and Development Office, King Charles Street, London, SW1A 2AH.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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