1988 No. 926

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Immunities and Privileges) Order 1988

Made - - - - *25th May 1988*

Coming into force *On a date to be notified in the London, Edinburgh and Belfast Gazettes*

At the Court at Buckingham Palace, the 25th day of May 1988

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 10 of the International Organisations Act 1968(a) (hereinafter referred to as the Act) and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by section 5 of 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

GENERAL

Citation and Entry into Force

1.—(1) This Order may be cited as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Immunities and Privileges) Order 1988.

(2) This Order shall come into operation on the date when the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment(b) enters into force with respect to the United Kingdom. That date shall be notified in the London, Edinburgh and Belfast Gazettes.

(a) 1968 c.48. (b) Cm. 339.

Interpretation

2. In this Order –

"the Committee" means the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, established in accordance with Article 1 of the Convention;

"the Convention" means the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, done at Strasbourg on the 26th day of November 1987;

"the members of the Committee" means the members referred to in Article 4 of the Convention and includes any experts chosen by the Committee to assist it in its functions in accordance with Article 7(2) of the Convention;

"United Kingdom national" means a person who is a British citizen, a British Dependent Territories citizen, a British Overseas Citizen or a British National (Overseas).

PART II

THE COMMITTEE

3. The members of the Committee shall have inviolability in respect of their documents and papers in so far as they relate to the business of the Committee.

4. Except in so far as in any particular case any privilege or immunity is waived by the Committee, the members of the Committee shall enjoy:–

(a) in respect of words spoken or written and all acts done or omitted to be done by them in their official capacity, the like immunity from suit and legal process as is accorded to the head of a diplomatic mission;

(b) while exercising their functions and during journeys made in the exercise of their functions, the like immunity from personal arrest or detention as is accorded to the head of a diplomatic mission;

(c) while exercising their functions and during journeys made in the exercise of their functions, the like exemptions and privileges in respect of their personal baggage as in accordance with Article 36 in Schedule 1 to the Diplomatic Privileges Act 1964(a) are accorded to a diplomatic agent;

provided that the provisions of paragraph (c) of this article shall not apply to any person who is a United Kingdom national.

G. I. de Deney
Clerk of the Privy Council

(a) 1964 c.81.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers immunities on members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and on experts assisting it in its work. It will enable Her Majesty's Government to become a party to the European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, done at Strasbourg on 26th November 1987.