STATUTORY INSTRUMENTS

1961 No. 1000

DIPLOMATIC AND INTERNATIONAL IMMUNITIES AND PRIVILEGES

The European Free Trade Association (Immunities and Privileges) Order, 1961

Laid before Parliament in draft

Made - - - - *26th May,* 1961
Coming into Operation *on a date to be notified in the London Gazette*

ARRANGEMENT OF ORDER

PART I THE ASSOCIATION
PART II REPRESENTATIVES
PART III OFFICERS
PART IV EXPERTS ON MISSIONS
PART V GENERAL

At the Court at Buckingham Palace, the 26th day of May, 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 ASSOCIATION

1. The European Free Trade Association (hereinafter referred to as the Association) is an organisation of which the United Kingdom and foreign sovereign Powers are members.

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

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

7. The Association 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 State which he represents, any representative of a State which is a party to the Protocol on the Legal Capacity, Privileges and Immunities of the European Free Trade Association signed at Geneva on July 28, 1960, on any of the organs of the Association shall enjoy:—

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

(*b*) While present in the United Kingdom for the discharge of his duties, 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) Where the incidence of any form of taxation depends upon residence, any period during which a representative to whom this Article applies is present in the United Kingdom for the discharge of his duties shall, for the purpose of determining his liability to taxation, be treated as not being a period of residence in the United Kingdom.

(3) 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 alternate representatives, advisers, technical experts, and secretaries of delegations.

(4) 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. Except in so far as in any particular case any immunity or privilege is waived by the Council, the Head of the Secretariat of the Association 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 him as an officer of the Association.

Provided that if the Head of the Secretariat is a citizen of the United Kingdom and Colonies he shall enjoy, in addition to the immunities and privileges conferred by Article 10 (*a*) and (*b*) of this Order, only the like inviolability for all papers and documents relating to the work on which he is engaged for the Association as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

10. Except in so far as in any particular case any immunity or privilege is waived by the Head of the Secretariat acting on behalf of the Association, any officer of the Association, with the exception of one who is recruited locally and assigned to hourly rates, shall enjoy:—

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

(*b*) Exemption from income tax in respect of emoluments received by him as an officer of the Association.

PART IV

EXPERTS ON MISSIONS

11. Except in so far as in any particular case any immunity or privilege is waived by the Head of the Secretariat acting on behalf of the Association, any expert employed on a mission on behalf of the Association shall enjoy:—

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

(*b*) While present in the United Kingdom for the discharge of his duties, the like immunity from personal arrest or detention and from seizure of his personal baggage as is accorded to an envoy of a foreign sovereign power accredited to Her Majesty.

(*c*) While present in the United Kingdom for the discharge of his duties, the like inviolability for all papers and documents relating to the work on which he is engaged for the Association as is accorded to an envoy of a foreign sovereign power accredited to Her Majesty.

Provided that if any such expert is a citizen of the United Kingdom and Colonies, he shall not enjoy any immunity under paragraph (*b*) of this Article.

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.

13. This Order may be cited as the European Free Trade Association (Immunities and Privileges) Order, 1961. It shall come into operation on the date when the Protocol on the Legal Capacity, Privileges and Immunities of the European Free Trade Association signed at Geneva on July 28, 1960, enters into force with respect to the United Kingdom. This date shall be notified in the London Gazette.

W. G. Agnew.

EXPLANATORY NOTE

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

The European Free Trade Association was established by the Convention signed on January 4, 1960 (Cmnd. 1026) which was ratified by Her Majesty's Government and entered into force on May 3, 1960.

This Order confers immunities and privileges upon the Association, representatives on its organs, its officers, and experts employed on missions on its behalf, in accordance with the Protocol on the Legal Capacity, Privileges and Immunities of the European Free Trade Association signed at Geneva on July 28, 1960 (Cmnd. 1194). It will come into operation on the date when this Protocol enters into force with respect to the United Kingdom.

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