1961 No. 65

DIPLOMATIC AND INTERNATIONAL IMMUNITIES AND PRIVILEGES

The International Atomic Energy Agency (Immunities and Privileges) Order, 1961

Laid before Parliament in draft
Made - - - - *17th January*, 1961
Coming into Operation *On a date to be notified in the London Gazette.*

ARRANGEMENT OF ORDER

PART I THE AGENCY
PART II REPRESENTATIVES
PART III OFFICERS
PART IV PERSONS ON MISSIONS
PART V GENERAL

At the Court at Buckingham Palace, the 17th day of January, 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 AGENCY

1. The International Atomic Energy Agency (hereinafter referred to as the Agency) is an organisation of which the United Kingdom and foreign sovereign Powers are members.

2. The Agency 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.

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

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

7. The Agency 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 Government of the member State whom he represents, a representative of a member State of the Agency on any of its organs at meetings convened by it shall enjoy :—

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

(*b*) While exercising his functions and during his journeys to and from the place of meeting, 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 exercise of his functions 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 alternates, 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 Agency, the Director General of the Agency and four Deputy Directors General of the Agency 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 them as officers of the Agency; provided that the provisions of this Article shall not apply to any person who is a citizen of the United Kingdom and Colonies.

10. Except in so far as in any particular case any immunity or privilege is waived by the Agency, all members of the staff of the Agency except those who are locally recruited 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 them in the course of the performance of their official duties;

(*b*) Exemption from income tax in respect of emoluments received by them as officers of the Agency.

PART IV

PERSONS ON MISSIONS

11.—(1) Except in so far as in any particular case any immunity or privilege is waived by the Agency, experts (other than officers of the Agency) who are members of any committee of the Agency or who are employed on missions on behalf of the Agency, and officers of the Agency who are employed on missions as inspectors or project examiners on behalf of the Agency shall, so far as is necessary for the effective exercise of their functions, enjoy:—

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

(*b*) While exercising their functions and during their journeys in connexion with service on such committees or missions, the like inviolability for all papers and documents as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty;

(*c*) While exercising their functions and during their journeys in connexion with service on such committees or missions, the like immunity from personal arrest or detention and from seizure of their personal baggage as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty; provided that the provisions of this sub-paragraph shall not apply to any person who is a citizen of the United Kingdom and Colonies.

(2) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on the official staff of persons to whom the provisions of paragraph (1) of this Article apply.

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 International Atomic Energy Agency (Immunities and Privileges) Order, 1961. It shall come into operation on the date on which the Agreement on the Privileges and Immunities of the International Atomic Energy Agency 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.)

This Order provides for the immunities and privileges of the International Atomic Energy Agency, representatives on any of its organs, its officers, and persons employed on missions on its behalf, in accordance with the Agreement on the Privileges and Immunities of the Agency (Cmnd. 1176) which was approved by the Board of Governors of the Agency on 1st July, 1959. It will enable the United Kingdom to accept that Agreement.

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