2002 No. 793

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The International Criminal Court (Immunities and Privileges) Order 2002

Made - - - - - *26th March 2002*

Coming into force in accordance with Article 1

At the Court at Buckingham Palace the 26th day of March 2002

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and the Scottish Parliament in accordance with Schedule 1, paragraph 4 of the International Criminal Court Act 2001(**a**) ("the Act") and has been approved by a resolution of each House of Parliament and by the Scottish Parliament:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by Schedule 1 paragraph 1 to 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:—

1. This Order may be cited as the International Criminal Court (Immunities and Privileges) Order 2001. It shall come into force on the date on which the Rome Statute of the International Criminal Court done at Rome on 17th July 1998(**b**) enters into force in respect of the United Kingdom. This date shall be notified in the London, Edinburgh and Belfast Gazettes.

2. In this Order:

"the Court" means the International Criminal Court established by the Rome Statute of the International Criminal Court done at Rome on 17th July 1998.

"the 1961 Convention Articles" means 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**).

3. The Court shall have the legal capacities of a body corporate.

4.—(1) Except in so far as in any particular case any privilege or immunity is waived as set out in paragraph 2 of this Article, the judges, the Prosecutor, the Deputy Prosecutors and the Registrar of the Court shall enjoy:—

(a) when engaged on or with respect to the business of the Court, the like privileges and immunities as in accordance with the 1961 Convention Articles are accorded to the head of a diplomatic mission;

(b) exemption from income tax in respect of emoluments received by them as judges, Prosecutor, Deputy Prosecutors or Registrar;

(**a**) 2001 c. 17.
(**b**) Cm. 4555.
(**c**) 1964 c. 81.

(c) immunity from suit and legal process (even after the expiry of their terms of office) in respect of acts, including words written or spoken, done by them in the exercise of their functions.

(2) Privileges and immunities may be waived:—

(a) in the case of a judge or the Prosecutor, by an absolute majority of the judges;

(b) in the case of a Deputy Prosecutor, by the Prosecutor;

(c) in the case of the Registrar, by the Presidency.

A.K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers the legal capacities of a body corporate on the International Criminal Court and confers privileges and immunities on its judges, Prosecutor, Deputy Prosecutors and Registrar in accordance with Articles 4(1) and 48(2) of the Rome Statute of the International Criminal Court done at Rome on 17th July 1998 (Cm. 4555). The Order will enable Her Majesty's Government to ratify the Rome Statute, and will enter into force on the date the Statute enters into force in respect of the United Kingdom.

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