STATUTORY INSTRUMENTS

# 1978 No. 1893

# DIPLOMATIC AND INTERNATIONAL IMMUNITIES AND PRIVILEGES

## The International Lead and Zinc Study Group (Immunities and Privileges) Order 1978

*Laid before Parliament in draft*

*Made* - - - - *20th December* 1978

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

At the Court at Buckingham Palace, the 20th day of December 1978

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(1) 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 1 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.** This Order may be cited as the International Lead and Zinc Study Group (Immunities and Privileges) Order 1978. It shall come into operation on the date on which the Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Lead and Zinc Study Group(b) (hereinafter referred to as the Agreement) enters into force. This date shall be notified in the London, Edinburgh and Belfast Gazettes.

(*) 21st December, 1978
(a) 1968 c. 48.
(b) Cmnd. 7343.

*Interpretation*

**2.**—(1) For the purposes of this Order, the official activities of the International Lead and Zinc Study Group (hereinafter referred to as the Group) shall include its administrative activities and those undertaken pursuant to its Terms of Reference in force at any one time.

(2) In this Order "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(**a**).

(3) The Interpretation Act 1889(**b**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

## PART II

### THE GROUP

**3.** The Group is an organisation of which Her Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

**4.** The Group shall have the legal capacities of a body corporate.

**5.**—(1) Within the scope of its official activities, the Group shall have immunity from suit and legal process except:

(*a*) to the extent that such immunity in a particular case has either been expressly waived or has been deemed to have been waived. The Group shall be deemed to have waived immunity if, after receiving a request for waiver of immunity in a particular case by either another party to the proceedings or by the person or body before which the proceedings are pending, the Group has not given notice, within 15 days of receipt of the request, that it does not waive immunity;

(*b*) in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle belonging to or operated on behalf of the Group or in respect of a motor traffic offence involving such a vehicle;

(*c*) in respect of the enforcement of an arbitration award made under either Article 22 or Article 23 of the Agreement; and

(*d*) in the event of the attachment, pursuant to the order of a court of law, of the salaries, wages or other emoluments owed by the Group to an officer of the Group.

(2) The provisions of the preceding paragraph shall not prevent the taking of such measures as may be permitted by law in relation to the property and assets of the Group in so far as they may be temporarily necessary in connection with the prevention of, and investigation into, accidents involving motor vehicles belonging to, or operated on behalf of, the Group.

**6.** The Group shall have the like inviolability of official archives and

(**a**) 1964 c. 81. (**b**) 1889 c. 63.

premises as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives and premises of a diplomatic mission.

**7.** Within the scope of its official activities, the Group shall have the like exemption or relief from taxes, other than duties and taxes on the importation of goods, as is accorded to a foreign sovereign Power.

**8.** The Group shall have the like relief from rates on its official premises as in accordance with Article 23 of the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission.

**9.** The Group shall have exemption from customs and excise duties and taxes on the importation of goods imported by the Group and necessary for the exercise of its official activities, 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.

**10.** The Group shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Group and necessary for the exercise of its official activities and in the case of any publications of the Group imported or exported by it within the scope of its official activities.

**11.** The Group shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of duty (whether of customs or excise) paid on imported hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs & Excise) Act 1971(**a**)) or value added tax paid on the importation of such oil, which is bought in the United Kingdom and necessary for the exercise of the official activities of the Group, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

**12.** The Group shall have relief, under arrangements made by the Secretary of State, by way of refund of car tax and value added tax paid on any new vehicles of United Kingdom manufacture which are necessary for the official activities of the Group, and of value added tax paid on the supply of any other goods or services of substantial value which are necessary for the official activities of the Group, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

## PART III

### REPRESENTATIVES

**13.**—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government which they represent, representatives of members of the Group shall enjoy:

(*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, except in the case of a motor traffic offence committed by a representative or in the case of damage caused by a motor vehicle belonging to or driven by him;

(**a**) 1971 c. 12.

(*b*) while exercising their functions and in the course of their journeys to and from the place of meetings convened by the Group, the like immunity from personal arrest or detention and from seizure of their personal baggage as is accorded to a diplomatic agent, provided that a representative shall not enjoy such immunity if there are reasonable grounds for suspecting that he is in the course of committing, attempting to commit, or has just committed an offence;

(*c*) while exercising their functions and during their journeys to and from the place of meetings convened by the Group, the like inviolability for all their official papers and documents as is accorded to a diplomatic agent;

(*d*) while exercising their functions and in the course of their journeys to and from the place of meetings convened by the Group, the like exemptions and privileges in respect of their personal baggage as, in accordance with Article 36 of the 1961 Convention Articles, are accorded to a diplomatic agent.

(2) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on the official staff of representatives other than alternate representatives.

(3) Neither the provisions of the preceding paragraphs of this Article nor those of Part IV of Schedule 1 to the Act shall operate so as to confer any privilege or immunity on any person as the representative or alternate representative of Her Majesty's Government in the United Kingdom or on any person who is a citizen of the United Kingdom and Colonies.

(4) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on families of representatives or alternate representatives.

## PART IV

### OFFICERS

**14.** Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General of the Group or (in the case of the Secretary-General) by the Group itself, all officers of the Group appointed or recruited for full-time employment with the Group and subject to its staff regulations, with the exception of experts, those who are in the domestic service of the Group and those who are recruited locally and assigned to hourly rates of pay, shall enjoy:

(*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, except in the case of a motor traffic offence committed by an officer or in the case of damage caused by a vehicle belonging to or driven by him;

(*b*) as from the date on which the emoluments received by them as officers of the Group become subject to taxation by the Group for its benefit, exemption from income tax in respect of such emoluments, provided that nothing in this sub-paragraph shall be interpreted as precluding such emoluments from being taken into account for the purpose of assessing the amount of taxation to be applied to income from other sources;

(*c*) unless they are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, 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.

## PART V

### EXPERTS

**15.** Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General of the Group, an expert (other than an officer of the Group) serving on any committee of the Group or employed on missions on its behalf shall, so far as is necessary for the carrying out of his functions, including during journeys made in carrying out his functions and in the course of such missions, enjoy:

(*a*) immunity from suit and legal process in respect of things done or omitted to be done by him in the exercise of his functions, except in the case of a motor traffic offence committed by him or in the case of damage caused by a motor vehicle belonging to or driven by him;

(*b*) while he is employed by the Group, the like inviolability for all his official papers and documents as is accorded to a diplomatic agent.

*N. E. Leigh,*
Clerk of the Privy Council.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order confers privileges and immunities upon the International Lead and Zinc Study Group, its officers, representatives of its members, and experts serving on committees or employed on missions on its behalf. These privileges and immunities are conferred in accordance with a Headquarters Agreement which has been negotiated between the Government of the United Kingdom and the International Lead and Zinc Study Group (Cmnd. 7343).

This Order will enable Her Majesty's Government to give effect to the Headquarters Agreement, which will enter into force on signature; the Order will come into operation on the date on which the Agreement enters into force.

SI 1978/1893
ISBN 0-11-084893-4

