EXPLANATORY MEMORANDUM TO

THE INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES) MISCELLANEOUS PROVISIONS ORDER

2006 No. 1075

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty. This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The Civil Partnership Act 2004, which came into force on 5 December 2005, provides for parity of treatment between married couples and civil partners. The Civil Partnership Act 2004 (International Immunities and Privileges, Companies and Adoption) Order 2005 (S.I. 2005/3542) amended sections 1 and 2 of the International Organisations Act 1968 ("the 1968 Act") to enable the United Kingdom to confer privileges and immunities on a civil partner.

2.2 This draft Order amends ten Orders made under the 1968 Act by substituting "spouse or civil partner" for "spouse".

3. Matters of Special Interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 It is proposed that the above Order should be made under 1(7) and 10(3) of the International Organisations Act 1968. Section 10 of the 1968 Act provides that no recommendation shall be made to Her Majesty in Council to make an Order under any provision (other than Section 6), unless a draft has been laid before parliament and approved by a resolution of each House.

4.2 The privileges and immunities conferred by the draft Order on civil partners are no greater in extent than those conferred on spouses.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention of Human Rights (ECHR)

6.1 Lord Triesman has made the following statement regarding Human Rights:

In my view the provisions of the International Organisations (Immunities and Privileges) Miscellaneous Provisions Order 2006 are compatible with the Convention rights.

7. Policy Background

7.1 The Civil Partnership Act 2004 provides a framework that allows formal recognition of same-sex relationships. Civil partners now have legally binding rights and responsibilities in relation to each other and have acquired a new status which affects how they are treated by third parties, including the State. One of the main aims of the Civil Partnership Act 2004 Act is to ensure parity of treatment between married couples and civil partners, except where there is an objective justification for a difference in treatment. The amendments made in this draft Order are required to ensure that parity of treatment is accorded to civil partners.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument, as it will have little or no impact on business, charities or voluntary bodies.

9. Contact

Jackie Brown at the Foreign and Commonwealth Office [Tel: 020 7008 0397 or e-mail: Jackie.Brown@fco.gov.uk] can answer any queries regarding the instrument.