STATUTORY INSTRUMENTS

1974 No. 1257

DIPLOMATIC AND INTERNATIONAL IMMUNITIES AND PRIVILEGES

The North Atlantic Treaty Organisation (Immunities and Privileges) Order 1974

Laid before Parliament in draft

Made - - - -	*25th July* 1974
Coming into Operation	*1st August* 1974

At the Court at Buckingham Palace, the 25th day of July 1974

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 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 sections 1 and 12(6) 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

1. This Order may be cited as the North Atlantic Treaty Organisation (Immunities and Privileges) Order 1974 and shall come into operation on 1st August 1974.

2.—(1) In this Order

" the Organisation " means the North Atlantic Treaty Organisation consisting of the Council and its subsidiary bodies;

" the Council " means the Council established under Article 9 of the North Atlantic Treaty(b) and the Council Deputies;

" subsidiary bodies " means any organ, committee or service established by the Council or under its authority, except any military headquarters established in pursuance of the North Atlantic Treaty or any other military bodies to which the Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff(c) does not apply;

(a) 1968 c. 48. (b) Cmd. 7789. (c) Cmd. 9383.

" Chairman of the Council " includes, in his absence, the Vice-Chairman acting for him;

" 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).

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The International Organisations (Immunities and Privileges of the North Atlantic Treaty Organisation) Order 1954(c) is hereby revoked.

PART II

THE ORGANISATION

4. The Organisation is an organisation of which the United Kingdom and foreign sovereign Powers are members.

5. The Organisation shall have the legal capacities of a body corporate.

6. Except in so far as in any particular case the Chairman of the Council Deputies, acting on behalf of the Organisation, has expressly authorised the waiver of its immunity, the Organisation shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution or detention of property.

7. The Organisation shall have the like inviolability of official archives and premises as in accordance with the 1961 Convention Articles is accorded in respect of the official archives and premises of a diplomatic mission.

8. The Organisation shall have the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, as is accorded to a foreign sovereign Power.

9. The Organisation shall have the like relief from rates as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

10. The Organisation shall have exemption from customs duties and taxes on the importation of goods imported by the Organisation for its official use in the United Kingdom and on the importation of any publications of the Organisation 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.

11. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Organisation for its official use and in the case of any publications of the Organisation imported or exported by it.

12. The Organisation shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs & Excise) Act 1971(d)) which is bought in the United Kingdom and used for the official purposes of the Organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

(a) 1964 c. 81. (b) 1889 c. 63. (c) S.I. 1954/1471 (1954 I, p. 697). (d) 1971 c. 12.

13. The Organisation shall have relief, under arrangements made by the Secretary of State, by way of refund of car tax paid on any vehicles and value added tax paid on the supply of any goods which are used for the official purposes of the Organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART III

REPRESENTATIVES

Principal Permanent Representatives

14.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which he represents every person designated by a member of the Organisation to be its principal permanent representative to the Organisation in the United Kingdom shall enjoy:—

(*a*) the like immunity from suit and legal process, the like inviolability of residence, and the like exemption or relief from taxes and rates, other than customs duties and taxes on the importation of goods, as are accorded to or in respect of the head of a diplomatic mission;

(*b*) the like exemption from customs duties and taxes on the importation of articles imported for his personal use or the use of members of his family forming part of his household, including articles intended for his establishment, as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent;

(*c*) the like exemption and privileges in respect of his personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent;

(*d*) relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs & Excise) Act 1971) which is bought in the United Kingdom by him or on his behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements; and

(*e*) exemptions whereby, for the purposes of the enactments relating to national insurance and social security, including enactments in force in Northern Ireland,—

(i) services rendered by him for the Organisation shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but

(ii) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted;

provided that until the day appointed for the coming into force of section 2 of the Social Security Act 1973(**a**) the following shall apply in substitution for the foregoing provisions of this sub-paragraph—

" exemptions whereby for the purposes of the National Insurance Acts 1965 to 1973, the National Insurance (Industrial Injuries) Acts 1965 to 1973, any enactment for the time being in force amending any of those Acts, and any enactment of the Parliament of Northern Ireland corresponding to any of those Acts or to any enactment amending any of those Acts,—

(**a**) 1973 c. 38.

(i) services rendered by him for the Organisation shall be deemed to be excepted from any class of employment which is insurable employment, or in respect of which contributions are required to be paid, but

(ii) no person shall be rendered liable to pay any contribution which he would not be required to pay if those services were not deemed to be so excepted. ".

(2) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on the family or the official staff of a principal permanent representative except on such members of his official staff resident in the United Kingdom as may be agreed between the United Kingdom and the Organisation.

(3) Neither this Article nor Part IV of Schedule 1 to the Act shall operate so as to confer any privilege or immunity on any person as the principal permanent representative of the United Kingdom or on any person who is a citizen of the United Kingdom and Colonies.

Other Representatives

15.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the Member State which he represents, any representative of a Member State to the Council or any of its subsidiary bodies (other than a representative to whom Article 14 applies) shall, while present in the United Kingdom for the discharge of his duties, enjoy:—

(*a*) immunity from suit and legal process in respect of things done or omitted to be done by him in his official capacity;

(*b*) the like immunity from personal arrest and detention and from seizure of his personal baggage and the like inviolability for all papers and documents as are accorded to a diplomatic agent;

(*c*) the like exemptions and privileges in respect of his personal baggage as in accordance with Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent; and

(*d*) the like exemption from customs duties and taxes on the importation of articles which—

(i) at or about the time when he first enters the United Kingdom to take up his post as a representative are imported for his personal use or that of members of his family forming part of his household including articles intended for his establishment, and

(ii) are articles which were in his ownership or possession or that of such members of his family, or which he or such members of his family were under contract to purchase, immediately before he 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.

(2) Where the incidence of any form of taxation depends upon residence, a representative shall not be deemed to be resident in the United Kingdom during any period when he is present in the United Kingdom for the discharge of his duties.

(3) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on :—

(*a*) the official staff of a representative to whom this Article applies, other than alternate representatives, advisers and technical experts of delegations and official clerical staff accompanying him, and that Part shall not operate so as to confer on such official clerical staff any immunity from personal arrest or detention or any exemptions or privileges in respect of their personal baggage; or

(*b*) the family of such a representative or of a member of his official staff.

(4) Neither this Article nor Part IV of Schedule 1 to the Act shall operate so as to confer any privilege or immunity on any person as the representative of 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 IV
OFFICERS

High Officers

16.—(1) Except in so far as in any particular case any privilege or immunity is waived on behalf of the Organisation, and subject to the provisions of paragraph (2) of this Article, the Secretary-General and Deputy Secretary-General of the Organisation shall enjoy:—

(*a*) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, and rates as are accorded to or in respect of the head of a diplomatic mission;

(*b*) the like exemption from customs duties and taxes on the importation of articles imported for their personal use or the use of members of their families forming part of their households, including articles intended for their establishment, as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent;

(*c*) the like exemption and privileges in respect of their personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent;

(*d*) relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs & Excise) Act 1971) which is bought in the United Kingdom by them or on their behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements; and

(*e*) exemptions whereby, for the purposes of the enactments relating to national insurance and social security, including enactments in force in Northern Ireland,—

(i) services rendered by them for the Organisation shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but

(ii) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted;

provided that until the day appointed for the coming into force of section 2 of the Social Security Act 1973 the following shall apply in substitution for the foregoing provisions of this sub-paragraph—

" exemptions whereby for the purposes of the National Insurance Acts 1965 to 1973, the National Insurance (Industrial Injuries) Acts 1965 to 1973, any enactment for the time being in force amending any of those Acts, and any enactment of the Parliament of Northern Ireland corresponding to any of those Acts or to any enactment amending any of those Acts,—

(i) services rendered by them for the Organisation shall be deemed to be excepted from any class of employment which is insurable employment, or in respect of which contributions are required to be paid, but

(ii) no person shall be rendered liable to pay any contribution which he would not be required to pay if those services were not deemed to be so excepted.".

(2) If any such officer as is referred to in paragraph (1) of this Article is a citizen of the United Kingdom and Colonies he shall enjoy, in addition to the privileges and immunities conferred by Article 17(2)(*a*) and Article 18, only inviolability for all papers and documents relating to the work on which he is engaged for the Organisation.

(3) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on any member of the family of the Secretary-General or Deputy Secretary-General.

All Officers

17.—(1) This Article shall apply

(*a*) to all civilian staff personnel who hold permanent administrative assignments with the Organisation and who are remunerated in accordance with the Organisation's established salary scales or, if paid by a Member State under Article 19 of the Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff, the scale fixed by that Member State; and

(*b*) to all military personnel permanently attached for administrative service with the Organisation.

(2) Except in so far as in any particular case any privilege or immunity is waived by the Chairman of the Council Deputies, all persons to whom this Article applies shall enjoy:—

(*a*) immunity from suit and legal process in respect of things done or omitted to be done by them in their official capacity and within the limits of their authority; and

(*b*) unless they are citizens of the United Kingdom and Colonies, the like exemption from customs duties and taxes on the importation of articles which—

(i) at or about the time when they first enter the United Kingdom to take up their posts as officers of the Organisation are imported for their personal use or that of members of their families forming part of their households, including articles intended for their establishment, and

(ii) are articles which were in their ownership or possession or that of such members of their families, or which they or such members of

their families 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.

(*c*) exemption from customs duties and taxes on the importation of any motor vehicle imported by way of replacement of a motor vehicle in respect of which the conditions specified in sub-paragraph (*b*) of this Article were fulfilled, 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.

18. All civilian staff personnel who hold permanent administrative assignments with the Organisation and who are remunerated in accordance with the Organisation's established salary scales shall be exempt from income tax in respect of emoluments received by them as officers of the Organisation.

PART V

EXPERTS

19. Except in so far as in any particular case any privilege or immunity is waived by the Chairman of the Council Deputies, experts (other than officers of the Organisation) employed on missions on behalf of the Organisation shall enjoy:—

(*a*) immunity from suit and legal process in respect of things done or omitted to be done by them in the performance of their official functions for the Organisation;

(*b*) inviolability for all papers and documents relating to the work on which they are engaged for the Organisation;

(*c*) unless they are citizens of the United Kingdom and Colonies, the like immunity from personal arrest and detention and from seizure of their personal baggage as is accorded to a diplomatic agent; and

(*d*) unless they are citizens of the United Kingdom and Colonies, 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.

N. E. Leigh.

EXPLANATORY NOTE

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

This Order supersedes the International Organisations (Immunities and Privileges of the North Atlantic Treaty Organisation) Order 1954, and confers privileges and immunities (including certain privileges previously accorded administratively) upon the North Atlantic Treaty Organisation, its officers and experts, and representatives of its members. These privileges and immunities are conferred in accordance with the Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff (Cmd. 9383) opened for signature at Ottawa on 20th September 1951.

SI 1974/1257
ISBN 0-11-041257-5

