1961 No. 836

DIPLOMATIC AND INTERNATIONAL IMMUNITIES AND PRIVILEGES

The Organisation for Economic Co-operation and Development (Immunities and Privileges) Order, 1961

Laid before Parliament in draft

Made - - - - *27th April*, 1961
Coming into Operation *On a date to be notified in the London Gazette*

ARRANGEMENT OF ORDER

PART I. THE ORGANISATION
PART II. REPRESENTATIVES
PART III. OFFICERS
PART IV. EXPERTS
PART V. GENERAL

At the Court at Buckingham Palace, the 27th day of April, 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 ORGANISATION

1. The Organisation for Economic Co-operation and Development (hereinafter referred to as the Organisation) is an Organisation of which Her Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

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

7. The Organisation 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 which he represents, any representative of a member Government of the Organisation to its principal and subsidiary organs shall, while exercising his functions and during his journey to and from the place of meeting, enjoy :—

(*a*) The like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty ;

(*b*) The like inviolability of residence as is accorded to such an envoy ;

(*c*) The like exemption or relief from taxes as is accorded to such an envoy.

(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 a representative to whom this Article applies other than alternates, advisers, technical experts and secretaries of delegations.

(3) 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.—(1) Except in so far as in any particular case any immunity or privilege is waived by the Council, the Secretary-General and the two Deputy Secretaries-General of the Organisation 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 Organisation.

(2) Part IV of the Schedule to the Act shall operate only so as to confer immunities and privileges on the family of the Secretary-General.

10. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General, Assistant Secretaries-General and established members of the staff of the Organisation 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 Organisation.

PART IV

EXPERTS

11. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General, experts (other than officers to whom Part III of this Order applies) employed on missions for the Organisation shall enjoy, during the period of their missions including the time spent on journeys in connexion with their missions:—

(*a*) In respect of things done by them in the course of the performance of their mission, the like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty;

(*b*) The like immunity from personal arrest or detention and from seizure of their 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.

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.—(1) The Diplomatic Privileges (Organisation for European Economic Co-operation) Order in Council, 1949(**b**), is hereby revoked.

(2) Section 38 of the Interpretation Act, 1889, shall apply in relation to the said Order as if the present Order were an Act of Parliament and as if the said Order were an enactment repealed by an Act of Parliament.

14. This Order may be cited as the Organisation for Economic Co-operation and Development (Immunities and Privileges) Order, 1961. It shall come into operation on the date when the Convention on the Organisation

(a) 52 & 53 Vict. c. 63. (b) S.I. 1949/1831 (1949 I, p. 1480).

for Economic Co-operation and Development signed at Paris on December 14, 1960, 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 revokes the Diplomatic Privileges (Organisation for European Economic Co-operation) Order in Council, 1949, and provides for the immunities and privileges of the Organisation for Economic Co-operation and Development, representatives on its organs, its officers, and experts employed on missions on its behalf in accordance with Supplementary Protocol No. 2 to the Convention establishing the Organisation which was signed at Paris on December 14, 1960 (Cmnd. 1257). It will come into operation on the date on which the Convention enters into force with respect to the United Kingdom.