# 1960 No. 444

# The Western European Union (Immunities and Privileges) Order, 1960

*Laid before Parliament in draft*

*Made* - - - - 16*th March*, 1960

*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 ON MISSIONS.
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PART VI GENERAL.

At the Court at Buckingham Palace, the 16th day of March, 1960

**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.** Western European Union (hereinafter referred to as the Organisation) is an organisation of which the United Kingdom and foreign sovereign Powers are members.

(a) 14 Geo. 6. c. 14.

**2.** The Organisation shall have the legal capacities of a body corporate and, except in so far as in any particular case the Secretary-General, acting on behalf of the Organisation, has expressly authorised the waiver of this immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution or detention of property.

**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 quantitative 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.

## PART II

### REPRESENTATIVES

**7.**—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member whom he represents, every person designated by a member as its principal permanent representative to the Organisation in the United Kingdom shall enjoy the like immunity from suit and legal process, the like inviolability of residence, and the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(2) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on members of the official staff of a principal permanent representative other than, to the extent specified in Article 9 of this Order, official clerical staff.

**8.**—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member whom he represents, every representative of a member of the Organisation to the Council of the Organisation or to any organ established by the Council or placed under its authority, shall, while present in the United Kingdom for the discharge of his duties, enjoy :—

(*a*) In respect of words spoken or written and of acts done by him in his official capacity, the like immunity from 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 his personal 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.

(2) Where the incidence of any form of taxation depends upon residence, any period during which a representative to whom this Article applies is present in the United Kingdom for the discharge of his duties shall, for the purpose of determining his liability to taxation, be treated as not being a period of residence in the United Kingdom.

(3) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on members of the official staff of a representative to whom this Article applies other than :—

(*a*) advisers and technical experts of delegations ; and

(*b*) to the extent specified in Article 9 of this Order, official clerical staff.

**9.** The following immunities and privileges conferred on representatives shall be extended to their official clerical staff referred to in Articles 7 (2) and 8 (3) (*b*) of this Order, while they are present in the United Kingdom for the discharge of their duties :—

(*a*) In respect of words spoken or written and of acts done by them in their official capacity, immunity from legal process, and inviolability for all papers and documents ;

(*b*) Where the incidence of any form of taxation depends upon residence, any period during which they are present in the United Kingdom for the discharge of their duties shall, for the purpose of determining their liability to taxation, be treated as not being a period of residence in the United Kingdom.

**10.** Neither the provisions of Article 7, 8 or 9 of this Order, 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.

**11.**—(1) Representatives to the Assembly of the Organisation shall have, in respect of words spoken or votes cast by them in the exercise of their functions, the like immunity from arrest and all legal proceedings as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(2) Except in so far as in any particular case any privilege or immunity is waived by the Assembly, representatives to the Assembly shall enjoy in the United Kingdom, during the period of the sessions of the Assembly, while attending meetings of Committees or Sub-Committees of the Assembly whether or not that Assembly is itself in session, and during their journeys to and from the place of meeting of that Assembly or of such Committees or Sub-Committees :—

(*a*) If they are representatives of the United Kingdom, the same immunity from arrest or legal process as Members of Parliament enjoy under the law and custom of the United Kingdom ;

(*b*) If they are representatives of members of the Organisation other than the United Kingdom, the like immunity from arrest and prosecution as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

Provided that representatives to the Assembly shall not enjoy any immunity or privilege under this paragraph in cases where they are found committing, attempting to commit or just having committed a criminal offence.

(3) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on members of the official staff of representatives to whom this Article applies, other than substitute representatives.

## PART III

### OFFICERS

**12.**—(1) Except in so far as in any particular case any privilege or immunity is waived by the Council acting on behalf of the Organisation, the Secretary-General of the Organisation, the Deputy Secretary-General and the Director of the Armaments Control Agency 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; provided that if any such officer is a citizen of the United Kingdom and Colonies he shall enjoy, in addition to the privileges and immunities conferred by Article 13 (*a*) and (*b*) of this Order, only the like inviolability for all papers and documents relating to the work on which he is engaged for the Organisation as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(2) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on the families of officers to whom this Article applies.

**13.** Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General acting on behalf of the Organisation, all officers who are permanent members of the staff of the Organisation shall enjoy:—

(*a*) Immunity from suit and legal process in respect of words spoken or written and of acts done by them in their official capacity and within the limits of their authority;

(*b*) Exemption from income tax in respect of emoluments received by them as officers of the Organisation.

## PART IV

### EXPERTS ON MISSIONS

**14.** Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General acting on behalf of the Organisation, experts, other than any persons referred to in Article 12 or 13 of this Order, employed on missions on behalf of the Organisation shall so far as is necessary for the effective exercise of their functions while present in the United Kingdom for the discharge of their duties, enjoy:—

(*a*) The like immunity from personal arrest or detention and from seizure of their personal baggage as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty;

(*b*) The like immunity from suit and legal process in respect of words spoken or written or acts done by them in the course of the performance of their official duties as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty;

(*c*) The like inviolability for all papers and documents, relating to the work on which they are engaged for the Organisation, as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

Provided that, if any such expert is a citizen of the United Kingdom and Colonies, he shall not enjoy any immunity under paragraph (*a*) of this Article.

## PART V

## THE TRIBUNAL

**15.**—(1) In this Article the expression "the Tribunal" means the Tribunal established by the Convention concerning the Agency for the Control of Armaments signed at Paris on December 14, 1957(a).

(2) Except in so far as in any particular case any privilege or immunity is waived by the Tribunal, the Judges and Clerk of the Tribunal shall 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; provided that if any Judge or Clerk is a citizen of the United Kingdom and Colonies he shall enjoy such immunity from suit and legal process only in respect of words spoken or written or acts done by him in the course of the performance of his official duties;

(*b*) Exemption from income tax in respect of emoluments received by them from the Organisation.

(3) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on members of the official staff of any Judge of the Tribunal or on the family of the Clerk of the Tribunal.

## PART VI

## GENERAL

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

**17.**—(1) The International Organisations (Immunities and Privileges of Western European Union) Order, 1955(c), 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.

**18.** This Order may be cited as the Western European Union (Immunities and Privileges) Order, 1960. It shall come into operation on the date on which the Convention concerning the Agency for the Control of Armaments enters into force with respect to the United Kingdom. This date shall be notified in the London Gazette.

*W. G. Agnew.*

(a) Cmnd. 389. (b) 52 & 53 Vict. c. 63. (c) S.I. 1955/1209 (1955 I, p. 671).

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order revokes, and re-enacts with amendments, the International Organisations (Immunities and Privileges of Western European Union) Order, 1955. It confers privileges and immunities upon Western European Union, its officers, representatives to its organs, experts on missions on behalf of the Organisation, and the Judges and Clerk of the Tribunal, in accordance with the Agreement on the Status of Western European Union, National Representatives and International Staff signed at Paris on 11th May, 1955 (Cmnd. 173), and the Convention concerning the Agency for the Control of Armaments signed at Paris on 14th December, 1957 (Cmnd. 389). Western European Union was established by the Brussels Treaty of 17th March, 1948 (Cmd. 7599), as modified by the Protocols signed at Paris on 23rd October, 1954 (Cmd. 9498).

The principal amendment made by this Order is that provision has been made for immunities and privileges of the Judges and Clerk of the Tribunal set up by the Convention concerning the Agency for the Control of Armaments.