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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 44**

**INTERNATIONAL IMMUNITIES  
AND PRIVILEGES**

**The International Organisations (Immunities  
and Privileges) (Scotland) Order 2009**

*Made - - - - 11th February 2009*

*Coming into force in accordance with article 1*

At the Court at Buckingham Palace, the 11th day of February 2009

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by section 1 of the International Organisations Act 1968<sup>(1)</sup> and all other powers enabling Her Majesty to do so:

In accordance with section 10 of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament<sup>(2)</sup>:

Accordingly, Her Majesty is pleased, by and with the advice of Her Privy Council, to order as follows:

**Citation and commencement**

1. This Order may be cited as the International Organisations (Immunities and Privileges) (Scotland) Order 2009 and comes into force on the day after the day it is made.

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(1) 1968 c. 48; section 1 was amended by the International Organisations Act 1981 (c. 9) and S.I. 2005/3542.

(2) The function of approving a draft of an Order in Council under section 10 of that Act has transferred to the Scottish Parliament under section 118 of the Scotland Act 1998 (c. 46) in so far as the function is exercisable within devolved competence. Section 118(4) of that Act provides that any reference in a pre-commencement enactment to a requirement for a draft instrument to be approved by either or both Houses of Parliament (as specified in section 118(2)) is to be taken to be, in relation to the exercise of a devolved function by a person other than a Minister of the Crown, a Member of the Scottish Executive or a Scottish Public Authority with mixed functions or no reserved functions, a reference to the Scottish Parliament. Section 118(4) accordingly includes the powers exercisable by Her Majesty in Council.

## **Immunities and privileges of International Organisations**

**2.**—(1) The Schedules to this Order make provision (to apply in or as regards Scotland) about immunities and privileges for the purposes of the organisations to which those Schedules relate.

(2) In those Schedules, “the 1968 Act” means the International Organisations Act 1968.

## **Revocations**

**3.** The following Orders are revoked (so far as they apply in or as regards Scotland)—

- (a) in consequence of Schedule 1, the INMARSAT (Immunities and Privileges) Order 1980<sup>(3)</sup>;
- (b) in consequence of Schedule 4, the International Sea-Bed Authority (Immunities and Privileges) Order 1996<sup>(4)</sup>;
- (c) in consequence of Schedule 8—
  - (i) the Inter-Governmental Maritime Consultative Organisation (Immunities and Privileges) Order 1968<sup>(5)</sup>;
  - (ii) the Inter-Governmental Maritime Consultative Organization (Immunities and Privileges) (Amendment) Order 1972<sup>(6)</sup>;
  - (iii) the Inter-Governmental Maritime Consultative Organisation (Immunities and Privileges) (Amendment) Order 1982<sup>(7)</sup>;
- (d) in consequence of Schedule 11, the International Tribunal for the Law of the Sea (Immunities and Privileges) Order 1996<sup>(8)</sup>.

*Judith Simpson*  
Clerk of the Privy Council

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<sup>(3)</sup> S.I. 1980/187.  
<sup>(4)</sup> S.I. 1996/270.  
<sup>(5)</sup> S.I. 1968/1862.  
<sup>(6)</sup> S.I. 1972/118.  
<sup>(7)</sup> S.I. 1982/709.  
<sup>(8)</sup> S.I. 1996/272.

## SCHEDULE 1

## Article 2

### INTERNATIONAL MOBILE SATELLITE ORGANISATION

#### *General*

**1.** In this Schedule—

“the Organisation” means the International Mobile Satellite Organisation established by the Convention;

“the Convention” means the Convention on the International Mobile Satellite Organisation<sup>(9)</sup>;

“official activities” in relation to the Organisation means its administrative activities and those which it is authorised to undertake pursuant to the Convention;

“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<sup>(10)</sup>.

#### *The Organisation*

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

**3.—(1)** Within the scope of its official activities the Organisation shall have immunity from suit and legal process except—

- (a) to the extent that it has waived such immunity in a particular case;
- (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 Organisation or in respect of a motor traffic offence involving such a vehicle;
- (c) in respect of an attachment order pursuant to the order of a court of law, of the salaries, wages or other emoluments owed by the Organisation to a staff member or former staff member; and
- (d) in respect of a counter claim directly connected with proceedings initiated by the Organisation.

(2) Sub paragraph (1) shall not prevent the taking of such measures as may be permitted by law in relation to the property and assets of the Organisation in so far as they may be temporarily necessary in connection with the prevention and investigation of accidents involving motor vehicles belonging to, or operated on behalf of, the Organisation.

**4.** The Organisation shall have the like relief from non domestic 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.

**5.—(1)** The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by or on behalf of the Organisation and necessary for the exercise of its official activities, and in the case of any publications of the Organisation imported or exported by it within the scope of its official activities.

(2) Sub-paragraph (1) shall not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part II of Schedule 5 to the Scotland Act 1998<sup>(11)</sup>.

<sup>(9)</sup> Cmnd. 7722 (as amended by Cm. 3995).

<sup>(10)</sup> 1964 c. 81.

<sup>(11)</sup> 1998 c. 46.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### *Representatives*

6.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Government of the Member State which they represent, representatives of a Member State of the Organisation shall enjoy—

- (a) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, done by them in the exercise of their functions;
- (b) while exercising their functions (and during their journeys to and from the place of meeting), the like inviolability for all their official papers and documents as is accorded to a diplomatic agent; and
- (c) while exercising their functions (and in the course of their journeys to and from the place of meeting), the like immunity from personal arrest or detention and from seizure of their personal baggage as is accorded to a diplomatic agent.

(2) The immunity accorded by sub-paragraph (1)(a) shall not apply in the case of a motor traffic offence committed by a representative of a Member State or in the case of damage caused by a motor vehicle belonging to or driven by such a representative.

(3) The immunity accorded by sub-paragraph (1)(c) shall not apply where there are reasonable grounds for suspecting that such a representative is in the course of committing or is attempting to commit, or has just committed, an offence.

(4) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on the official staff of representatives, other than their alternate representatives and advisers.

(5) Neither the preceding sub paragraphs nor Part IV of Schedule 1 to the 1968 Act shall operate so as to confer any immunity or privilege on—

- (a) persons as the representatives or alternate representatives, or their advisers, of Her Majesty's Government in the United Kingdom; or
- (b) any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas).

(6) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on families of representatives, alternate representatives or advisers.

### *Director and other officers*

7.—(1) Except in so far as in any particular case such immunity is waived by the Assembly of the Organisation, the Director of the Organisation shall enjoy—

- (a) the like immunity from personal arrest or detention as is accorded to a diplomatic agent; and
- (b) the like immunity from suit and legal process as is accorded to a diplomatic agent.

(2) The immunity accorded by sub-paragraph (1)(b) shall not apply in the case of a motor traffic offence committed by the Director or in the case of damage caused to a motor vehicle belonging to or driven by the Director.

(3) This paragraph shall not apply to any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is a permanent resident of the United Kingdom.

(4) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on the family of the Director.

8.—(1) Except in so far as in any particular case such immunity is waived by the Director of the Organisation or (in the case of the Director) by the Assembly of the Organisation, all officers of the Organisation appointed or recruited for employment with the Organisation and subject to its staff regulations (excluding persons recruited locally and assigned to hourly rates of pay), as well as the Director, shall enjoy the immunity mentioned in sub paragraph (2).

(2) That immunity is immunity from suit and legal process (even after they have left the service of the Organisation) in respect of acts, including words written or spoken, done by them in the exercise of their functions.

(3) The immunity accorded by sub-paragraphs (1) and (2) shall not apply in the case of a motor traffic offence committed by an officer or in the case of damage caused by a motor vehicle belonging to or driven by an officer.

### *Experts*

9.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Director, experts (other than officers of the Organisation) shall, so far as is necessary for the carrying out of their functions (including during journeys made in carrying out their functions and in the course of their missions for the Organisation) enjoy—

- (a) immunity from suit and legal process in respect of acts, including words written or spoken, done by them in the exercise of their functions; and
- (b) while exercising their functions in connection with the Organisation or in carrying out missions for the Organisation, the like inviolability for all their official papers and documents as is accorded to a diplomatic agent.

(2) The immunity accorded by sub-paragraph (1)(a) shall not apply in the case of a motor traffic offence committed by an expert or in the case of damage caused by a motor vehicle belonging to or driven by an expert.

## SCHEDULE 2

Article 2

### INTERNATIONAL TELECOMMUNICATIONS SATELLITE ORGANISATION

#### *General*

1. In this Schedule—

“the Organisation” means the International Telecommunications Satellite Organisation to which the 1979 Order applies;

“the 1979 Order” means the INTELSAT (Immunities and Privileges) Order 1979<sup>(12)</sup>;

“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.

#### *The Organisation*

2. The Organisation shall have the like relief from non-domestic 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.

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(12) [S.I. 1979/911](#).

## SCHEDULE 3

## Article 2

### ORGANISATION FOR JOINT ARMAMENT COOPERATION

#### *General*

**1.** In this Schedule—

“the Organisation” means the Organisation for Joint Armament Cooperation established by the Convention;

“the Convention” means the Convention on the Establishment of the Organisation for Joint Armament Cooperation (OCCAR)(13);

“official activities” in relation to the Organisation means its administrative activities and those which it is authorised to undertake pursuant to the Convention;

“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.

#### *The Organisation*

**2.** 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.

**3.—(1)** The Organisation shall have immunity from suit and legal process except—

- (a) to the extent that it shall have expressly waived such immunity in a particular case;
- (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 Organisation or in respect of a motor traffic offence involving such a vehicle;
- (c) in respect of the enforcement of an arbitration award made under the terms of any contract made by the Organisation;
- (d) in respect of an attachment order against the salaries, wages and emoluments owed by the Organisation to a member of staff.

(2) The preceding sub paragraph shall not prevent the taking of such measures as may be permitted by law in relation to the property and assets of the Organisation 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 Organisation.

**4.** The Organisation shall have the like relief from non-domestic rates as, in accordance with Article 23 of the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission.

**5.—(1)** The Organisation shall have exemption from prohibitions and restrictions on the importation or exportation in the case of goods imported or exported by it and necessary for its official activities, and in the case of any of its official publications imported or exported by it.

(2) Sub-paragraph (1) shall not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part II of Schedule 5 to the Scotland Act 1998(14).

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(13) Cm. 4367.

(14) 1998 c. 46.

### *Representatives*

6.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Government of the Member State which they represent, representatives of a Member State of the Organisation shall enjoy—

- (a) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, done by them in the exercise of their functions;
- (b) while exercising their functions (and during their journeys to and from the place of meeting), the like inviolability for all their official papers and documents as is accorded to a diplomatic agent; and
- (c) while exercising their functions (and in the course of their journeys to and from the place of meeting), the like immunity from personal arrest or detention and from seizure of their personal baggage as is accorded to a diplomatic agent.

(2) The immunity accorded by sub-paragraph (1)(a) shall not apply in the case of a motor traffic offence committed by a representative of a Member State or in the case of damage caused by a motor vehicle belonging to or driven by such a representative.

(3) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on the official staff of representatives, other than their alternate representatives and advisers.

(4) Neither the preceding sub paragraphs nor Part IV of Schedule 1 to the 1968 Act shall operate so as to confer any immunity or privilege on—

- (a) persons as the representatives or alternate representatives, or their advisers, of Her Majesty's Government in the United Kingdom; or
- (b) any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas).

(5) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on families of representatives, alternate representatives or advisers.

### *Director and other members of staff*

7.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Board of Supervisors of the Organisation, the Director (or any official acting instead during the Director's absence from duty) shall enjoy—

- (a) the like immunity from suit and legal process as is accorded to or in respect of a diplomatic agent; and
- (b) the like inviolability of residence as is accorded to or in respect of a diplomatic agent.

(2) This paragraph shall not apply to any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is a permanent resident of the United Kingdom.

(3) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on the family of the Director (or any official acting instead).

8.—(1) Except in so far as in any particular case such immunity is waived by the Director, the members of staff shall enjoy immunity from suit and legal process (even after they have left the services of the Organisation) in respect of acts, including words written or spoken, done by them in the exercise of their functions.

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(2) The immunity accorded by sub-paragraph (1) shall not apply in the case of a motor traffic offence committed by a member of staff of the Organisation or in the case of damage caused by a motor vehicle belonging to or driven by such a member of staff.

#### *Experts*

9. Except in so far as in any particular case any immunity or privilege is waived by the Director, experts (other than officials of the Organisation) performing missions on behalf of the Organisation shall enjoy—

- (a) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, done by them in the exercise of their functions;
- (b) during the period of their missions (including during journeys made in connection with service on such missions), the like immunity from personal arrest or detention as is accorded to a diplomatic agent; and
- (c) during the period of their missions (including during journeys made in connection with service on such missions), the like inviolability for all papers and documents as is accorded to a diplomatic agent.

### SCHEDULE 4

Article 2

#### INTERNATIONAL SEABED AUTHORITY

##### *General*

1.—(1) In this Schedule—

“the Authority” means the International Seabed Authority established by the Convention;

“the Convention” means the United Nations Convention on the Law of the Sea of 10th December 1982<sup>(15)</sup>;

“the Enterprise” means the organ of the Authority referred to in Article 158(2) and Article 170 of the Convention;

“representative” of a Member means any representative of a Member of the Authority attending a meeting of the Assembly or the Council (or an organ of the Assembly or Council);

“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.

##### *The Authority*

2. The Authority and its property and assets shall enjoy immunity from suit and legal process, except to the extent that the Authority expressly waives this immunity in a particular case.

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

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<sup>(15)</sup> Cmnd. 8941.



4. The Authority shall have the like relief from non-domestic rates as, in accordance with Article 23 of the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission.

#### *The Enterprise*

5. Paragraphs 2 to 4 shall not apply to the Enterprise.

6. Except to the extent that the Enterprise has waived such immunity, the Enterprise shall have immunity from suit and legal process—

- (a) where the Enterprise has no office in the United Kingdom, has not appointed any agent in the United Kingdom for the purpose of accepting service or notice of process, has not entered into a contract for goods or services in the United Kingdom, has not issued securities in the United Kingdom and has not otherwise engaged in commercial activity in the United Kingdom;
- (b) in respect of all forms of seizure, attachment or execution before the delivery of final judgment against the Enterprise; and
- (c) in respect of the requisition, confiscation, expropriation or any other form of seizure of property or assets of the Enterprise wherever located and by whomsoever held.

#### *Representatives*

7.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Government of the Member which they represent, representatives of a Member of the Authority shall enjoy—

- (a) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, done by them in the exercise of their functions;
- (b) while exercising their functions (including during their journeys to and from the place of meeting), the like inviolability for all their papers and documents as is accorded to a diplomatic agent; and
- (c) while exercising their functions (including during their journeys to and from the place of meeting), the like immunity from personal arrest or detention and from seizure of their personal baggage as is accorded to a diplomatic agent.

(2) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on—

- (a) the official staff of a representative, other than alternate representatives and advisers, or
- (b) the family of a representative.

(3) Neither the preceding sub paragraphs nor Part IV of Schedule 1 to the 1968 Act shall operate so as to confer any immunity or privilege on—

- (a) persons as the representatives of the United Kingdom or as members of the official staff of such representatives; or
- (b) any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas).

(4) Where the incidence of any form of local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998<sup>(16)</sup>) depends upon residence, a representative shall not be deemed to be resident in the United Kingdom during any period when the representative is present in the United Kingdom for the discharge of official duties.

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(16) 1998 c. 46.

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### *High and other officials*

**8.—(1)** Except in so far as in any particular case such immunity or privilege is waived by the Assembly of the Authority (in the case of the Secretary General of the Authority) or by the Secretary General of the Authority (in the case of the Director General of the Enterprise), the Secretary General of the Authority (or any official acting instead during the Secretary-General's absence from duty), and the Director General of the Enterprise, shall enjoy—

- (a) the like immunity from suit and legal process as is accorded to or in respect of the head of a diplomatic mission; and
- (b) the like inviolability of residence as is accorded to or in respect of the head of a diplomatic mission.

(2) This paragraph shall not apply to any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is a permanent resident of the United Kingdom.

(3) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on any member of the family of any officer to whom this paragraph applies other than a spouse (or civil partner) and any child (under 18 years of age).

**9.** Except in so far as in any particular case such immunity is waived by the Secretary General of the Authority or (in the case of the Secretary General of the Authority) by the Assembly of the Authority, officials of the Authority shall enjoy immunity from suit and legal process and from personal arrest or detention in respect of acts, including words written or spoken, done by them in the exercise of their functions.

### *Experts*

**10.** Except in so far as in any particular case such immunity or privilege is waived by the Secretary General of the Authority, experts (other than officials of the Authority) performing missions on behalf of the Authority shall enjoy—

- (a) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, done by them in the exercise of their functions;
- (b) during the period of their missions (including during journeys made in connection with service on such missions), the like immunity from personal arrest or detention as is accorded to a diplomatic agent; and
- (c) during the period of their missions (including during journeys made in connection with service on such missions), the like inviolability for all papers and documents as is accorded to a diplomatic agent.

## SCHEDULE 5

Article 2

## EUROPEAN COURT OF HUMAN RIGHTS

### *General*

**1.—(1)** In this Schedule—

“the Court” means the European Court of Human Rights established by Article 19 of the Convention (or any Chamber, judge or judges of the Court carrying out their duties under the terms of the Convention or the rules of the Court);

“the Convention” means the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November 1950<sup>(17)</sup> as amended by Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms restructuring the control machinery established thereby<sup>(18)</sup>;

“the Committee of Ministers” means the Committee of Ministers of the Council of Europe when exercising its functions under Article 46(2) of the Convention;

“judges of the Court” means judges elected under Article 22, or appointed under Article 27, of the Convention;

“persons participating in proceedings” means—

- (a) any persons taking part in proceedings instituted before the Courts as parties, their representatives and advisors;
- (b) witnesses and experts called upon by the Court and other persons invited by the President of the Court to take part in proceedings;
- (c) any person mentioned in paragraph (a) or (b) who is called upon to appear before or to submit written statements to the Committee of Ministers;

“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.

(2) For the purposes of this Order any petition, complaint or other communication which, with a view to action to be taken by or before the Court—

- (a) is made to the Court; or
- (b) is made to a person through whom, in accordance with the constitution, rules or practice of the Court, such a communication can be received,

shall be deemed to be proceedings before the Court, (and the person making any such communication shall be deemed to be a party to such proceedings).

### *The Court*

2. The judges of the Court, the Registrar of the Court and the Deputy Registrar of the Court shall have inviolability in respect of their documents and papers in so far as they relate to the business of the Court.

3. Except in so far as in any particular case such immunity or privilege is waived by the Court sitting in plenary session, judges of the Court, the Registrar of the Court and, when acting as the Registrar, the Deputy Registrar of the Court shall enjoy—

- (a) unless they are British citizens, British overseas territories citizens, British Overseas citizens, British Nationals (Overseas) or are permanently resident in the United Kingdom—
  - (i) the like immunity from suit and legal process as is accorded to or in respect of the head of a diplomatic mission; and
  - (ii) the like inviolability of residence as is accorded to or in respect of the head of a diplomatic mission; and

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<sup>(17)</sup> Cmnd. 8969.

<sup>(18)</sup> Cm. 4353.

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- (iii) the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) as is accorded to or in respect of the head of a diplomatic mission; and
  - (b) immunity from suit and legal process in respect of words written or spoken and things done or omitted to be done by them in their official capacity.
- 4.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Court sitting in plenary session, spouses (or civil partners) and any children (under 18 years of age) of judges of the Court shall enjoy—
- (a) the like immunity from suit and legal process as is accorded to or in respect of the head of a diplomatic mission;
  - (b) the like inviolability of residence as is accorded to or in respect of the head of a diplomatic mission; and
  - (c) the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) as is accorded to or in respect of the head of a diplomatic mission.
- (2) This paragraph shall not apply to any person who is a British citizen, a British Overseas territories citizen, a British Overseas citizen or a British National (Overseas).

#### *Persons participating in proceedings*

- 5.—(1) Except in so far as in any particular case such immunity is waived by the Court, persons participating in proceedings shall have—
- (a) in respect of words written or spoken and documents or other evidence submitted by them before or to the Court (other than where such words, documents or evidence or any part thereof are communicated by them or on their behalf outside the Court), the like immunity from suit and legal process as is accorded to or in respect of the head of a diplomatic mission; and
  - (b) while passing in transit through the United Kingdom during their journeys to and from the proceedings, or while in the United Kingdom for the purpose of such proceedings there, immunity from criminal proceedings and (other than for the purpose of detaining a person who has escaped from legal custody) from personal arrest in respect of acts or convictions prior to the commencement of the journey.
- (2) The immunity accorded by sub-paragraph (1)(b) is effective only if the presence of the persons at the proceedings has been authorised in advance by the Court and 15 days have not elapsed from the date when their presence is no longer required by the Court.

## SCHEDULE 6

Article 2

### UNESCO

#### *General*

#### 1. In this Schedule—

“the Organisation” means the United Nations Educational, Scientific and Cultural Organisation (UNESCO) of which the United Kingdom and other sovereign Powers are members;

“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<sup>(19)</sup>.

### *The Organisation*

2. Except in so far as in any particular case it has expressly waived 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).

3. 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.

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

5.—(1) The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Organisation, and in the case of any publications of the Organisation imported or exported by it.

(2) Sub-paragraph (1) shall not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part II of Schedule 5 to the Scotland Act 1998<sup>(20)</sup>.

### *Representatives*

6.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Government of the Member which they represent, representatives of a Member of the Organisation at the meetings of any organ, committee or other subordinate body of the Organisation (including any sub committee or similar body) 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;
- (b) while exercising their functions (and during their journeys to and from the place of meeting), the like inviolability for all papers and documents as is accorded to a diplomatic agent; and
- (c) while exercising their functions (and during their journeys to and from the place of meeting), the like immunity from personal arrest or detention and from seizure of their personal baggage as is accorded to a diplomatic agent.

(2) Where the incidence of any form of local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) depends on residence, a representative shall not be deemed to be resident in the United Kingdom during any period when the representative is present in the United Kingdom for the discharge of the representative’s duties.

(3) Except in so far as in any particular case any privilege or immunity is waived by the Executive Board of the Organisation the following persons shall enjoy the same immunities and privileges as provided for in sub paragraphs (1) and (2)—

- (a) the President of the Conference; and
- (b) members of the Executive Board, their substitutes and advisers.

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<sup>(19)</sup> 1964 c. 81.

<sup>(20)</sup> 1998 c. 46.

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(4) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on—

- (a) the official staff of a representative other than alternates, technical experts and secretaries of delegations;
- (b) the family of a representative or of a member of the official staff of a representative; or
- (c) the official staff or family of any person to whom sub-paragraph (3) applies.

(5) Neither the preceding sub paragraphs nor Part IV of Schedule 1 to the 1968 Act shall operate so as to confer any immunity or privilege on—

- (a) persons as the representatives or as members of the official staff of such representatives, of Her Majesty's Government in the United Kingdom; or
- (b) any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas).

#### *High and other officials*

7.—(1) Except in so far as in any particular case such immunity is waived by or on behalf of the Organisation, the Director-General, the Deputy Director-General and any official acting on behalf of the Director-General during an absence from duty shall enjoy—

- (a) the like immunity from suit and legal process as is accorded to or in respect of the head of a diplomatic mission;
- (b) the like inviolability of residence as is accorded to or in respect of the head of a diplomatic mission; and
- (c) the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) as is accorded to or in respect of the head of a diplomatic mission.

(2) This paragraph shall not apply to any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is a permanent resident of the United Kingdom.

(3) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on the family of any officer to whom this paragraph applies other than a spouse (or civil partner) and any child (under 18 years of age).

8. Except in so far as in any particular case such immunity is waived by or on behalf of the Organisation, officers of the Organisation (excluding persons recruited locally and assigned to hourly rates of pay) shall enjoy immunity from suit and legal process in respect of things done or omitted to be done by them in their official capacity.

#### *Experts*

9.—(1) Except in so far as in any particular case such immunity or privilege is waived by or on behalf of the Organisation, experts (other than officers of the Organisation) serving on committees of, or performing missions for, 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 exercise of their functions;
- (b) during the period of their service on committees or missions (including the time spent on journeys in connection with service on such committees or missions)—
  - (i) the like immunity from personal arrest or detention and from seizure of their personal baggage as is accorded to a diplomatic agent; and

- (ii) the like inviolability for all papers and documents as is accorded to a diplomatic agent.

## SCHEDULE 7

Article 2

### ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS

#### *General*

**1.** In this Schedule—

“the Organisation” means the Organisation for the Prohibition of Chemical Weapons established under Article VIII (paragraph 1) of the Convention;

“the Convention” means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction done at Paris on 13th January 1993<sup>(21)</sup>;

“representative” of a Member means any representative, alternate, adviser, technical expert or secretary of a delegation of a Member of the Organisation;

“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.

#### *The Organisation*

**2.** The Organisation and its property shall enjoy immunity from suit and legal process, except in so far as the Organisation has expressly waived such immunity in any particular case.

**3.** 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.

**4.** The Organisation shall have the like relief from non-domestic 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.

**5.—(1)** The Organisation shall have exemption from prohibitions and restrictions on importation or exportation of goods by the Organisation and necessary for the exercise of its official activities and in the case of any publications of the Organisation imported or exported by it.

(2) Sub-paragraph (1) shall not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part II of Schedule 5 to the Scotland Act 1998.

#### *Representatives*

**6.—(1)** Except in so far as in any particular case such immunity or privilege is waived by the Member which they represent, representatives of a Member at the meetings of the Organisation shall enjoy, while exercising their functions (and in the course of their journeys to and from the place of meeting)—

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(21) Cm. 3727.

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- (a) the like immunity from personal arrest or detention, and from seizure of their personal baggage, as is accorded to a diplomatic agent;
  - (b) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, performed by them in their official capacity; and
  - (c) the like inviolability for all papers, documents and official material as is accorded to a diplomatic agent.
- (2) Where the incidence of any form of local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) depends upon residence, a representative shall not be deemed to be resident in the United Kingdom during any period when the representative is present in the United Kingdom for the discharge of official duties.
- (3) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on the official staff of representatives, other than alternates, advisers, technical experts and secretaries of their delegations.
- (4) Neither the preceding sub paragraphs nor Part IV of Schedule 1 to the 1968 Act shall operate so as to confer any immunity or privilege on—
- (a) persons as the representatives, alternates, technical advisers or secretaries of the delegation of the United Kingdom; or
  - (b) any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas).
- (5) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on families of representatives of Members.

#### *High and other officials*

- 7.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Organisation, the Director General of the Organisation and spouse (or civil partner), or any senior official acting instead during the Director-General's absence from duty, shall enjoy—
- (a) the like immunity from suit and legal process as is accorded to or in respect of the head of a diplomatic mission;
  - (b) the like inviolability of residence as is accorded to or in respect of the head of a diplomatic mission; and
  - (c) the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998(22)) as is accorded to or in respect of the head of a diplomatic mission.
- (2) This paragraph shall not apply to any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is a permanent resident of the United Kingdom.
- 8.—(1) Except in so far as in any particular case such immunity is waived by the Organisation, in respect of activities related to the object and purpose of the Convention, officials of the Organisation, (excluding those who are locally recruited and assigned to hourly rates of pay) shall enjoy—
- (a) immunity from personal arrest or detention and from seizure of their personal baggage; and
  - (b) immunity from suit and legal process (even after they have left the service of the Organisation) in respect of acts, including words written or spoken, performed by them in their official capacity.

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(22) 1998 c. 46.



(2) The immunity accorded by sub-paragraph (1)(b) shall not apply in the case of damage caused by a motor vehicle belonging to or driven by an official.

(3) Sub-paragraph (1) shall not apply in respect of activities relating to the conduct of inspections within the meaning of section 24 of the Chemical Weapons Act 1996(23).

### *Experts*

9. Except in so far as in any particular case such immunity or privilege is waived by the Organisation, experts (other than officials of the Organisation) shall, so far as is necessary for the effective exercise of their functions (including during journeys made in carrying out their functions and in the course of their missions for the Organisation) enjoy—

- (a) the like immunity from personal arrest or detention and from seizure of their personal baggage as is accorded to a diplomatic agent;
- (b) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, done by them in the course of the performance of their official functions; and
- (c) the like inviolability for all papers, documents and official material as is accorded to a diplomatic agent.

## SCHEDULE 8

Article 2

### INTERNATIONAL MARITIME ORGANISATION

#### *General*

1. In this Schedule—

“the Organisation” means the International Maritime Organisation (of which the United Kingdom and other sovereign Powers are members);

“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.

#### *The Organisation*

2. Except in so far as in any particular case it has expressly waived such immunity, the Organisation shall have immunity from suit and legal process (but no waiver of immunity shall be deemed to extend to any measure of execution).

3. 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.

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

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(23) 1996 c. 6

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5.—(1) 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.

(2) Sub-paragraph (1) shall not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part II of Schedule 5 to the Scotland Act 1998.

### *Representatives*

6.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Government of the Member which they represent, representatives of a Member of the Organisation on any of its organs at meetings convened by it shall enjoy—

- (a) in respect of words written or spoken and all acts done or omitted to be done by them in their official capacity, the like immunity from suit and legal process as is accorded to the head of a diplomatic mission;
- (b) while exercising their functions (including during their journeys to and from the place of meeting), the like immunity from personal arrest or detention as is accorded to the head of a diplomatic mission; and
- (c) while exercising their functions (including during their journeys to and from the place of meeting), the like inviolability for all papers and documents as is accorded to the head of a diplomatic mission.

(2) Where the incidence of any form of local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998<sup>(24)</sup>) depends on residence, any period during which representatives of members of the Organisation on any of its organs at meetings convened by it are present in the United Kingdom for the exercise of their functions shall, for the purpose of determining their liability to such taxes, be treated as not being a period of residence in the United Kingdom.

(3) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on the official staff of representatives of the Organisation, other than alternates, advisers, technical experts and secretaries of delegations.

(4) Neither the preceding sub paragraphs nor Part IV of Schedule 1 to the 1968 Act shall operate so as to confer any immunity or privilege on—

- (a) persons as the representatives of Her Majesty's Government in the United Kingdom or as members of the official staff of such representatives; or
- (b) any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas).

(5) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on families or representatives or on the families of members of their official staffs.

7.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Government of the Member which the person represents, every person designated by a Member of the Organisation as its principal permanent representative (or acting principal permanent representative) to the Organisation in the United Kingdom, and members of their family forming part of their household, shall enjoy for the term of the member's business with the Organisation—

- (a) the like immunity from suit and legal process as is accorded to the head of a diplomatic mission;
- (b) the like immunity from personal arrest or detention and the like inviolability for all papers and documents as is accorded to the head of a diplomatic mission; and

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(24) 1998 c. 46.

- (c) the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) as are accorded to or in respect of a diplomatic agent.
- (2) Sub paragraph (1)(c) shall not apply to any person who is a permanent resident of the United Kingdom; and sub paragraph (1)(a) and (b) shall apply to any such person only while the person is exercising official functions.
- (3) Neither the preceding sub paragraphs nor Part IV of Schedule 1 to the 1968 Act shall operate so as to confer any immunity or privilege on—
  - (a) persons as the principal permanent representatives or acting principal permanent representatives of the United Kingdom or as members of the staff of such representatives (or as members of the family of such representatives); or
  - (b) any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas).
- (4) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on the official staff of a principal permanent representative (or acting principal permanent representative), other than members of the staff of diplomatic status resident in the United Kingdom.

#### *High and other officers*

**8.—**(1) Except in so far as in any particular case such immunity or privilege is waived by the Organisation, there shall be accorded to the Secretary General of the Organisation, the Deputy Secretary General (or, in the absence of both, any other official specially designated to act on behalf of the Secretary General), the Secretary of the Maritime Safety Committee and the Directors of the Administrative Division, the Technical Co operation Division, the Legal Affairs and External Relations Division, the Conference Division and the Marine Environment Division—

- (a) the like immunity from suit and legal process as is accorded to or in respect of the head of a diplomatic mission;
  - (b) the like inviolability of residence as is accorded to or in respect of the head of a diplomatic mission; and
  - (c) the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) as is accorded to or in respect of the head of a diplomatic mission.
- (2) This paragraph shall not apply to any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is a permanent resident of the United Kingdom.

**9.—**(1) Except in so far as in any particular case such immunity or privilege is waived by the Organisation, there shall be accorded to any officer of the Organisation (other than the officers referred to in paragraph 8) who is recognised by Her Majesty's Government in the United Kingdom as holding a rank equivalent to that of a diplomatic agent the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) as, in accordance with Article 34 of the 1961 Convention Articles, is accorded to a diplomatic agent.

(2) This paragraph shall not apply to any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is a permanent resident of the United Kingdom.

**10.** Except in so far as in any particular case such immunity is waived by the Organisation, all officers of the Organisation (excluding those who are recruited locally and assigned to hourly rates

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of pay) shall enjoy immunity from suit and legal process in respect of words written or spoken and all acts done or omitted to be done by them in the course of the performance of their official duties.

### *Experts*

**11.—**(1) Except in so far as in any particular case such immunity or privilege is waived by the Organisation, experts (other than officers of the Organisation) serving on any committee of the Organisation or employed on missions on behalf of the Organisation shall, so far as is necessary for the effective exercise of their functions, enjoy—

- (a) in respect of words spoken or written and all acts done or omitted to be done by them in the performance of their official functions, the like immunity from suit and legal process as is accorded to the head of a diplomatic mission;
- (b) while exercising their functions (including during their journeys in connection with service on such committees or missions), the like immunity from personal arrest or detention as is accorded to the head of a diplomatic mission; and
- (c) while exercising their functions (including during their journeys in connection with service on such committees or missions), the like inviolability for all papers and documents relating to the work on which they are engaged for the Organisation as is accorded to the head of a diplomatic mission.

(2) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on the official staff or on families of such experts.

## SCHEDULE 9

Article 2

### PREPARATORY COMMISSION FOR THE COMPREHENSIVE NUCLEAR TEST BAN TREATY ORGANIZATION

#### *General*

#### **1.** In this Schedule—

“the Commission” means the Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organization established by the Text;

“the Text” means the Text on the establishment of the Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organization annexed to the resolution of 19th November 1996 of the States Signatories of the Comprehensive Nuclear Test Ban Treaty<sup>(25)</sup>;

“official activities” in relation to the Commission means its administrative activities and those which it is authorised to undertake pursuant to that Text on the establishment of the Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organization;

“Member” means a State Signatory to the Comprehensive Nuclear Test Ban Treaty<sup>(26)</sup>;

“Executive Secretary” means the Executive Secretary of the Commission;

“staff member” means a person appointed or recruited for employment with the Commission and subject to its staff regulations (excluding persons in domestic service and persons recruited locally and assigned to hourly rates of pay);

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<sup>(25)</sup> Cm. 4399.

<sup>(26)</sup> Cm. 3665.

“representatives” means representatives of Members and in each case means heads of delegations, their alternates and advisers;

“experts” means any person (other than representatives to and officials of the Commission) who are performing missions specifically authorised by the Commission, including persons doing so on an uncompensated or seconded basis or who are serving on committees or other subsidiary organisations of the Commission at the request of the Commission; and

“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<sup>(27)</sup>.

### *The Commission*

2. The Commission shall enjoy immunity from suit and legal process, including in respect of its property and assets, except in so far as the Commission has expressly waived such immunity in any particular case (but no waiver of immunity shall be deemed to extend to any measure of execution).

3. The Commission shall have the like inviolability of official archives as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives of a diplomatic mission.

4. The Commission shall have the like relief from non domestic 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.

5.—(1) Except where the prohibitions or restrictions arise from European Community law, the Commission shall have exemption from prohibitions and restrictions on importation or exportation of goods by the Commission and necessary for the exercise of its official activities, and in the case of any publication of the Commission imported or exported by it within the scope of its official activities.

(2) Sub-paragraph (1) shall not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part II of Schedule 5 to the Scotland Act 1998.

### *Representatives*

6.—(1) Except in so far as in any particular case such immunity is waived by the Member which they represent, representatives of a Member at the meeting of the Commission shall enjoy, while exercising their functions (and in the course of their journey to and from the place of meeting)—

- (a) the like immunity from personal arrest or detention as is accorded to a diplomatic agent; and
- (b) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, performed by them in their official capacity.

(2) The immunities accorded by sub-paragraph (1) shall not apply 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 a representative.

(3) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on the official staff of representatives, other than their alternate representatives and advisers.

(4) Neither the preceding paragraphs nor Part IV of Schedule 1 to the 1968 Act shall operate so as to confer any immunity or privilege on—

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(27) 1964 c. 81.

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- (a) persons as the representatives of the delegation of the United Kingdom; or
  - (b) any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas).
- (5) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on families of representatives.

#### *Executive Secretary and other staff members*

7.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Commission, the Executive Secretary shall enjoy—

- (a) the like immunity from suit and legal process as is accorded to or in respect of the head of a diplomatic mission;
- (b) the like inviolability of residence as is accorded to or in respect of the head of a diplomatic mission; and
- (c) the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998(28)) as is accorded to or in respect of the head of a diplomatic mission.

(2) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on the family of the Executive Secretary, other than a spouse (or civil partner) and any child (under the age of 18) forming part of the household.

(3) Sub paragraph (1) shall apply to the spouse (or civil partner) and any child of the Executive Secretary as it applies to the Executive Secretary.

8.—(1) Except in so far as in any particular case such immunity is waived by the Executive Secretary, all staff members shall enjoy immunity from suit and legal process (even after they have left the service of the Commission) in respect of acts, including words written or spoken, done by them in the exercise of their official functions.

(2) The immunity accorded by sub-paragraph (1) shall not apply in the case of a motor traffic offence committed by a staff member or in the case of damage caused by a motor vehicle belonging to or driven by a staff member.

#### *Experts*

9.—(1) Except in so far as in any particular case such immunity is waived by the Executive Secretary, experts (other than staff members) serving on committees of, or performing missions for, the Commission shall enjoy—

- (a) the like immunity from personal arrest or detention as is accorded to a diplomatic agent; and
- (b) immunity from suit and legal process (even after the termination of their service or mission) in respect of acts, including words written or spoken, done by them in the exercise of their official functions.

(2) The immunity accorded by sub-paragraph (1)(b) shall not apply in the case of a motor traffic offence committed by an expert or in the case of damage caused by a motor vehicle belonging to or driven by an expert.

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(28) 1998 c. 46.

## SCHEDULE 10

## Article 2

### EUROPEAN POLICE COLLEGE

#### *General*

**1. In this Schedule—**

CEPOL is the European Police College (of which the United Kingdom and other sovereign Powers are members);

“the Archives of CEPOL” means all records, correspondence, documents, manuscripts, photographs, films, recordings, computer programmes, video tapes, discs and data held in any other media belonging to or held by CEPOL and all information therein contained;

“Council Decision” means Decision 2000/820/JHA of the Council of the European Union, as amended by Decision 2004/566/JHA and Decision 2004/567/JHA of the Council;

“Members of Staff” means the staff of the Secretariat of CEPOL set up pursuant to Article 4 of the Council Decision (excluding locally recruited staff assigned to hourly rates of pay);

“Official Activities of CEPOL” means those activities carried out pursuant to Articles 6 and 7 of the Council Decision;

“the Premises of CEPOL” means the buildings (or parts of buildings) and the land ancillary thereto used for the Official Activities of CEPOL;

“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.

#### *CEPOL*

**2.** The Archives of CEPOL shall have the like inviolability as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives of a diplomatic mission.

**3.** The Premises of CEPOL shall have the like inviolability as, in accordance with the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission, except that—

- (a) the Premises of CEPOL may be entered with the consent of and under conditions approved by the Administrative Director of CEPOL (and such consent shall be presumed if the Administrative Director cannot be reached in time in the case of fire or other emergency requiring prompt protective action or in the event that the competent authorities of the United Kingdom have reasonable cause to believe that such an emergency has occurred or is about to occur in the Premises of CEPOL);
- (b) the Premises of CEPOL may be entered by duly authorised representatives of appropriate public service bodies to inspect, repair, maintain, reconstruct or relocate utilities, conduits, mains or sewers within the Premises of CEPOL under conditions which will not unreasonably disturb the carrying out of the Official Activities of CEPOL and under suitable arrangements made by the Administrative Director of CEPOL.

**4.—(1)** Within the scope of the Official Activities of CEPOL, CEPOL shall enjoy immunity from suit and legal process except—

- (a) to the extent that CEPOL has expressly waived such immunity in a particular case;
- (b) in respect of a civil action by a third party for damage caused by a motor vehicle belonging to, or operated on behalf of, CEPOL or in respect of a motor traffic offence involving such a vehicle;

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- (c) in respect of a civil action relating to death or personal injury caused by an act or omission in the United Kingdom;
- (d) in respect of the enforcement of an arbitration award made against CEPOL as a result of an express submission to arbitration by or on behalf of CEPOL;
- (e) in respect of any counter claim directly connected with court proceedings initiated by CEPOL;
- (f) in respect of proceedings relating to a contract of employment between CEPOL and a Member of Staff.

(2) Sub paragraph (1) shall not prevent the taking of such measures as may be permitted by law in relation to the property and assets of CEPOL, wheresoever located and by whomsoever held, upon the delivery of a final judgment against CEPOL.

5. Within the scope of the Official Activities of CEPOL, CEPOL shall have the like relief from non-domestic rates on the premises of CEPOL as, in accordance with Article 23 of the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission.

6. CEPOL shall have exemption from prohibitions and restrictions on exportation of goods by CEPOL necessary for the exercise of its Official Activities except where the prohibitions or restrictions arise from European Community law.

#### *Members of staff*

7.—(1) Members of Staff of CEPOL shall enjoy immunity from suit and legal processes, (even after they have left the service of CEPOL) in respect of acts, including words written or spoken, done by them in the exercise of their official functions.

(2) The immunity accorded by sub-paragraph (1) shall not apply in the case of a motor traffic offence committed by a Member of Staff or in the case of damage caused by a motor vehicle belonging to or driven by a Member of Staff.

## SCHEDULE 11

Article 2

### INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

#### *General*

#### 1. In this Schedule—

“the Tribunal” means the International Tribunal for the Law of the Sea established by the Convention;

“the Convention” means the United Nations Convention on the Law of the Sea of 10th December 1982<sup>(29)</sup>;

the “Statute” means the Statute of the International Tribunal for the Law of the Sea in annex VI to the Convention;

“member of the Tribunal” means an elected member of the Tribunal or a person chosen under article 17 of the Statute for the purpose of a particular case;

“officials of the Tribunal” means the Registrar and other officers of the Tribunal;

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<sup>(29)</sup> Cmnd. 8941.



“Registrar” means the Registrar of the Tribunal (and includes any official of the Tribunal acting as Registrar);

“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.

### *The Tribunal*

2. The Tribunal shall enjoy immunity from suit and legal process, including in respect of its property, assets and funds, except in so far as the Tribunal has expressly waived such immunity in any particular case.

3. The Tribunal 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.

4. The Tribunal shall have the like relief from non-domestic 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.

5.—(1) The Tribunal shall have exemption from prohibitions and restrictions, except where the prohibitions or restrictions arise from European Community law, on importation or exportation of goods by the Tribunal for its official use and in the case of any publications of the Tribunal imported or exported by it.

(2) Sub-paragraph (1) shall not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part II of Schedule 5 to the Scotland Act 1998(30).

### *Members of the Tribunal*

6.—(1) Members of the Tribunal shall enjoy the immunities and privileges set out in sub paragraph (2) when—

- (a) engaged on the business of the Tribunal;
- (b) residing in the United Kingdom for the purpose of holding themselves at the disposal of the Tribunal;
- (c) on journeys in or through the United Kingdom in connection with the exercise of their functions.

(2) Those immunities and privileges are—

- (a) the like immunity from suit and legal process as is accorded to or in respect of the head of a diplomatic mission;
- (b) the like inviolability of residence as is accorded to or in respect of the head of a diplomatic mission;
- (c) the like immunity from personal arrest, detention and seizure of personal baggage as is accorded to or in respect of the head of a diplomatic mission; and
- (d) the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) as is accorded to or in respect of the head of a diplomatic mission.

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(30) 1998 c. 46.

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(3) Sub paragraphs (1) and (2) shall not operate so as to confer any immunity or privilege on any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is permanently resident in the United Kingdom.

(4) But any such person (as is described in sub-paragraph (3)) who is a member of the Tribunal shall enjoy immunity from suit and legal process (even after ceasing to exercise official functions) in respect of acts, including words written or spoken, done by the person in the course of discharging functions in connection with the Tribunal.

(5) Members of the family forming part of the household of a member of the Tribunal—

- (a) during any period in which the Tribunal member is resident in the United Kingdom for the purpose of holding that member at the disposal of the Tribunal; or
- (b) when that member is on journeys in or through the United Kingdom in connection with the exercise of functions,

shall also enjoy the immunities and privileges under paragraph (2) during the period of that residence or when on such journeys.

(6) Members of the Tribunal after the expiry of their terms of office shall enjoy immunity from suit and legal process in respect of acts, including words written or spoken, done by them in the course of discharging their functions in connection with the Tribunal.

(7) Immunities and privileges accorded by this paragraph may be waived by the Tribunal.

#### *Registrar and the officials*

7.—(1) The Registrar, when engaged on the business of the Tribunal, shall enjoy—

- (a) the like immunity from suit and legal process as is accorded to or in respect of a diplomatic agent;
- (b) the like inviolability of residence as is accorded to or in respect of a diplomatic agent;
- (c) the like immunity from personal arrest, detention and seizure of personal baggage as is accorded to or in respect of a diplomatic agent; and
- (d) the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) as is accorded to or in respect of a diplomatic agent.

(2) Sub paragraph (1) shall not operate so as to confer any immunity or privilege on any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is permanently resident in the United Kingdom.

(3) But any such person (as is described in sub-paragraph (2)) who is the Registrar shall enjoy immunity from suit and legal process (even after ceasing to exercise official functions) in respect of acts, including words written or spoken, done by the person in the course of discharging functions in connection with the Tribunal.

(4) Immunities and privileges accorded by this paragraph may be waived by the Tribunal.

8.—(1) Officials of the Tribunal (other than the Registrar), when engaged on the business of the Tribunal and as necessary for the independent exercise of their functions, shall enjoy—

- (a) immunity from suit and legal process (even after they have ceased to exercise their functions) in respect of acts, including words written or spoken, done by them in the course of discharging their functions for the Tribunal; and
- (b) the like immunity from personal arrest, detention and seizure of personal baggage as is accorded to a diplomatic agent.

(2) Sub paragraph (1)(b) shall not operate so as to confer any immunity or privilege on any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is permanently resident in the United Kingdom.

(3) Where the incidence of any form of local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) depends on residence, any period during which officials of the Tribunal are present in the United Kingdom for the discharge of their functions shall not be considered as a period of residence in the United Kingdom.

(4) Immunities and privileges accorded by this paragraph may be waived by the Registrar acting with the approval of the President of the Tribunal.

### *Experts*

**9.—**(1) Except in so far as in any particular case such immunity or privilege is waived by the Tribunal, experts appointed under article 289 of the Convention, during the period of their mission (including time spent on journeys in that connection), shall as necessary for the independent exercise of their functions enjoy—

- (a) immunity from suit and legal process (even after they have ceased to exercise their functions) in respect of acts, including words written or spoken, done by them in the course of discharging their functions for the Tribunal;
- (b) the like inviolability for all papers and documents as is accorded to a diplomatic agent; and
- (c) the like immunity from personal arrest, detention and seizure of personal baggage as is accorded to a diplomatic agent.

(2) Sub paragraph (1)(b) and (c) shall not operate so as to confer any immunity or privilege on any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is permanently resident in the United Kingdom.

### *Agents, counsel and advocates*

**10.—**(1) Subject to the production of the required certificate, agents, counsel and advocates before the Tribunal during the period of their missions (including time spent on journeys in that connection), shall as necessary for the independent performance of their functions enjoy—

- (a) immunity from suit and legal process (even after they have ceased to exercise their functions) in respect of acts, including words written or spoken, done by them in the course of discharging their functions for the Tribunal;
- (b) the like inviolability for all papers and documents as is accorded to a diplomatic agent; and
- (c) the like immunity from personal arrest, detention and seizure of personal baggage as is accorded to a diplomatic agent.

(2) Sub paragraph (1)(b) and (c) shall not operate so as to confer any immunity or privilege on any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is permanently resident in the United Kingdom.

(3) Immunities and privileges accorded by this paragraph may be waived—

- (a) in the case of agents, counsel and advocates representing, or designated by, a State which is a party to proceedings before the Tribunal, by that State;
- (b) in the case of all other agents, counsel and advocates, by the Tribunal.

(4) For the purposes of this paragraph, “required certificate” means a certificate signed by the Registrar certifying the status of the agent, counsel or advocate and specifying a time period reasonably required for the proceedings.

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*Witnesses, experts and persons performing missions*

**11.**—(1) Except in so far as in any particular case such immunities or privileges are waived by the Tribunal, witnesses, experts and persons performing missions by order of the Tribunal shall during the period of their mission (including time spent on journeys in that connection) enjoy the same immunities and privileges as are provided for in paragraph 9(1).

(2) Sub paragraph (1) shall not operate so as to confer any immunity or privilege set out in paragraph 9(1)(b) and (c) on any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is permanently resident in the United Kingdom.

SCHEDULE 12

Article 2

EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH

*General*

**1.** In this Schedule—

“the Organisation” means the European Organization for Nuclear Research established by the Convention;

“the Convention” means the Convention for the Establishment of a European Organization for Nuclear Research and the Financial Protocol annexed thereto, signed on 1st July 1953<sup>(31)</sup> and amended on 17th January 1971<sup>(32)</sup>;

“official” means staff as defined in article VI of the Convention;

“EONR Protocol” means the Protocol on the Privilege and Immunities of the European Organization for Nuclear Research<sup>(33)</sup>;

“Member” means a State which is a party to the EONR Protocol;

“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<sup>(34)</sup>.

*The Organisation*

**2.** In the exercise of the official activities of the Organisation, the Organisation shall enjoy immunity from suit and legal process except—

- (a) in so far as such immunity is waived in a particular case by the Council of the Organisation;
- (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 Organisation or in respect of a motor traffic offence involving such a vehicle;
- (c) in respect of the enforcement of an arbitration award made under Article 16 or 18 of the EONR Protocol;
- (d) in respect of any counter-claim directly connected with court proceedings initiated by the Organisation.

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<sup>(31)</sup> Cm. 928.

<sup>(32)</sup> Cm. 5233.

<sup>(33)</sup> Cm. 7190.

<sup>(34)</sup> 1964 c. 81.

3. The Organisation's property and assets shall enjoy immunity from suit and legal process except—

- (a) in so far as such immunity is waived in a particular case by the Council of the Organisation;
- (b) in so far as the property or assets may be temporarily necessary in connection with the prevention or investigation of accidents involving motor vehicles belonging to, or operated on behalf of, the Organisation;
- (c) in respect of an attachment order against the salaries, wages and emoluments owed by the Organisation to an official of the Organisation.

4.—(1) 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.

(2) The exception is that the premises of the Organisation may be entered by an agent of the competent authorities with the express consent of the Director-General of the Organisation or a duly authorised representative (and such consent shall be presumed if it is not practicable to contact the Director-General in the case of fire or other disaster requiring prompt protective action).

5.—(1) The Organisation shall have exemption from prohibitions and restrictions on importation or exportation of goods by the Organisation which are necessary for the exercise of its official activities, except where the prohibitions or restrictions arise from European Community law.

(2) Sub-paragraph (1) shall not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part II of Schedule 5 to the Scotland Act 1998(35).

#### *Representatives*

6.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Member which they represent, representatives of a Member at the meetings of the Organisation shall enjoy, while exercising their functions (and in the course of their journeys to and from the place of meeting)—

- (a) the like immunity from personal arrest or detention as is accorded to the head of a diplomatic mission; and
- (b) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, performed by them in their official capacity.

(2) The immunity accorded by sub-paragraph (1)(b) shall not apply 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 a representative.

(3) This paragraph shall not operate so as to confer any immunity or privilege on any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is a permanent resident of the United Kingdom.

#### *High and other officials*

7.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Council of the Organisation, the Director-General of the Organisation (or any official acting instead as provided for in Article VI of the Convention) shall enjoy—

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(35) 1998 c. 46.

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- (a) the like immunity from suit and legal process as is accorded to or in respect of the head of a diplomatic mission;
- (b) the like inviolability of residence as is accorded to or in respect of the head of a diplomatic mission; and
- (c) the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) as is accorded to or in respect of the head of a diplomatic mission.

(2) This paragraph shall not apply to any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is a permanent resident of the United Kingdom.

8.—(1) Except in so far as in any particular case such immunity is waived by the Director-General (or any official acting instead as provided for in Article VI of the Convention), officials of the Organisation shall enjoy immunity from suit and legal process (even after the termination of their functions) in respect of acts, including words written or spoken, done by them in the course of performance of official duties.

(2) The immunity accorded by sub-paragraph (1) shall not apply in the case of a motor traffic offence committed by an official of the Organisation or in the case of damage caused by a motor vehicle belonging to or driven by such an official.

(3) Neither sub-paragraph (1) nor Part IV of Schedule 1 to the 1968 Act shall apply to any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is a permanent resident of the United Kingdom.

## SCHEDULE 13

Article 2

### INTERNATIONAL ORGANIZATION FOR MIGRATION

#### *General*

#### 1. In this Schedule—

“the Organisation” means the International Organization for Migration (of which the United Kingdom is a Member);

“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.

#### *The Organisation*

2. The Organisation shall enjoy immunity from suit and legal process except in so far as in any particular case it has expressly waived such immunity.

3. 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.

4.—(1) The Organisation shall have exemption from prohibitions and restrictions on importation or exportation of goods by the Organisation for its official use except where the prohibitions or restrictions arise from European Community law.

(2) Sub-paragraph (1) shall not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part II of Schedule 5 to the Scotland Act 1998.

### *Representatives*

5.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Member State which they represent, representatives of a Member State at the meetings of the Organisation shall enjoy, while exercising their functions (and in the course of their journeys to and from the place of meeting)—

- (a) immunity from suit and legal process (even after the termination of their mission) in respect of things done or omitted to be done in the course of the performance of official duties; and
- (b) the like immunity from personal arrest or detention as is accorded to the head of a diplomatic mission.

(2) The immunity accorded by sub-paragraph (1)(a) shall not apply 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 a representative.

(3) This paragraph shall not operate so as to confer any immunity or privilege on—

- (a) persons as the representatives of Her Majesty's Government in the United Kingdom or as a member of the official staff of such representatives; or
- (b) any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen, a British National (Overseas) or who is permanent resident of the United Kingdom.

### *High and other officials*

6.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Director-General of the Organisation, the Head of the London Office of the Organisation shall enjoy—

- (a) the like immunity from suit and legal process as is accorded to or in respect of the head of a diplomatic mission;
- (b) the like inviolability of residence as is accorded to or in respect of the head of a diplomatic mission; and
- (c) the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) as is accorded to or in respect of the head of a diplomatic mission.

(2) This paragraph shall not apply to any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen, a British National (Overseas) or who is a permanent resident of the United Kingdom.

7.—(1) Except in so far as in any particular case such immunity is waived by the Director-General of the Organisation, officers of the Organisation shall enjoy immunity from suit and legal process (even after the termination of their functions) in respect of things done or omitted to be done in the course of the performance of official duties.

(2) The immunity accorded by sub-paragraph (1) shall not apply in the case of a motor traffic offence committed by an officer of the Organisation or in the case of damage caused by a motor vehicle belonging to or driven by such an officer.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order confers privileges and immunities, insofar as they are within devolved competence, on a number of international organisations and persons associated with those organisations. The United Kingdom is a member of all of the organisations covered by the Order.

Article 2 of the Order introduces Schedules 1 to 13 which make provision about privileges and immunities for the purposes of the organisations to which those Schedules relate. These privileges and immunities are conferred in accordance with the international obligations agreed between the Government of the United Kingdom and the relevant international organisations.

Article 3 revokes several Orders, so far as they apply in or as regards Scotland, which are replaced by provisions in Schedules 1, 4, 8 and 11 to this Order.