
STATUTORY INSTRUMENTS

1974 No. 1260

**DIPLOMATIC AND INTERNATIONAL
IMMUNITIES AND PRIVILEGES**

**The Specialized Agencies of the United Nations
(Immunities and Privileges) Order 1974**

Laid before Parliament in draft

Made - - - - 25th July 1974

Coming into Operation 1st August 1974

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

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 10 of the International Organisations Act 1968 (hereinafter referred to as the Act) and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by sections 1 and 12(6) of the Act or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

GENERAL

1. This Order may be cited as the Specialized Agencies of the United Nations (Immunities and Privileges) Order 1974 and shall come into operation on 1st August 1974.

2.—(1) In this Order “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) The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The Orders listed in Schedule 3 to this Order are hereby revoked.

PART II

THE ORGANISATION

4. The organisations listed in Schedule 1 to this Order (each of which is hereinafter referred to as the Organisation) are organisations of which the United Kingdom and foreign sovereign Powers are members.

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

6. Except in so far as in any particular case 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.

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

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

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

10. The Organisation shall have exemption from customs duties and taxes on the importation of goods imported by the Organisation for its official use in the United Kingdom and on the importation of publications of the Organisation imported by it, such exemption to be subject to compliance with such conditions as the Commissioners of Customs and Excise may prescribe for the protection of the Revenue.

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

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

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

PART III

REPRESENTATIVES AND OTHER PERSONS

14.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which they represent, representatives of members of the Organisation (and representatives of Associate Members of the Food and Agriculture Organisation and of the World Health Organization) at the meetings of any organ, committee or other subordinate body of the Organisation (including any sub-committee or other subordinate body of a subordinate 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 immunity from personal arrest or detention and from seizure of their personal baggage and 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 exemptions and privileges in respect of their personal baggage as in accordance with Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent.
- (2) Where the incidence of any form of taxation depends upon residence, a representative shall not be deemed to be resident in the United Kingdom during any period when he is present in the United Kingdom for the discharge of his duties.
- (3) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on:—
- (a) the official staff of a representative other than alternates, advisers, technical experts and secretaries of delegations, or
 - (b) the family of a representative or of a member of the official staff of a representative.
- (4) Neither the preceding paragraphs of this Article nor Part IV of Schedule 1 to the Act shall operate so as to confer any privilege or immunity on any person as the representative of the United Kingdom or as a member of the official staff of such a representative or on any person who is a citizen of the United Kingdom and Colonies.
- (5) Except in so far as in any particular case any privilege or immunity is waived by the organ indicated in Schedule 2 to this Order, the additional persons specified in that Schedule shall, unless they are representatives of the United Kingdom or citizens of the United Kingdom and Colonies, enjoy the privileges and immunities provided for in paragraphs (1) and (2) of this Article.
- (6) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on the official staffs or families of any person to whom paragraph (5) of this Article applies.

PART IV OFFICERS

High Officers

- 15.**—(1) Except in so far as in any particular case any privilege or immunity is waived by or on behalf of the Organisation, and subject to the provisions of paragraph (2) of this Article, any person mentioned in Schedule 1 to this Order shall enjoy:—
- (a) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, and rates as are accorded to or in respect of the head of a diplomatic mission;
 - (b) the like exemption from customs duties and taxes on the importation of articles imported for his personal use or the use of members of his family forming part of his household, including articles intended for his establishment, as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent;
 - (c) the like exemption and privileges in respect of his personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent;

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- (d) relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs & Excise) Act 1971) which is bought in the United Kingdom by him or on his behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements; and
- (e) exemptions whereby, for the purposes of the enactments relating to national insurance and social security, including enactments in force in Northern Ireland,—
 - (i) services rendered for the Organisation by the officer shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but
 - (ii) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted; provided that until the day appointed for the coming into force of section 2 of the Social Security Act 1973 the following shall apply in substitution for the foregoing provisions of this sub-paragraph—

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

 - (i) services rendered for the Organisation by the officer shall be deemed to be excepted from any class of employment which is insurable employment, or in respect of which contributions are required to be paid, but
 - (ii) no person shall be rendered liable to pay any contribution which he would not be required to pay if those services were not deemed to be so excepted.”.

(2) This Article shall not apply to any person who is a citizen of the United Kingdom and Colonies or a permanent resident of the United Kingdom.

(3) Part IV of Schedule 1 of the Act shall not operate so as to confer any privilege or immunity on any member of the family of any officer to whom this Article applies other than his spouse and minor children.

All Officers

16. Except in so far as in any particular case any privilege or immunity is waived by or on behalf of the Organisation, officers of the Organisation (other than those who are locally recruited and assigned to hourly rates of pay) 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) exemption from income tax in respect of emoluments received by them as officers of the Organisation; and
- (c) the like exemption from customs duties and taxes on the importation of articles which—
 - (i) at or about the time when they first enter the United Kingdom to take up their posts as officers of the Organisation are imported for their personal use or that of members of their families forming part of their households, including articles intended for their establishment, and
 - (ii) are articles which were in their ownership or possession or that of such members of their families, or which they or such members of their families were under contract to purchase, immediately before they so entered the United Kingdom,

as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent.

PART V

EXPERTS

17. Except in so far as in any particular case any privilege or immunity 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, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents as is accorded to a diplomatic agent; and
- (c) 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, the like exemptions and privileges in respect of their personal baggage as in accordance with Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent.

Provided that this Article shall not apply to experts serving on committees of, or performing missions for, the Universal Postal Union, the International Telecommunication Union or the World Meteorological Organization.

N. E. Leigh

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SCHEDULE 1

INTERNATIONAL ORGANISATIONS TO WHICH THIS ORDER APPLIES, AND HIGH OFFICERS OF SUCH ORGANISATIONS ENJOYING PRIVILEGES AND IMMUNITIES UNDER ARTICLE 15 OF THIS ORDER

Food and Agriculture Organization

The Director General

The Deputy Director-General

Any Assistant Director-General

Any official acting on behalf of the Director-General during his absence from duty

International Civil Aviation Organization

The Secretary-General

The President of the Council

Any official acting on behalf of the Secretary-General during his absence from duty

International Labour Organization

The Director-General

Any Deputy Director-General

Any Assistant Director-General

Any official acting on behalf of the Director-General during his absence from duty

International Telecommunication Union

The Secretary-General

Any official acting on behalf of the Secretary-General during his absence from duty

United Nations Educational, Scientific and Cultural Organization

The Director-General

The Deputy Director-General

Any official acting on behalf of the Director-General during his absence from duty

Universal Postal Union

The Director of the International Bureau

Any official acting on behalf of the Director during his absence from duty

World Health Organization

The Director-General

Any Deputy Director-General

Any Assistant Director-General

Any Regional Director

Any official acting on behalf of the Director-General during his absence from duty

World Meteorological Organization

The Secretary-General

Any official acting on behalf of the Secretary-General during his absence from duty

SCHEDULE 2

ADDITIONAL PERSONS ENJOYING PRIVILEGES AND IMMUNITIES UNDER ARTICLE 14 OF THIS ORDER

<i>Organisation</i>	<i>Additional Persons</i>	<i>Organ with power to waive</i>
International Labour Organization.	The employers' and workers' members and deputy members of the Governing Body and their substitutes.	The Governing Body.
Food and Agriculture Organization.	The Chairman of the Council.	The Council.
United Nations Educational, Scientific and Cultural Organization.	The President of the Conference and members of the Executive Board, their substitutes and advisers.	The Executive Board.
World Health Organization.	Persons designated to serve on the Executive Board, their alternates and advisers.	The Executive Board.

SCHEDULE 3

Article 3

<i>Orders Revoked</i>	<i>References</i>
The Diplomatic Privileges (International Labour Organisation) Order in Council 1949.	S.I. 1949/133 (1949 I, p. 1471).
The Diplomatic Privileges (International Civil Aviation Organisation) Order in Council 1949.	S.I. 1949/134 (1949 I, p. 1467).
The Diplomatic Privileges (World Health Organisation) Order in Council 1949.	S.I. 1949/136 (1949 I, p. 1489).
The Diplomatic Privileges (Food and Agriculture Organisation) Order in Council 1949.	S.I. 1949/834 (1949 I, p. 1463).
The Diplomatic Privileges (United Nations Educational, Scientific, and Cultural Organisation) Order in Council 1949.	S.I. 1949/835 (1949 I, p. 1485).
The Diplomatic Privileges (World Health Organisation and International Civil Aviation Organisation) (Amendment) Order in Council 1949.	S.I. 1949/1048 (1949 I, p. 1493).
The Diplomatic Privileges (International Labour Organisation) (Amendment) Order in Council 1949.	S.I. 1949/1049 (1949 I, p. 1475).
The International Organisations (Immunities and Privileges of the International Civil	S.I. 1954/1465 (1954 I, p. 691).

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<i>Orders Revoked</i>	<i>References</i>
Aviation Organisation) (Amendment No. 2) Order 1954.	
The International Organisations (Immunities and Privileges of the Universal Postal Union) Order 1954.	S.I. 1954/1466 (1954 I, p. 702).
The International Organisations (Immunities and Privileges of the International Telecommunication Union) Order 1954.	S.I. 1954/1467 (1954 I, p. 694).
The International Organisations (Immunities and Privileges of the World Meteorological Organisation) Order 1954.	S.I. 1954/1469 (1954 I, p. 706).
The International Organisations (Immunities and Privileges of the World Health Organisation) (Amendment No. 2) Order 1955.	S.I. 1955/1210 (1955 I, p. 677).

EXPLANATORY NOTE

This Order supersedes the Orders listed in Schedule 3 to this Order and confers privileges and immunities (including certain privileges previously accorded administratively) upon certain Specialized Agencies of the United Nations, their officers and experts, and representatives of their members. These privileges and immunities are conferred in accordance with the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations (Cmnd. 855), adopted by the General Assembly of the United Nations on 21st November 1947.