

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⁽¹⁾;

“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.

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.

(1) Cmnd. 8941.

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⁽²⁾) 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.

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).

(2) 1998 c. 46.

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.