

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⁽¹⁾;

“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⁽²⁾;

“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);

“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⁽³⁾.

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

(1) Cm. 4399.

(2) Cm. 3665.

(3) 1964 c. 81.

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—

- (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) 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.