

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.

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(1)) depends on residence, any period during which

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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
- (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 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.