

*Draft Order laid before Parliament under section 10 of the International Organisations Act 1968,
for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2005 No.

**INTERNATIONAL IMMUNITIES
AND PRIVILEGES**

**The European Court of Human Rights (Immunities
and Privileges) (Amendment) Order 2005**

Made - - - -

Coming into force - - 2nd January 2006

At the Court at Buckingham Palace, the xx day of xx 2005

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 (1) ("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 upon Her by section 7 of the International Organisations Act 2005 (2) and section 5 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—

1. This Order may be cited as the European Court of Human Rights (Immunities and Privileges) (Amendment) Order 2005 and shall come into force on 2nd January 2006.

2. After article 4 of The European Court of Human Rights (Immunities and Privileges) Order 2000 (3) there shall be inserted—

“4A.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Court sitting in plenary session, spouses and minor children of judges of the Court shall enjoy—

(1) 1968 c.48.
(2) 2005 c.20.
(3) S.I. 2000/1817.

- (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 duties and taxes on the importation of articles imported for their personal use, including articles intended for their 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 their personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent;
 - (d) relief, under arrangements made by the Commissioners for Her Majesty's Revenue and Customs, by way of refund of duty (whether of customs or excise) paid on imported hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979 (4)) or value added tax paid on the importation of such oil which is bought in the United Kingdom by or on their behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.
- (2) This article shall not apply to any person who is a British citizen, British Overseas territories citizen, British Overseas citizen or British National (Overseas)."

A.K. Galloway
Clerk of the Privy Council

(4) 1979 c.5.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers on spouses and minor children of judges of the European Court of Human Rights the privileges, immunities, exemptions and facilities accorded to a diplomatic envoy in accordance with international law. This is done in accordance with article 1 of the Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe (“the Protocol”) (Cm 6493). This Order will allow Her Majesty’s Government to withdraw its reservation to article 1 of the Protocol, and will enter into force on the date specified in article 1 of the Order.