

This Statutory Instrument has been printed to correct errors in S.I. 1974/1256 and is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Order laid before Parliament under section 10(1) of the International Organisations Act 1968, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No.

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The International Atomic Energy Agency (Immunities and Privileges) (Amendment) Order 2023

Made - - - - *****

Coming into force in accordance with article 1(2)

At the Court at Buckingham Palace, the ***** day of *****

Present,

The King's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 1(2), 1(5) and 10(3) of the International Organisations Act 1968(1).

A draft of this Order has been approved by a resolution of each House of Parliament in accordance with section 10(1) of that Act(2).

Accordingly, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is ordered, as follows:

Citation, commencement, and extent

1.—(1) This Order may be cited as the International Atomic Energy Agency (Immunities and Privileges) (Amendment) Order 2023.

-
- (1) 1968 c. 48. Section 1 was amended by section 1 of the International Organisations Act 1981 (c. 9), and article 2 of the Civil Partnership Act 2004 (International Immunities and Privileges, Companies and Adoption) Order 2005 (S.I. 2005/3542).
- (2) The function of approving a draft of an Order in Council under section 10 of the International Organisations Act 1968 has been transferred from both Houses of Parliament to the Scottish Parliament under section 118 of the Scotland Act 1998 (c. 46) (as amended by section 12 of the Scotland Act 2012 (c. 11)) in so far as the function is exercisable within the competence of the Scottish Parliament.

- (2) This Order comes into force on the day after the day on which it is made.
- (3) This Order extends to England and Wales, Scotland, and Northern Ireland.

Amendments to the International Atomic Energy Agency (Immunities and Privileges) Order 1974

2.—(1) The International Atomic Energy Agency (Immunities and Privileges) Order 1974(3) is amended as follows.

- (2) After article 3, insert—

“3A.—(1) This Order extends to England and Wales, Scotland and Northern Ireland.

(2) In Scotland, articles 6, 7, 9, 11, 14, 15, 16 and 17 do not apply in so far as they would, if included in an Act of the Scottish Parliament, be within the legislative competence of that Parliament.”.

- (3) In article 14—

- (a) in paragraph (1) after “the General Conference”, insert “, at any international conference, symposium, seminar or panel convened by the Agency”; and
- (b) after paragraph (4), insert—

“(5) In this article, “representatives of members” means all governors of the Agency’s Board of Governors and representatives, alternates, advisers, technical experts and secretaries of delegations, and references to “representative” shall be construed accordingly”.

Name
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the International Atomic Energy Agency (Immunities and Privileges) Order 1974 (S.I. 1974/1256) (“the IAEA Order”).

The IAEA Order implements the Agreement on the Privileges and Immunities of the International Atomic Energy Agency (“the IAEA”) (Cmnd. 1675), approved by the Board of Governors of the IAEA on 1st July 1959 (“the Agreement”).

Article 2 of this Order amends the IAEA Order by inserting a new article 3A. In light of the devolution settlement reached under the Scotland Act 1998, some provisions of the IAEA Order do not extend to, or apply in, Scotland and as such do not apply to Scotland insofar as they are within its devolved competence.

Article 2(2) of this Order amends article 14 of the IAEA Order to firstly ensure that representatives of members benefit from the privileges and immunities conferred by the Agreement when attending meetings of any international conference, symposium, seminar or panel convened by the IAEA.

Secondly, the definition of representatives of members in Article 1, section 1(iii) of the Agreement is inserted.

This Order will enable His Majesty’s Government to give effect to its obligations under the Agreement relating to privileges and immunities.