

1974 No. 1259

**DIPLOMATIC AND INTERNATIONAL IMMUNITIES
AND PRIVILEGES****The South-East Asia Treaty Organisation (Immunities and
Privileges) Order 1974***Laid before Parliament in draft**Made - - - - - 25th July 1974**Coming into Operation 1st August 1974*

At the Court at Buckingham Palace, the 25th day of July 1974

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(a) (hereinafter referred to as 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 on Her by sections 1 and 12(6) 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:—

PART I

GENERAL

1. This Order may be cited as the South-East Asia Treaty Organisation (Immunities and Privileges) Order 1974 and shall come into operation on 1st August 1974.

2.—(1) In this Order “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(b).

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The South-East Asia Treaty Organisation (Immunities and Privileges) Order 1965(d) is hereby revoked.

(a) 1968 c. 48.
(c) 1889 c. 63.

(b) 1964 c. 81.
(d) S.I. 1965/981 (1965 I, p. 2421).

PART II

THE ORGANISATION

4. The South-East Asia Treaty Organisation (hereinafter referred to as the Organisation) is an organisation of which the United Kingdom and foreign sovereign Powers are members.

5. The Organisation shall have the legal capacities of a body corporate.

6. Except in so far as in any particular case the Secretary-General acting on behalf of the Organisation has expressly waived its immunity, the Organisation shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

7. The Organisation shall have the like inviolability of official archives and premises of the Organisation as in accordance with the 1961 Convention Articles is accorded in respect of the official archives and premises of a diplomatic mission.

PART III

REPRESENTATIVES

8.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Member State which they represent, representatives of Member States on any organ of the Organisation shall enjoy:—

(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 a diplomatic agent;

(b) the like exemption from customs 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 of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs & Excise) Act 1971(a)) which is bought in the United Kingdom by him or on his behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements; and

(e) exemptions whereby, for the purposes of the enactments relating to national insurance and social security, including enactments in force in Northern Ireland,—

(i) services rendered by them for the Organisation shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but

(ii) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted;

provided that until the day appointed for the coming into force of section 2 of the Social Security Act 1973 the following shall apply in substitution for the foregoing provisions of this subparagraph—

(a) 1971 c. 12.

“exemptions whereby for the purposes of the National Insurance Acts 1965 to 1973, the National Insurance (Industrial Injuries) Acts 1965 to 1973, any enactment for the time being in force amending any of those Acts, and any enactment of the Parliament of Northern Ireland corresponding to any of those Acts or to any enactment amending any of those Acts,—

- (i) services rendered by them for the Organisation shall be deemed to be excepted from any class of employment which is insurable employment, or in respect of which contributions are required to be paid, but
- (ii) no person shall be rendered liable to pay any contribution which he would not be required to pay if those services were not deemed to be so excepted.”.

(2) Neither this Article nor Part IV of Schedule 1 to the Act shall operate so as to confer any privilege or immunity on any person as a representative of the United Kingdom or on any person who is a citizen of the United Kingdom and Colonies or on the families of persons to whom this Article applies.

PART IV OFFICERS

High Officers

9.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Council of the Organisation, and subject to the provisions of paragraph (2) of this Article, the Secretary-General and the Deputy Secretary-General shall enjoy:—

- (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 customs duties and taxes on the importation of articles imported for their personal use or the use of members of their families forming part of their households, 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 of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs & Excise) Act 1971) which is bought in the United Kingdom by them or on their behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements ; and
- (e) exemptions whereby, for the purposes of the enactments relating to national insurance and social security, including enactments in force in Northern Ireland,—
 - (i) services rendered by them for the Organisation shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but

- (ii) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted ;

provided that until the day appointed for the coming into force of section 2 of the Social Security Act 1973(a) the following shall apply in substitution for the foregoing provisions of this subparagraph—

“ exemptions whereby for the purposes of the National Insurance Acts 1965 to 1973, the National Insurance (Industrial Injuries) Acts 1965 to 1973, any enactment for the time being in force amending any of those Acts, and any enactment of the Parliament of Northern Ireland corresponding to any of those Acts or to any enactment amending any of those Acts,—

- (i) services rendered by them for the Organisation shall be deemed to be excepted from any class of employment which is insurable employment, or in respect of which contributions are required to be paid, but
- (ii) no person shall be rendered liable to pay any contribution which he would not be required to pay if those services were not deemed to be so excepted.”.

(2) This Article shall not apply to any person who is a citizen of the United Kingdom and Colonies or a permanent resident of the United Kingdom.

(3) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on the families of persons to whom this Article applies.

All Officers

10. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General, officers of the Organisation (other than those who are locally recruited and assigned to hourly rates of pay) shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in their official capacity ;
- (b) exemption from income tax in respect of emoluments received by them as officers of the Organisation ; and
- (c) the like exemption from customs duties and taxes on the importation of articles which—
- (i) at or about the time when they first enter the United Kingdom to take up their posts as officers of the Organisation are imported for their personal use or that of members of their families forming part of their households, including articles intended for their establishment, and
- (ii) are articles which were in their ownership or possession or that of such members of their families, or which they or such members of their families were under contract to purchase, immediately before they so entered the United Kingdom,

as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent.

N. E. Leigh,

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order supersedes the South-East Asia Treaty Organisation (Immunities and Privileges) Order 1965 and confers privileges and immunities (including certain privileges previously accorded administratively) upon the South-East Asia Treaty Organisation, its officers and representatives on its organs. These privileges and immunities are conferred in accordance with the Agreement on the Privileges and Immunities in the United Kingdom of the South-East Asia Treaty Organisation (Cmnd. 2698), concluded by an Exchange of Notes dated 12th March 1965 between the Government of the United Kingdom and the Governments of other Member States of the Organisation.

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