
STATUTORY INSTRUMENTS

1974 No. 1261

**DIPLOMATIC AND INTERNATIONAL
IMMUNITIES AND PRIVILEGES**

The United Nations and International Court of
Justice (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 (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, 5 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 United Nations and International Court of Justice (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.

(2) The Interpretation Act 1889 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 Orders hereby revoked were Acts of Parliament.

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3. The Diplomatic Privileges (United Nations and International Court of Justice) Order in Council 1947(1), the Diplomatic Privileges (United Nations and International Court of Justice) (Amendment) Order in Council 1949(2), and the Diplomatic Privileges (General Amendment) Order in Council 1950(3) are hereby revoked.

PART II

THE UNITED NATIONS

The United Nations

4. The United Nations is an organisation of which the United Kingdom and foreign sovereign Powers are members.

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

6. Except in so far as in any particular case it has expressly waived its immunity, the United Nations shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

7. The United Nations 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.

8. The United Nations shall have the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, as is accorded to a foreign sovereign Power.

9. The United Nations shall have the like relief from rates as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

10. The United Nations shall have exemption from customs duties and taxes on the importation of goods imported by the United Nations for its official use in the United Kingdom and on the importation of publications of the United Nations imported by it, such exemption to be subject to compliance with such conditions as the Commissioners of Customs and Excise may prescribe for the protection of the Revenue.

11. The United Nations shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the United Nations for its official use and in the case of any publications of the United Nations imported or exported by it.

12. The United Nations shall have 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 and used for the official purposes of the United Nations, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

13. The United Nations shall have relief, under arrangements made by the Secretary of State, by way of refund of car tax paid on any vehicles and value added tax paid on the supply of any goods which are used for the official purposes of the United Nations, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

(1) (Rev. V, p. 882: 1947 I, p. 520).

(2) (1949 I, p. 1483).

(3) (1950 I, p. 541).

Representatives

14.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which they represent, representatives of members of any organ, committee or other subordinate body of the United Nations (including any sub-committee or other subordinate body of a subordinate body of the United Nations) shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in their capacity as representatives;
- (b) while exercising their functions and during their journeys to and from the place of meeting, the like inviolability of residence, the like immunity from personal arrest or detention and from seizure of their personal baggage, the like inviolability of all papers and documents and the like exemption or relief from taxes (other than customs and excise duties, car tax and value added tax) and rates as is accorded to the head of a diplomatic mission;
- (c) while exercising their functions and during their journeys to and from the place of meeting, the like exemptions and privileges in respect of their personal baggage as in accordance with Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent; and
- (d) while exercising their functions and during their journeys to and from the place of meeting, 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 for the United Nations by them 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—

“while exercising their functions and during their journeys to and from the place of meeting, 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 for the United Nations by them 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) Where the incidence of any form of taxation depends upon residence, a representative shall not be deemed to be resident in the United Kingdom during any period when he is present in the United Kingdom for the discharge of his duties.

(3) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on:—

- (a) the official staff of a representative other than delegates, deputy delegates, advisers, technical experts and secretaries of delegations, or
- (b) the family of a representative or of a member of the official staff of a representative.

(4) 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 the representative of the United Kingdom or as a member of the official staff of such a representative or on any person who is a citizen of the United Kingdom and Colonies.

High Officers

15.—(1) Except in so far as in any particular case any privilege or immunity is waived in the case of the Secretary-General by the Security Council and in the case of an Assistant Secretary-General by the Secretary-General, and subject to the provisions of paragraph (2) of this Article, the Secretary-General of the United Nations and any Assistant 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 his personal use or the use of members of his family forming part of his household, including articles intended for his 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 his 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 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 for the United Nations by the officer 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—

“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 for the United Nations by the officer 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 any member of the family of the Secretary-General or any Assistant Secretary-General other than his spouse and minor children.

All Officers

16. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General, officers of the United Nations (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 United Nations; 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 United Nations are imported for their personal use or that of members of their families forming part of their household, 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.

Experts

17. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General, experts (other than officers of the United Nations) performing missions on behalf of the United Nations shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the course of the performance of their missions;
- (b) during the period of their missions, including the time spent on journeys in connection with service on such missions, the like immunity from personal arrest or detention and the like inviolability for all papers and documents as is accorded to a diplomatic agent; and
- (c) during the period of their missions, including the time spent on journeys in connection with service on such missions, the like exemptions and privileges in respect of their personal baggage as in accordance with Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent.

PART III

THE INTERNATIONAL COURT OF JUSTICE

Judges and Registrar

18. Except in so far as in any particular case any privilege or immunity is waived by the Court, the judges and Registrar of the Court and any officer of the Court acting as Registrar shall enjoy, when engaged on the business of the Court and on journeys in connection with the exercise of their functions and, in the case of judges who are not citizens of the United Kingdom and Colonies, when

residing in the United Kingdom for the purpose of holding themselves permanently at the disposal of the Court, the like privileges and immunities as in accordance with the 1961 Convention Articles are accorded to the head of a diplomatic mission.

19. The judges and Registrar shall have exemption from income tax in respect of emoluments received by them as judges or Registrar.

All Officers

20. Except in so far as in any particular case any privilege or immunity is waived by the Registrar of the Court with the approval of the President of the Court, officers of the Court shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the exercise of their functions; and
- (b) exemption from income tax in respect of emoluments received by them as officers of the Court.

Agents, counsel and advocates

21.—(1) Except in so far as in any particular case any privilege or immunity is waived, in the case of persons representing States by the government of the State which they represent and in the case of persons representing international organisations by the organisation which they represent, the agents, counsel and advocates appearing before the Court shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in their capacity as agents, counsel or advocates;
- (b) during the period of their missions, including the time spent on journeys in connection with their missions, the like inviolability of residence, the like immunity from personal arrest or detention, the like inviolability for all papers and documents and the like exemption or relief from taxes (other than customs and excise duties, car tax and value added tax) and rates as are accorded to the head of a diplomatic mission; and
- (c) during the period of their missions, including the time spent on journeys in connection with their missions, the like exemptions and privileges in respect of their personal baggage as in accordance with Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent.

(2) Where the incidence of any form of taxation depends upon residence, an agent, counsel or advocate shall not be deemed to be resident in the United Kingdom during any period when he is present in the United Kingdom for the discharge of his duties.

(3) This Article shall not apply to any agent, counsel or advocate representing the United Kingdom or to any person who is a citizen of the United Kingdom and Colonies.

Assessors, witnesses, experts and persons performing missions

22. Except in so far as in any particular case any privilege or immunity is waived by the Court or, when the Court is not sitting, by the President of the Court, assessors, witnesses, experts and persons performing missions by order of the Court shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the course of the performance of their missions;
- (b) during the period of their missions, including the time spent on journeys in connection with their missions, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents as are accorded to a diplomatic agent; and

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- (c) during the period of their missions, including the time spent on journeys in connection with their missions, the like exemptions and privileges in respect of their personal baggage as in accordance with Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent.

N. E. Leigh

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EXPLANATORY NOTE

This Order supersedes the Diplomatic Privileges (United Nations and International Court of Justice) Order in Council 1947 and confers privileges and immunities (including certain privileges previously accorded administratively) upon

- (i) the United Nations, its officers and experts, and representatives of its members;
- (ii) the judges, Registrar and other officers of the International Court of Justice;
- (iii) agents, counsel and advocates appearing before the Court; and
- (iv) assessors, witnesses, experts and persons performing missions by order of the Court.

These privileges and immunities are conferred in accordance with the General Convention on the Privileges and Immunities of the United Nations (Cmnd. 7891) adopted by the General Assembly of the United Nations 13th February 1946, the Statute of the International Court of Justice (Cmd. 7015) and resolution 90(I) of the General Assembly of the United Nations adopted on 11th December 1946 (quoted in Annex 2 to the 1947 Order referred to above).