
STATUTORY INSTRUMENTS

1977 No. 824

**DIPLOMATIC AND INTERNATIONAL
IMMUNITIES AND PRIVILEGES**

**The International Fund for Agricultural Development
(Immunities and Privileges) Order 1977**

Laid before Parliament in draft

Made - - - -

11th May 1977

*On a date to be
notified in the*

*London, Edinburgh
and Belfast Gazettes*

Coming into Operation

At the Court at Buckingham Palace, the 11th day of May 1977

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 section 1 of the said 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 International Fund for Agricultural Development (Immunities and Privileges) Order 1977. It shall come into operation on the date on which the Agreement establishing the International Fund for Agricultural Development⁽¹⁾, signed at New York on 7th January 1977, enters into force in respect of the United Kingdom. This date shall be notified in the London, Edinburgh and Belfast Gazettes.

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.

PART II

THE FUND

3. The International Fund for Agricultural Development (hereinafter referred to as the Fund) is an organisation of which the United Kingdom and foreign sovereign Powers are members.

4. The Fund shall have the legal capacities of a body corporate.

5.—(1) The Fund shall have immunity from suit and legal process except:

- (a) to the extent that it shall, by a decision of the Executive Board, have waived such immunity in a particular case. However, the Fund shall be deemed to have waived such immunity if, upon receiving a request for waiver submitted either by the person or body before which the proceedings are pending, or by another party to the proceedings, it has not given notice, within two months after receipt of the request, that it does not waive immunity;
- (b) in respect of a civil action by a third party for loss, injury or damage arising from an accident caused by a vehicle belonging to or operated on behalf of the Fund, or in respect of a traffic offence involving such a vehicle;
- (c) in the event of the attachment, pursuant to the order of a court of law, of the salaries, wages or other emoluments owed by the Fund to a member of its staff; or
- (d) in respect of the enforcement of an arbitration award made under Article 11 of the Agreement establishing the Fund,

provided that no proceedings may be brought against the Fund by a Member or person acting for or deriving claims from a Member.

(2) The provisions of paragraph 1 of this Article shall not prevent the taking of such measures as may be permitted by law in relation to the execution of judgment against the Fund.

6. The Fund 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.

7. The Fund 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.

8. The Fund 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.

9. The Fund shall have exemption from customs duties and taxes on the importation of goods imported by the Fund for its official use in the United Kingdom, or on the importation of any publications of the Fund imported by it or on its behalf, 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.

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

11. The Fund 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 and Excise) Act 1971) which is bought in the United Kingdom and necessary for the official purposes of the Fund, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

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

PART III

REPRESENTATIVES

13.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the Member State whom they represent, representatives of Members States of the Fund, including Governors and members of the Executive Board, shall enjoy immunity from suit and legal process in respect of things done or omitted to be done by them in the exercise of their functions, except in the case of loss, injury or damage caused by a vehicle belonging to or driven by them or an offence involving such a vehicle.

(2) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on the official staff of representatives.

(3) Neither the provisions of the preceding paragraphs of this Article, nor those of 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 Her Majesty's Government in the United Kingdom or on any person who is a citizen of the United Kingdom and Colonies.

(4) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on families of representatives.

PART IV

OFFICERS

14. Except in so far as in any particular case any privilege or immunity is waived by the Fund the President and any officer of the Fund shall enjoy:

- (a) immunity from suit and legal process in respect of things done or omitted to be done by him in the course of the performance of his official duties, except in the case of loss, injury or damage caused by a vehicle belonging to or driven by him or in the case of an offence involving such a vehicle; and
- (b) unless he is a citizen of the United Kingdom and Colonies or resident in the United Kingdom, exemption from income tax in respect of emoluments received by him as an officer or servant of the Fund, provided that this exemption shall not apply to annuities and pensions received by him from the Fund.

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N.E. Leigh
Clerk of the Privy Council

EXPLANATORY NOTE

This Order confers privileges and immunities upon the International Fund for Agricultural Development, representatives of its Members, and its officers and servants. It will enable the United Kingdom to give effect to the Agreement establishing the Fund (Cmnd. 6787) signed at New York on 7th January 1977, as modified by the notification permitted by Article 10(2)(b)(ii) which will accompany the instrument of ratification. It will come into operation on the date on which the Agreement enters into force with respect to the United Kingdom.