

1979 No. 911

**DIPLOMATIC AND INTERNATIONAL IMMUNITIES
AND PRIVILEGES**
The INTELSAT (Immunities and Privileges) Order 1979

Laid before Parliament in draft

Made- - - - 26th July 1979

Coming into Operation *On a date to be
notified in the Lon-
don, Edinburgh and
Belfast Gazettes*

At the Court of Saint James, the 26th day of July 1979

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 16th day of July 1979, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas a draft of this Order has been laid before Parliament in accordance with section 10(1) 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 Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by sections 1 and 5 of the Act and all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

PART I

GENERAL

1. This Order may be cited as the INTELSAT (Immunities and Privileges) Order 1979. It shall come into operation on the date on which the Protocol on INTELSAT Privileges, Exemptions and Immunities(b), opened for signature at Washington on 19th May 1978 (hereinafter referred to as the Protocol) enters into force in respect of the United Kingdom. That date shall be notified in the London, Edinburgh and Belfast Gazettes.

2.—(1) For the purposes of this Order, the official activities of the Organisation means those authorised by the Agreement Relating to the International

(a) 1968 c. 48.

(b) Cmnd. 7385.

Telecommunications Satellite Organization "INTELSAT"^(a) (hereinafter referred to as the Agreement) and by the Operating Agreement Relating to the International Telecommunications Satellite Organization "INTELSAT"^(a) (hereinafter referred to as the Operating Agreement).

(2) 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);

"the exempted items" means communication satellites and components and parts for such satellites to be launched for use in the global telecommunications satellite system referred to in paragraph (a) of Article II of the Agreement.

3. The INTELSAT (Immunities and Privileges) Order 1972^(c) is hereby revoked.

PART II

THE ORGANISATION

4. The International Telecommunications Satellite Organisation "INTELSAT" (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.—(1) Within the scope of its official activities the Organisation shall have immunity from suit and legal process except:

- (a) to the extent that the Director General shall have expressly waived such immunity in a particular case;
- (b) in respect of its commercial activities;
- (c) in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle or other means of transport belonging to, or operated on behalf of, the Organisation, or in respect of a traffic offence involving such a vehicle;
- (d) in the event of the attachment or, in Scotland, arrestment, pursuant to the order of a court of law, of the salaries and emoluments owed by the Organisation to a staff member;
- (e) in respect of a counter-claim directly connected with proceedings instituted by the Organisation;
- (f) in respect of the enforcement of an arbitration award made under Article XVIII of the Agreement or Article 20 of the Operating Agreement; and
- (g) in respect of the expropriation of real or, in Scotland, heritable property for public purposes and subject to prompt payment of fair compensation.

(2) Paragraph (1) of this Article shall not prevent the taking of such measures as may be permitted by law in relation to the property and assets of the Organisation in so far as they may be temporarily necessary in connection with the prevention and investigation of accidents involving motor vehicles or other means of transport belonging to, or operated on behalf of, the Organisation.

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

(a) Cmnd. 5416.

(b) 1964 c. 81.

(c) S.I. 1972/117.

8. Within the scope of its official activities, the Organisation shall have exemption from taxation on income and capital gains.

9. Within the scope of its official activities the Organisation shall have exemption from customs duties and taxes on the importation by or on behalf of the Organisation of the exempted items, 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 Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of the importation or exportation by the Organisation of the exempted items.

11. The Organisation shall have relief, under arrangements made by the Secretary of State, by way of refund of value added tax paid on the supply of any of the exempted items, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART III

REPRESENTATIVES

12.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the Party which they represent, representatives of Parties to the Agreement at meetings called by or held under the auspices of the Organisation 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 official functions and within the limits of their duties, except in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle or other means of transport belonging to or driven by them, or in respect of a traffic offence involving such a vehicle and committed by them; and
- (b) in the exercise of their functions and during their journeys to and from the place of meeting, the like inviolability for all their official papers and documents as is accorded to a diplomatic agent.

(2) Representatives of Signatories of the Operating Agreement at meetings called by or held under the auspices of the Organisation shall in the exercise of their functions and during their journeys to and from the place of meeting enjoy the like inviolability for official papers and documents which are related to the performance of their functions within the scope of the activities of the Organisation as is accorded to a diplomatic agent.

(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 or any 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 on any person who is a citizen of the United Kingdom and Colonies.

PART IV

ARBITRATION PROCEEDINGS

13.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Board of Governors of the Organisation, members of an arbitral tribunal participating in arbitration proceedings in accordance with

Annex C of the Agreement shall enjoy, in the exercise of their functions and during their journeys to and from the place of meeting:

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the exercise of their official functions and within the limits of their duties, except in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle or other means of transport belonging to or driven by them, or in respect of a traffic offence involving such a vehicle and committed by them; and
- (b) the like inviolability for all their official papers and documents as is accorded to a diplomatic agent.

(2) Except in so far as in any particular case any privilege or immunity is waived by the Board of Governors of the Organisation, witnesses before an arbitral tribunal participating in arbitration proceedings in accordance with Annex C of the Agreement shall enjoy, in the exercise of their functions, and during their journeys to and from the place of meeting:

- (a) the like immunity from suit and legal process and the like inviolability for official papers and documents as is described in paragraph 1(a) and (b) of this Article; and
- (b) unless they are permanently resident in the United Kingdom, exemption from the provisions of section 3(1) of the Immigration Act 1971(a).

PART V

OFFICERS

14. Except in so far as in any particular case any privilege or immunity is waived by the Director General of the Organisation or, in the case of the Director General, by the Board of Governors, officers of the Organisation who hold regular or fixed-term appointments of a minimum of one year and who are employed on a full-time basis within the Organisation, other than persons in the domestic service of the Organisation, 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 official functions and within the limits of their duties, except in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle or other means of transport belonging to or driven by them, or in respect of a traffic offence involving such a vehicle and committed by them;
- (b) unless they are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, exemption from income tax in respect of salaries and emoluments received by them as officers of the Organisation; provided that nothing in this sub-paragraph shall be interpreted as precluding such salaries and emoluments from being taken into account for the purpose of assessing the amount of taxation to be applied to income from other sources; and
- (c) unless they are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, the like exemption from duties and taxes on the importation of furniture and personal effects (including one motor car each) which—

(a) 1971 c. 77.

- (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, and
 - (ii) are articles which were in their ownership or possession or which they 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,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order confers privileges and immunities on the International Telecommunications Satellite Organisation "INTELSAT", on representatives of its members and of signatories of its Operating Agreement, on its officers and on certain persons participating in arbitration proceedings. These privileges and immunities are conferred in accordance with the Agreement Relating to the International Telecommunications Satellite Organization (Cmnd. 5416) and the Protocol on INTELSAT Privileges, Exemptions and Immunities (Cmnd. 7385), signed by the United Kingdom on 23 August 1978. The Order revokes the INTELSAT (Immunities and Privileges) Order 1972. It will come into operation on the date on which the Protocol enters into force in respect of the United Kingdom.

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