

1979 No. 914

**DIPLOMATIC AND INTERNATIONAL IMMUNITIES
AND PRIVILEGES****The Oslo and Paris Commissions (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 London, 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 section 1 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***Citation and Entry into Force*

1. This Order may be cited as the Oslo and Paris Commissions (Immunities and Privileges) Order 1979. It shall come into operation on the date on which the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland of the one part and the Commission established

(a) 1968 c. 48.

by the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft signed at Oslo on 15th February 1972, and the Commission established by the Convention for the Prevention of Marine Pollution from Land-Based Sources, signed at Paris on 4th June 1974, of the other part(a), enters into force. This date shall be notified in the London, Edinburgh and Belfast Gazettes.

Interpretation

2.—(1) In this Order:

“the Oslo Commission” means the Commission established by the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft signed at Oslo on 15th February 1972(b);

“the Paris Commission” means the Commission established by the Convention for the Prevention of Marine Pollution from Land-Based Sources signed at Paris on 4th June 1974(c);

“official activities” in relation to each Commission means its administrative activities and those which it is authorised to undertake pursuant to the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft or the Convention for the Prevention of Marine Pollution from Land-Based Sources, as the case may be; and

“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(d).

PART II

THE COMMISSION

3. The Oslo Commission and the Paris Commission (each of which is hereinafter referred to as the Commission) are organisations of which the United Kingdom and foreign sovereign Powers are members.

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

5. The Commission 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.

6. Within the scope of its official activities, the Commission shall have the like exemption or relief from taxes, other than duties and taxes on the importation of goods, as is accorded to a foreign sovereign Power.

7. The Commission shall have the like relief from rates on its official premises as, in accordance with Article 23 of the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission.

8. The Commission shall have exemption from duties (whether of customs or excise) and taxes on the importation of goods imported by the Commission and necessary for the exercise of its official activities, 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.

(a) Cmnd. 7547.

(b) Cmnd. 6228.

(c) Cmnd. 7251.

(d) 1964 c. 81.

9. The Commission shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Commission and necessary for the exercise of its official activities and in the case of any publications of the Commission imported or exported by it within the scope of its official activities.

10. The Commission shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of duty (whether of customs or excise) paid on imported hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979(a)) or value added tax paid on the importation of such oil which is bought in the United Kingdom and necessary for the exercise of the official activities of the Commission, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

11. The Commission shall have relief, under arrangements made by the Secretary of State, by way of refund of car tax and value added tax paid on any new vehicles of United Kingdom manufacture which are necessary for the official activities of the Commission, and of value added tax paid on the supply of any other goods or services of substantial value which are necessary for the official activities of the Commission, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART III

OFFICERS

12. Except in so far as in any particular case any privilege or immunity is waived by the Secretary of the Commission or, in the case of the Secretary, by the Oslo Commission and Paris Commission jointly, all officers of the Commission appointed or recruited for full-time employment with the Commission and subject to its staff regulations, with the exception of experts, persons who are in the domestic service of the Commission and persons who are recruited locally 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 the exercise of their functions, except in the case of a motor traffic offence committed by an officer or in the case of damage caused by a vehicle belonging to or driven by him;
- (b) as from the date on which the salaries and emoluments received by them as officers of the Commission become subject to taxation by the Commission for its benefit, exemption from income tax in respect of such salaries and emoluments, provided that nothing in this subparagraph 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;
- (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—
 - (i) at the time when they first enter the United Kingdom to take up their post, are imported for their personal use or for their establishment, and

(a) 1979 c. 5.

(ii) 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;

(d) unless they are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, and provided that they are participating in a social security scheme established by the Commission or in another such scheme, exemptions whereby for the purposes of the enactments relating to social security, including enactments in force in Northern Ireland—

(i) services rendered for the Commission 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.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order confers privileges and immunities upon the Oslo and Paris Commissions and their officers. These privileges and immunities are conferred in accordance with an Agreement which has been negotiated between the Government of the United Kingdom of the one part and the Commission established by the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft 1972 ("the Oslo Commission") and the Commission established by the Convention for the Prevention of Marine Pollution from Land-Based Sources 1974 ("the Paris Commission") of the other part (Cmnd. 7547).

This Order will enable Her Majesty's Government to give effect to the Agreement, which will enter into force on signature; the Order will come into operation on the date on which the Agreement enters into force.

SI 1979/914
ISBN 0-11-093914-X



780110 939148