

1988 No. 792

**INTERNATIONAL IMMUNITIES AND
PRIVILEGES**

**The Treaty on the Elimination of Intermediate-Range
and Shorter-Range Missiles (Inspections)
(Privileges and Immunities) Order 1988**

Made - - - -

27th April 1988

Coming into force

*On a date to be notified
in the London, Edinburgh
and Belfast Gazettes*

At the Court of Saint James, the 27th day of April 1988

Present,

The Counsellors of State in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 1(2) of the Arms Control and Disarmament (Privileges and Immunities) Act 1988(a) and has been approved by resolution of each House of Parliament:

Whereas Her Majesty in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 28th day of March 1988, 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:

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(2) of the said Act of 1988 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:

1.—(1) This Order may be cited as the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles (Inspections) (Privileges and Immunities) Order 1988. It shall come into force on the date of the entry into force of the Agreement among the United States of America and the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland regarding Inspections relating to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles, done at Brussels on the eleventh of December 1987(b) (hereinafter referred to as the Agreement). This date shall be notified in the London, Edinburgh and Belfast Gazettes.

(a) 1988 c.2.
(b) Cm. 312.

(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(a);

“inspector” and “aircrew member” mean, respectively, those persons duly notified to the United Kingdom as such pursuant to Article III of the Agreement for the purpose of conducting an inspection in the United Kingdom as provided for in the Agreement; provided that a person refused continued recognition by the United Kingdom as being entitled to privileges and immunities under the circumstances provided for in Article IV, paragraph 4, of the Agreement shall thereupon cease to be regarded for the purposes of this Order as an inspector or aircrew member, as the case may be.

2. All equipment relating to inspection activities conducted under the Agreement (except any equipment not cleared for use in accordance with Article IV, paragraph 7, of the Agreement) shall be accorded the like exemptions and privileges as to importation as are accorded to articles for the official use of a mission under paragraph 1 of Article 36 of the 1961 Convention Articles.

3. The aircraft used by inspectors and aircrew members for the purpose of travel to, from and within the United Kingdom shall be accorded the like inviolability as is accorded to the means of transport of a mission in accordance with paragraph 3 of Article 22 of the 1961 Convention Articles.

4.—(1) Inspectors and aircrew members shall enjoy, for the period from their arrival at the point of entry in respect of the United Kingdom (as defined in Articles II and VI, paragraph 5, of the Agreement) until their departure from the United Kingdom through that point of entry, and thereafter with respect to acts previously performed in the exercise of official functions as an inspector or aircrew member:

- (a) the like inviolability in respect of their persons as is accorded to a diplomatic agent in accordance with Article 29 of the 1961 Convention Articles;
- (b) the like inviolability in respect of their papers and correspondence as is accorded to the papers and correspondence of a diplomatic agent in accordance with paragraph 2 of Article 30 of the 1961 Convention Articles;
- (c) the like immunity from jurisdiction as is accorded to a diplomatic agent in accordance with paragraphs 1, 2 and 3 of Article 31 of the 1961 Convention Articles;
- (d) the like exemptions and privileges as to importation in respect of articles for their personal use, except articles the import or export of which is prohibited by law or controlled by quarantine regulations, as are accorded to a diplomatic agent in respect of articles for his personal use in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles.

(2) The immunity from jurisdiction enjoyed by an inspector or aircrew member under paragraph 1(c) of this Article may be waived by the Union of Soviet Socialist Republics. The waiver must always be express.

G. I. de Deney
Clerk of the Privy Council

(a) 1964 c.81.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers privileges and immunities on inspectors and aircrew members, as well as the inspection equipment and aircraft used by them, whilst they are present in the United Kingdom to carry out the necessary inspections to verify the implementation of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles. These privileges and immunities are required for giving effect in the United Kingdom to the Agreement among the United States of America and the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland regarding Inspections relating to the aforementioned Treaty between the United States and the Soviet Union.