
STATUTORY INSTRUMENTS

1995 No. 266

**INTERNATIONAL IMMUNITIES
AND PRIVILEGES**

**The World Trade Organisation
(Immunities and Privileges) Order 1995**

Made - - - - 8th February 1995

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 8th day of February 1995

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(1) (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 Act(2) 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

Citation and Entry into Force

1. This Order may be cited as the World Trade Organisation (Immunities and Privileges) Order 1995 and shall come into force on the date on which the Agreement Establishing the World Trade Organisation(3) (hereinafter referred to as the Agreement) enters into force in the United Kingdom. This date will be notified in the London, Edinburgh and Belfast Gazettes.

(1) 1968 c. 48.

(2) As amended by section 1 of the International Organisations Act 1981 (c. 9).

(3) Cm. 2571.

Interpretation

2. In this Order:

- (a) “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⁽⁴⁾;
- (b) “Organisation” means the World Trade Organisation;
- (c) “Member” means a member of the Organisation;
- (d) “representatives of Members” means representatives, alternates, advisers, technical experts and secretaries of delegations of Members.

PART II

THE ORGANISATION

3. The Organisation is an organisation of which the United Kingdom and other sovereign Powers are members.

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

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

6. The Organisation 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 Organisation, its assets, income and other property shall have exemption from income tax, capital gains tax and corporation tax.

8. The Organisation 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 Organisation shall have exemption from customs duties and taxes on the importation by it of goods for its official use in the United Kingdom and on the importation of publications of the Organisation 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.

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

11. The Organisation shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of customs duty paid on imported hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979⁽⁵⁾) or value added tax paid on the importation of such oil which is bought in the United Kingdom and used for the official purposes of the Organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

12. The Organisation shall have relief, under arrangements made by the Secretary of State, by way of refund of value added tax paid on the purchase of new motor vehicles of United Kingdom manufacture and of value added tax paid on the supply of any goods or services which are used for

(4) 1964 c. 81.

(5) 1979 c. 5.

the official purposes of the Organisation, 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 Member which they represent, representatives of Members at the meetings 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 their official capacity;
- (b) while exercising their functions and during their journeys to and from the place of meeting, 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 is accorded to a diplomatic agent; and
- (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.

(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 alternates, 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 the preceding paragraphs of 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 British citizen, a British Dependent Territories citizen, a British Overseas citizen, or a British National (Overseas).

PART IV OFFICIALS

High Officials

14.—(1) Except in so far as in any particular case any privilege or immunity is waived by or on behalf of the Organisation, and subject to the provisions of paragraph (2) of this Article, the Director-General, any Deputy Director-General or Assistant Director-General and any official acting on behalf of the Director-General during his absence from duty, 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, as are accorded to or in respect of the head of a diplomatic mission;

- (b) the like exemption or relief from being liable to pay anything in respect of council tax as is accorded to or in respect of a diplomatic agent;
- (c) 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 imported hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979) or value added tax paid on the importation of such oil 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 Organisation 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.

(2) This Article shall not apply to any person who is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, or a British National (Overseas) or who is a permanent resident of the United Kingdom.

(3) Part IV of Schedule 1 of the Act shall not operate so as to confer any privilege or immunity on any member of the family of any officer to whom this Article applies other than his spouse and minor children.

All Officials

15. Except in so far as in any particular case any privilege or immunity is waived by or on behalf of the Organisation, officials of the Organisation (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 officials of the Organisation; 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 officials of the Organisation are imported for their personal use or that of members of their families forming part of their households, 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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

N. H. Nicholls,
Clerk of the Privy Council

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers privileges and immunities on the World Trade Organisation, its officials and representatives of Members. These privileges and immunities are conferred in accordance with the Agreement Establishing the World Trade Organisation (Cm. 2571). It will enable Her Majesty's Government to give effect to that Agreement, and will come into force on the date on which that Agreement enters into force in the United Kingdom.