
STATUTORY INSTRUMENTS

2016 No. 1121

**INTERNATIONAL IMMUNITIES
AND PRIVILEGES**

The Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016 (Immunities and Privileges) Regulations 2016

*Made - - - - 15th November 2016
22nd November
Laid before Parliament 2016
Coming into force in accordance with regulation 1*

The Secretary of State, in exercise of the powers conferred by sections 3(3)(b) and (c) and 10(4) (a) of the Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016(1), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016 (Immunities and Privileges) Regulations 2016 and come into force on the day on which the agreement relating to paramilitary activity(2) enters into force.

Members of the Commission and members of staff (other than agents etc) of the Commission

2.—(1) This regulation applies to—

- (a) members of the Commission; and
- (b) members of staff of the Commission other than agents of, and persons carrying out work for or giving advice to, the Commission.

(2) Except in so far as in any particular case the Commission expressly waives any privilege or immunity, the persons to whom this regulation applies have the privileges and immunities set out in this regulation.

(1) 2016 c. 13.

(2) See the definition of “agreement relating to paramilitary activity” in section 4(1) of the Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016. A copy of the agreement can be found at <https://www.gov.uk/guidance/uk-treaties#treaty-command-papers> ; the date on which the agreement enters into force will be published on the relevant page of UK Treaties Online which can be found at this link: <https://www.gov.uk/uk-treaties>.

(3) They have immunity from suit and legal process in respect of things done or omitted to be done by them in the course of the performance of their official duties.

(4) They are exempt from income tax in respect of the salaries and emoluments paid to them by the Commission.

(5) With respect to services rendered for the Commission, for the purposes of enactments relating to social security, including enactments in force in Northern Ireland, they are deemed to be excepted from any class of employment in respect of which contributions under those enactments are payable.

(6) Paragraphs (4) and (5) do not apply to a person—

(a) who is a British citizen, British overseas territories citizen, British Overseas citizen, or a British National (Overseas); or

(b) who, at the time of becoming a member of the Commission or member of staff of the Commission, is a permanent resident of the United Kingdom.

Agents of the Commission

3.—(1) This regulation applies to agents of, and persons carrying out work for or giving advice to, the Commission.

(2) Except in so far as in any particular case any privilege or immunity is expressly waived by the Commission, agents of, and persons carrying out work for or giving advice to the Commission, have immunity from suit and legal process in respect of things done or omitted to be done by them in the course of the performance of their official duties.

15th November 2016

James Brokenshire
Secretary of State
Northern Ireland Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016 (c. 13) includes provision in relation to the Independent Reporting Commission (“the Commission”), which will be established by the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing the Independent Reporting Commission dated 13th September 2016, a copy of which can be found at <https://www.gov.uk/guidance/uk-treaties#treaty-command-papers>.

These Regulations confer immunities and privileges on members of the Commission and members of staff of the Commission including agents of, and persons carrying out work for or giving advice to, the Commission.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk.