



# Commonwealth Secretariat Act 1966

## 1966 CHAPTER 10

An Act to make provision with respect to the Commonwealth Secretariat; and for connected purposes. [10th March 1966]

### Commencement Information

**II** Act deemed to be wholly in force at 1.7.1965 (subject to saving) see s. 2(2).

### **1 The Commonwealth Secretariat, its privileges and immunities.**

- (1) The Commonwealth Secretariat shall have the legal capacity of a body corporate.
- (2) The Commonwealth Secretariat shall have the privileges and immunities conferred by Part I of the Schedule to this Act, the officers and servants of the Secretariat and members of their families shall have the privileges and immunities conferred by Part II of that Schedule and the supplementary provisions in Part III of that Schedule shall have effect for the purposes of the said Parts I and II.
- (3) Every written contract entered into by or on behalf of the Commonwealth Secretariat, if it does not contain an express provision for the reference of any dispute in connection with the contract to arbitration, shall be deemed to contain a provision that any such dispute shall at the request of either party to the contract be referred to arbitration and (except where the contract falls to be construed by reference to the law of Scotland) shall accordingly be treated as an arbitration agreement for the purposes of the <sup>M1</sup>Arbitration Act 1950 and the <sup>M2</sup>Arbitration Act (Northern Ireland) 1937.
- (4) In the said excepted case the arbitration shall be that of a single arbiter appointed, in default of agreement between the parties, by the Sheriff of the [<sup>F1</sup>Lothian and Borders], and—
  - (a) the arbiter may, and if so directed by the Court of Session shall, state a case for the decision of that Court on any question of law arising in the arbitration, and the decision of that Court thereon shall be final unless that Court or the House of Lords gives leave to appeal to the House of Lords against the decision; and

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(b) the award of the arbiter may be recorded in the Books of Council and Session for execution and shall, subject to the provisions of paragraph 1 of the Schedule to this Act, be enforceable accordingly.

(5) In this Act “the Commonwealth Secretariat” means the Commonwealth Secretariat established at the Commonwealth Prime Ministers’ Meeting of June 1965.

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**Textual Amendments**

**F1** Words substituted by [S.I. 1974/2087, Sch. II](#)

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**Marginal Citations**

**M1** [1950 c. 27.](#)

**M2** [1937 c. 8 \(N.I.\)](#)

**2 Short title and commencement.**

(1) This Act may be cited as the Commonwealth Secretariat Act 1966.

(2) This Act shall be deemed to have come into operation on 1st July 1965, but not so as to affect any cause of action arising, or liability to criminal proceedings incurred, before the passing of this Act.

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## SCHEDULE

Section 1(2).

### IMMUNITIES AND PRIVILEGES

#### PART I

##### THE COMMONWEALTH SECRETARIAT

- 1 (1) The Commonwealth Secretariat shall have immunity from suit and legal process except—
  - (a) in respect of a civil action for damage alleged to have been caused by a motor vehicle belonging to, or operated on behalf of the Secretariat or in respect of a motor traffic offence involving such a vehicle; and
  - (b) in respect of arbitration proceedings relating to any written contract entered into by or on behalf of the Secretariat.
- (2) The foregoing sub-paragraph shall not be construed as authorising the enforcement of any judgment or arbitration award by execution on the premises or official archives of the Secretariat.
- 2 The Commonwealth Secretariat shall have the like inviolability of premises, official archives and communications as is accorded by law in respect of the premises, official archives and communications of the mission of a sending State.
- 3 The Commonwealth Secretariat shall be exempt from income tax and the capital gains tax and shall have the like exemption from [<sup>F2</sup>the general rate][<sup>F2</sup>any non-domestic rate] as is accorded by law in respect of the premises of the mission of a sending State.

#### Textual Amendments

- F2** Words “any non-domestic rate” substituted (E.W.S.) for the words “the general rate” by [Local Government Finance Act 1988 \(c. 41, SIF 81:1\)](#), ss. 137, 142, [Sch. 12 Pt. III para. 39](#) with effect in its application to E.W. for financial years beginning in or after 1990 and in its application to S. for financial years beginning in or after 1989

- 4 The Commonwealth Secretariat shall be exempt from duties on the importation of goods necessary for the official use of the Secretariat and directly imported by it, subject, however, to compliance with such conditions as the Commissioners of Customs and Excise may prescribe.

#### Modifications etc. (not altering text)

- C1** [Para. 4](#) extended by Diplomatic and other [Privileges Act 1971 \(c. 64\)](#), s. 1(1)

#### PART II

##### THE STAFF OF THE SECRETARIAT

- 5 (1) Every senior officer of the Commonwealth Secretariat, who is a citizen of a country mentioned in [<sup>F3</sup>Schedule 3 to the British Nationality Act 1981], and any member

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of his family forming part of his household, other than a member who is a citizen only of the United Kingdom and Colonies, shall, if permanently resident outside the United Kingdom, have the like privileges and immunities as are accorded by law to a diplomatic agent and the members of his family forming part of his household, except that any such person shall not be exempt from liability for income tax in respect of any salary or emoluments payable to him by the Secretariat.

- (2) In accordance with the foregoing sub-paragraph, service as a senior officer falling within that sub-paragraph shall not be treated as employment in respect of which [<sup>F4</sup>contributions or premiums are payable under the enactments relating to . . . . .<sup>F5</sup> social security, but the foregoing provision shall not be construed as rendering a person liable to any contribution or premium] which he would not be required to pay if service as aforesaid were not so treated.

#### Textual Amendments

- F3** Words substituted by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), [Sch. 7](#)  
**F4** Words substituted by [Social Security Act 1973 \(c. 38\)](#), [Sch. 27 para. 64](#)  
**F5** Words repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), [Sch. 1 Pt. I](#)

- 6 Every officer and servant of the Commonwealth Secretariat not falling within paragraph 5(1) of this Schedule shall have—
- (a) immunity from suit and legal process in respect of acts or omissions of his in the course of the performance of official duties, except immunity from suit and legal process in respect of a civil action for damage alleged to have been caused by a motor vehicle belonging to or driven by him, or in respect of a motor traffic offence involving such a vehicle;
  - (b) the like inviolability for all his official papers and documents as is accorded by law to the diplomatic agent of a sending State.
- 7 Every officer and servant of the Commonwealth Secretariat not falling within paragraph 5(1) of this Schedule shall, if a citizen of a country mentioned in [<sup>F6</sup>Schedule 3 to the British Nationality Act 1981] and ordinarily resident outside the United Kingdom immediately before first taking up his post with the Secretariat, be exempt from duties on the importation, on the occasion of his first taking up that post, of personal and household effects, including private motor vehicles, for the use of himself and any members of his family forming part of his household.

#### Textual Amendments

- F6** Words substituted by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), [Sch. 7](#)

### PART III

#### SUPPLEMENTAL

- 8 The privileges and immunities conferred by this Schedule on the Commonwealth Secretariat, its officers and servants and members of their families may be waived by the Secretary-General or any person for the time being exercising his functions.
- 9 If in any proceedings any question arises whether or not any person is entitled to any privilege or immunity under this Schedule, a certificate issued by or under the

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authority of the Secretary of State stating any fact relevant to that question shall be conclusive evidence of that fact.

10 (1) In this Schedule—

“duties” includes taxes and related charges, other than charges for storage, cartage and similar services;

“income tax” includes surtax;

“senior officer”, in relation to the Commonwealth Secretariat, means an officer of the Secretariat recognised by the Secretary of State as being a senior officer of the Secretariat.

[<sup>F7</sup>(1A) References in this Schedule to importation, in relation to value added tax, shall include references to anything charged with tax in accordance with section [<sup>F8</sup>10 or 15 of the Value Added Tax Act 1994] (acquisitions from other member States and importations from outside the European Community), and, in this Schedule, “imported” shall be construed accordingly.]

(2) Expressions used in this Schedule and in the Articles set out in Schedule 1 to the <sup>M3</sup>Diplomatic Privileges Act 1964 shall have the same meaning in this Schedule as they have in those Articles.

(3) References in this Schedule to the United Kingdom shall be construed as including references to the Channel Islands and the Isle of Man.

#### Textual Amendments

**F7** Sch. para. 10(1A) inserted (1.1.1993) by Finance (No. 2) Act 1992 (c. 48), s. 14, **Sch. 3 para. 88**; S.I. 1992/3261, art. 3, **Sch.**

**F8** Words in Sch. para. 10(1A) substituted (1.9.1994 with effect as mentioned in s. 101(1) of the amending Act) by 1994 c. 23, ss. 100(1), 101(1), **Sch. 14 para. 2**

#### Marginal Citations

**M3** 1964 c. 81.

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