

SCHEDULE 8

INTERNATIONAL MARITIME ORGANISATION

Representatives

6.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Government of the Member which they represent, representatives of a Member of the Organisation on any of its organs at meetings convened by it shall enjoy—

- (a) in respect of words written or spoken and all acts done or omitted to be done by them in their official capacity, the like immunity from suit and legal process as is accorded to the head of a diplomatic mission;
- (b) while exercising their functions (including during their journeys to and from the place of meeting), the like immunity from personal arrest or detention as is accorded to the head of a diplomatic mission; and
- (c) while exercising their functions (including during their journeys to and from the place of meeting), the like inviolability for all papers and documents as is accorded to the head of a diplomatic mission.

(2) Where the incidence of any form of local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998⁽¹⁾) depends on residence, any period during which representatives of members of the Organisation on any of its organs at meetings convened by it are present in the United Kingdom for the exercise of their functions shall, for the purpose of determining their liability to such taxes, be treated as not being a period of residence in the United Kingdom.

(3) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on the official staff of representatives of the Organisation, other than alternates, advisers, technical experts and secretaries of delegations.

(4) Neither the preceding sub paragraphs nor Part IV of Schedule 1 to the 1968 Act shall operate so as to confer any immunity or privilege on—

- (a) persons as the representatives of Her Majesty's Government in the United Kingdom or as members of the official staff of such representatives; or
- (b) any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas).

(5) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on families or representatives or on the families of members of their official staffs.

7.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Government of the Member which the person represents, every person designated by a Member of the Organisation as its principal permanent representative (or acting principal permanent representative) to the Organisation in the United Kingdom, and members of their family forming part of their household, shall enjoy for the term of the member's business with the Organisation—

- (a) the like immunity from suit and legal process as is accorded to the head of a diplomatic mission;
- (b) the like immunity from personal arrest or detention and the like inviolability for all papers and documents as is accorded to the head of a diplomatic mission; and

(1) 1998 c. 46.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The International Organisations (Immunities and Privileges) (Scotland) Order 2009 No. 44*

- (c) the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) as are accorded to or in respect of a diplomatic agent.
- (2) Sub paragraph (1)(c) shall not apply to any person who is a permanent resident of the United Kingdom; and sub paragraph (1)(a) and (b) shall apply to any such person only while the person is exercising official functions.
- (3) Neither the preceding sub paragraphs nor Part IV of Schedule 1 to the 1968 Act shall operate so as to confer any immunity or privilege on—
- (a) persons as the principal permanent representatives or acting principal permanent representatives of the United Kingdom or as members of the staff of such representatives (or as members of the family of such representatives); or
 - (b) any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas).
- (4) Part IV of Schedule 1 to the 1968 Act shall not operate so as to confer any immunity or privilege on the official staff of a principal permanent representative (or acting principal permanent representative), other than members of the staff of diplomatic status resident in the United Kingdom.