

## SCHEDULE 7

Article 2

### ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS

#### *General*

1. In this Schedule—

“the Organisation” means the Organisation for the Prohibition of Chemical Weapons established under Article VIII (paragraph 1) of the Convention;

“the Convention” means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction done at Paris on 13th January 1993<sup>(1)</sup>;

“representative” of a Member means any representative, alternate, adviser, technical expert or secretary of a delegation of a Member of the Organisation;

“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.

#### *The Organisation*

2. The Organisation and its property shall enjoy immunity from suit and legal process, except in so far as the Organisation has expressly waived such immunity in any particular case.

3. 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.

4. The Organisation shall have the like relief from non-domestic rates on its official premises as, in accordance with Article 23 of the 1961 Convention Articles, is accorded in respect of the premises of a diplomatic mission.

5.—(1) The Organisation shall have exemption from prohibitions and restrictions on importation or exportation of goods by the Organisation and necessary for the exercise of its official activities and in the case of any publications of the Organisation imported or exported by it.

(2) Sub-paragraph (1) shall not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part II of Schedule 5 to the Scotland Act 1998.

#### *Representatives*

6.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Member which they represent, representatives of a Member at the meetings of the Organisation shall enjoy, while exercising their functions (and in the course of their journeys to and from the place of meeting)—

(a) the like immunity from personal arrest or detention, and from seizure of their personal baggage, as is accorded to a diplomatic agent;

(b) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, performed by them in their official capacity; and

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(1) Cm. 3727.

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(c) the like inviolability for all papers, documents and official material as is accorded to a diplomatic agent.

(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) depends upon residence, a representative shall not be deemed to be resident in the United Kingdom during any period when the representative is present in the United Kingdom for the discharge of official duties.

(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, other than alternates, advisers, technical experts and secretaries of their 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, alternates, technical advisers or secretaries of the delegation of the United Kingdom; 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 of representatives of Members.

#### *High and other officials*

7.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Organisation, the Director General of the Organisation and spouse (or civil partner), or any senior official acting instead during the Director-General's absence from duty, shall enjoy—

(a) the like immunity from suit and legal process as is accorded to or in respect of the head of a diplomatic mission;

(b) the like inviolability of residence as is accorded to or in respect of the head of a diplomatic mission; and

(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<sup>(2)</sup>) as is accorded to or in respect of the head of a diplomatic mission.

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

8.—(1) Except in so far as in any particular case such immunity is waived by the Organisation, in respect of activities related to the object and purpose of the Convention, officials of the Organisation, (excluding those who are locally recruited and assigned to hourly rates of pay) shall enjoy—

(a) immunity from personal arrest or detention and from seizure of their personal baggage; and

(b) immunity from suit and legal process (even after they have left the service of the Organisation) in respect of acts, including words written or spoken, performed by them in their official capacity.

(2) The immunity accorded by sub-paragraph (1)(b) shall not apply in the case of damage caused by a motor vehicle belonging to or driven by an official.

(3) Sub-paragraph (1) shall not apply in respect of activities relating to the conduct of inspections within the meaning of section 24 of the Chemical Weapons Act 1996<sup>(3)</sup>.

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(2) 1998 c. 46.

(3) 1996 c. 6

### *Experts*

9. Except in so far as in any particular case such immunity or privilege is waived by the Organisation, experts (other than officials of the Organisation) shall, so far as is necessary for the effective exercise of their functions (including during journeys made in carrying out their functions and in the course of their missions for the Organisation) enjoy—

- (a) the like immunity from personal arrest or detention and from seizure of their personal baggage as is accorded to a diplomatic agent;
- (b) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, done by them in the course of the performance of their official functions; and
- (c) the like inviolability for all papers, documents and official material as is accorded to a diplomatic agent.