
DRAFT STATUTORY INSTRUMENTS

2021 No.

**The Conference of the Parties to the United
Nations Framework Convention on Climate
Change (Immunities and Privileges) Order 2021**

Immunities and privileges for representatives of observer states

5.—(1) Except in so far as in any particular case any privilege or immunity is expressly waived by the respective observer state, representatives of observer states, who are, or are to be, representatives at the Conference, enjoy—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them while exercising their official functions in connection with the Conference;
- (b) while exercising their official functions in connection with the Conference and during their journeys to and from the Conference, the like inviolability of any private residence used by the representative, the like immunity from personal arrest or detention and the like exemption or relief from taxes (other than customs and excise duties, car tax and value added tax) and rates as are accorded to the head of a diplomatic mission;
- (c) while exercising their official functions in connection with the Conference and during their journeys to and from the Conference, the like exemptions and privileges in respect of their personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent; and
- (d) while exercising their official functions in connection with the Conference and during their journeys to and from the Conference, exemptions whereby, for the purposes of the requirements of any enactment relating to social security, including enactments in force in Northern Ireland or Scotland—
 - (i) services rendered for the observer state by the representative are deemed excepted from any class of employment in respect of which contributions or premiums under those enactments are payable; but
 - (ii) the representative may not be rendered liable to pay any contribution or premium which the person would not be required to pay if those services were not deemed to be so excepted.

(2) Where the incidence of any form of taxation depends upon residence, a representative referred to in paragraph (1) is deemed not to be resident in the United Kingdom during any period when the representative is present in the United Kingdom for the exercise of their official functions in connection with the Conference.

(3) In this article, “observer states” means the observer states referred to in—

- (a) paragraph 6 of Article 7 of the UNFCCC;
- (b) paragraph 8 of Article 13 of the Kyoto Protocol; or
- (c) paragraph 8 of Article 16 of the Paris Agreement.