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STATUTORY INSTRUMENTS

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**2023 No. 837**

**The International Criminal Police Organisation  
(Immunities and Privileges) Order 2023**

**PART 4**

Immunities, privileges, reliefs and exemptions of representatives, officials etc.

**Members of an INTERPOL body**

**10.**—(1) A member of an INTERPOL body has the following privileges and immunities while carrying out Official Activities and throughout their journey to or from the place where a meeting is held by the Organisation—

- (a) subject to paragraph (2), immunity from suit and legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) the like inviolability as, in accordance with the 1961 Convention Articles, is accorded to a diplomatic agent in respect of official papers and documents;
- (c) immunity from inspection or seizure of their official baggage, and their personal baggage shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles other than those for the official use of the Organisation or their personal use, or articles the import or export of which is prohibited by law or controlled by the enactments relating to quarantine.

(2) The immunity granted under paragraph (1)(a) continues to apply to the person after they cease to be a member of an INTERPOL body.

(3) In this article, “member of an INTERPOL body” means—

- (a) a member of the Executive Committee,
- (b) a member of the Commission for the Control of Files, or
- (c) an Adviser.

**Representatives of a Member Country or a Requesting Country**

**11.**—(1) A representative of a Member Country or a Requesting Country, who has been notified to the Secretary of State, has the following privileges and immunities while participating in Official Activities and throughout their journey to or from the place where a meeting is held by the Organisation—

- (a) subject to paragraph (2), immunity from suit and legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) the like inviolability as, in accordance with the 1961 Convention Articles, is accorded to a diplomatic agent in respect of official papers and documents;
- (c) immunity from inspection or seizure of their official baggage, and their personal baggage shall be exempt from inspection, unless there are serious grounds for presuming that it

contains articles other than those for the official use of the Organisation or their personal use, or articles the import or export of which is prohibited by law or controlled by the enactments relating to quarantine.

(2) The immunity granted under paragraph (1)(a) continues to apply to the person after they cease to be the representative of a Member Country or Requesting Country (as the case may be).

(3) This article does not apply to a representative of the United Kingdom.

### **INTERPOL officials**

**12.**—(1) An INTERPOL official has the following privileges and immunities while carrying out Official Activities and throughout their journey to or from the place where a meeting is held by the Organisation—

- (a) subject to paragraph (2), immunity from suit and legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) the like inviolability as, in accordance with the 1961 Convention Articles, is accorded to a diplomatic agent in respect of official papers and documents;
- (c) exemption from income tax on the salaries, indemnities and other emoluments, except pensions and annuities, paid to them by the Organisation.

(2) The immunity granted under paragraph (1)(a) continues to apply to the person after they cease to be an INTERPOL official.

(3) In addition to the privileges and immunities granted under paragraph (1), the Secretary General has the following privileges and immunities—

- (a) the like immunity from suit and legal process, the like inviolability of residence, and the like exemption or relief from taxes and rates (including being liable to pay anything in respect of council tax), other than duties (whether of customs or excise) and taxes on the importation of goods, as, in accordance with the 1961 Convention Articles, are accorded to or in respect of the head of a diplomatic mission;
- (b) the like exemption 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.

### **INTERPOL officials stationed in the United Kingdom**

**13.**—(1) In addition to the privileges and immunities granted under article 12, an INTERPOL official stationed in the United Kingdom is exempt from duties (whether customs or excise) and taxes on the importation of articles (except payments for services) in respect of import of their furniture and personal effects (including one motor vehicle), provided such importation takes place within six months of the time of first taking up their post in the United Kingdom.

(2) The exemption granted under paragraph (1) is subject to the conditions governing the disposal of goods imported into the United Kingdom duty-free and to any general restrictions on the importation of goods.

(3) For the purposes of the enactments relating to social security, including enactments in force in Northern Ireland—

- (a) services rendered for the Organisation by a relevant official is deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but
- (b) no person is to be rendered liable to pay any contribution or premium which that person would not be required to pay if those services were not deemed to be so excepted.

(4) A relevant official is not entitled to any benefits paid by domestic social security bodies for so long as they enjoy the exemption referred to in paragraph (3).

(5) In this article—

“INTERPOL official stationed in the United Kingdom” means an INTERPOL official who—

- (a) has been appointed to a post within the Organisation,
- (b) has been notified to the Secretary of State prior to taking up that post,
- (c) is regularly performing their functions in the United Kingdom in accordance with their letter of appointment or letter of approval of secondment, and
- (d) is physically resident in the United Kingdom for 183 days or more in a tax year;

“relevant official” means an INTERPOL official stationed in the United Kingdom other than a person who has been seconded to the Organisation by the United Kingdom.

### **INTERPOL statutory meetings**

**14.—**(1) This article applies where an INTERPOL statutory meeting is held in the United Kingdom.

(2) In addition to the privileges and immunities granted under article 10 or article 11, a person to whom paragraph (3) applies has, while carrying out or participating in Official Activities and throughout their journey to or from the place where the INTERPOL statutory meeting is held, immunity from personal arrest and detention, except when found committing, attempting to commit or just having committed an offence.

(3) This paragraph applies to—

- (a) a member of the Executive Committee,
- (b) a member of the Commission for the Control of Files,
- (c) an Adviser,
- (d) a representative of a Member Country who has been notified to the Secretary of State, and
- (e) a representative of a Requesting Country who has been notified to the Secretary of State.

(4) A relevant participant has the following privileges and immunities while carrying out Official Activities and throughout their journey to or from the place where the INTERPOL statutory meeting is held—

- (a) subject to paragraph (5), immunity from suit and legal process in respect of words spoken or written and all acts performed by them in their official capacity in connection with Official Activities;
- (b) the like inviolability as, in accordance with the 1961 Convention Articles, is accorded to a diplomatic agent in respect of official papers and documents.

(5) The immunity granted under paragraph (4)(a) continues to apply to the person after the relevant INTERPOL statutory meeting has ended, irrespective whether they continue to be a servant of the Organisation or a person serving under the Organisation as an expert or as a person engaged on a mission for the Organisation (as the case may be).

(6) In this article—

“INTERPOL statutory meeting” means—

- (a) a session of the General Assembly or Executive Committee,
- (b) a Regional Conference,
- (c) a Heads of National Central Bureau Conference, and

- (d) any other meeting of a body, or subsidiary body, of the Organisation which is held in accordance with the Constitution;

“relevant participant” means a servant of the Organisation, or other person serving under the Organisation as an expert or as a person engaged on a mission for the Organisation, who—

- (a) is not a person mentioned in article 10, article 11 or article 12,  
 (b) is attending an INTERPOL statutory meeting in the United Kingdom, and  
 (c) has been notified to the Secretary of State.

#### **Road traffic offences etc.**

**15.**—(1) No immunity conferred on a person by a relevant provision of this Part applies in relation to—

- (a) a road traffic offence committed by the person, or  
 (b) a civil action brought against the person by a third party for damages resulting from an accident caused by a motor vehicle belonging to, or operated by, the person.
- (2) In this article, a “relevant provision of this Part” means—
- (a) article 10(1)(a) (functional immunity of members of an INTERPOL body),  
 (b) article 11(1)(a) (functional immunity of representatives of a Member Country or a Requesting Country),  
 (c) article 12(1)(a) (functional immunity of INTERPOL officials), or  
 (d) article 14(4)(a) (functional immunity of relevant participants in INTERPOL statutory meetings).

#### **British nationals and permanent residents**

**16.** The privileges and immunities referred to in the following provisions do not apply to a person if that person is a British citizen, British overseas territories citizen, British Overseas citizen, British National (Overseas) or a permanent resident of the United Kingdom—

- (a) article 12(1)(c) (income tax privilege of INTERPOL officials);  
 (b) article 12(3) (additional privileges and immunities of the Secretary General);  
 (c) article 13(1) (import privileges of INTERPOL officials stationed in the United Kingdom);  
 (d) article 14(2) (immunity from personal arrest and detention).

#### **Disapplication in respect of official staff or family members**

**17.** Part 4 of Schedule 1 to the International Organisations Act 1968 does not operate so as to confer any privilege or immunity on—

- (a) a member of the official staff of any person granted privileges and immunities under this Part,  
 (b) a member of the family of any person granted privileges and immunities under this Part, or  
 (c) a member of the family of a member of the official staff of any person granted privileges and immunities under this Part.