
STATUTORY INSTRUMENTS

1972 No. 120

**DIPLOMATIC AND INTERNATIONAL
IMMUNITIES AND PRIVILEGES**

**The International Tin Council
(Immunities and Privileges) Order 1972**

Laid before Parliament in draft

<i>Made</i>	- - - -	<i>4th February 1972</i>
		<i>On a date to be notified in the London, Edinburgh and Belfast Gazettes</i>
<i>Coming into Operation</i>		

At the Court at Buckingham Palace, the 4th day of February 1972

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 10 of the International Organisations Act 1968 (hereinafter referred to as the Act) and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by sections 1 and 12(6) of the Act or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

GENERAL

Citation and Entry into Force

1. This Order may be cited as the International Tin Council (Immunities and Privileges) Order 1972. It shall come into operation on the date on which the Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Tin Council(1) enters into force. This date shall be notified in the London, Edinburgh and Belfast Gazettes.

(1) Cmnd. 4608.

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Interpretation

2.—(1) For the purposes of this Order, the official activities of the International Tin Council shall include its administrative activities and those undertaken pursuant to the Fourth International Tin Agreement⁽²⁾ or any succeeding agreement.

(2) In this Order “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.

(3) The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if this Order and the Order hereby revoked were Acts of Parliament.

Revocation

3. The International Tin Council (Immunities and Privileges) Order 1961⁽³⁾ is hereby revoked.

PART II

THE COUNCIL

4. The International Tin Council (hereinafter referred to as the Council) is an organisation of which Her Majesty's Government in the United Kingdom and the governments of foreign sovereign Powers are members.

5. The Council shall have the legal capacities of a body corporate.

6.—(1) The Council shall have immunity from suit and legal process except:

- (a) to the extent that the Council shall have expressly waived such immunity in a particular case;
- (b) in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle belonging to or operated on behalf of the Council, or in respect of a motor traffic offence involving such a vehicle; and
- (c) in respect of the enforcement of an arbitration award made under Article 23 or Article 24 of the Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Tin Council.

(2) The provisions of the preceding paragraph shall not prevent the taking of such measures as may be permitted by law in relation to the property and assets of the Council in so far as they may be temporarily necessary in connection with the prevention of, and investigation into, accidents involving motor vehicles belonging to, or operated on behalf of, the Council.

7.—(1) The Council shall have the like inviolability of official archives as in accordance with the 1961 Convention Articles is accorded in respect of the official archives of a diplomatic mission.

(2) The Council shall have the like inviolability of premises as in accordance with the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission; provided that nothing in this paragraph shall preclude service by post.

8. Within the scope of its official activities, the Council shall have the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, as is accorded to a foreign sovereign Power.

(2) Cmnd. 4493.

(3) (1961 II, p. 2339).

9. The Council shall have the like relief from 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.

10. The Council shall have exemption from customs duties and taxes on the importation of goods imported by the Council and necessary for the exercise of its official activities, or on the importation of any publications of the Council imported by it, such exemption to be subject to compliance with such conditions as the Commissioners of Customs and Excise may prescribe for the protection of the Revenue.

11. The Council shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Council and necessary for the exercise of its official activities and in the case of any publications of the Council imported or exported by it.

12. The Council shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs & Excise) Act 1971) which is bought in the United Kingdom and necessary for the exercise of the official activities of the Council, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

13. The Council shall have relief, under arrangements made by the Secretary of State, by way of refund of purchase tax paid on any goods which are necessary for the exercise of the official activities of the Council, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART III

REPRESENTATIVES

14.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the Member country or by the intergovernmental organisation whom they represent, representatives of Member countries of the Council and of intergovernmental organisations participating in the International Tin Agreement in accordance with article 50 of the Fourth International Tin Agreement or a corresponding article in any succeeding agreement shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the exercise of their functions;
- (b) while exercising their functions and during their journeys to and from the place of meetings convened by the Council, the like immunity from personal arrest or detention and the like inviolability for all their official papers and documents as is accorded to the head of a diplomatic mission;
- (c) while exercising their functions and during their journeys to and from the place of meetings convened by the Council, the like exemptions and privileges in respect of their personal baggage as in accordance with Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent.

(2) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on the official staff of representatives, other than alternate representatives.

(3) Neither the provisions of the preceding paragraphs of this Article nor those of Part IV of Schedule 1 to the Act shall operate so as to confer any privilege or immunity on any person as the representative or alternate representative of Her Majesty's Government in the United Kingdom or on any person who is a citizen of the United Kingdom and Colonies.

(4) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on families of representatives or alternate representatives.

PART IV OFFICERS

High Officer

15.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Council, there shall be accorded to or in respect of the Executive Chairman of the Council:—

- (a) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes and rates, other than income tax in respect of his emoluments and customs duties and taxes on the importation of goods, as are accorded to or in respect of a diplomatic agent;
- (b) the like exemption from customs duties and taxes on the importation of articles imported for his personal use or the use of members of his family forming part of his household, including articles intended for his establishment, as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent;
- (c) the like exemption and privileges in respect of his personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent;
- (d) relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs & Excise) Act 1971) which is bought in the United Kingdom by him or on his behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements;

provided that the provisions of this Article shall not apply to any person who is a citizen of the United Kingdom and Colonies or a permanent resident of the United Kingdom.

(2) Part IV of Schedule 1 to the Act shall not operate so as to confer any immunity or privilege on the family of the officer to whom this Article applies.

All Officers

16. Except in so far as in any particular case any privilege or immunity is waived by the Executive Chairman of the Council or (in the case of the Executive Chairman) by the Council, all officers of the Council with the exception of those who are recruited locally and assigned to hourly rates of pay shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the course of the performance of their official duties, except in the case of a motor traffic offence committed by an officer or in the case of damage caused by a motor vehicle belonging to or driven by him;
- (b) as from the date on which the emoluments received by them as officers of the Council become subject to taxation by the Council for its benefit, exemption from income tax in respect of such emoluments;
- (c) unless they are citizens of the United Kingdom and Colonies, the like exemption from customs duties and taxes on the importation of articles which—
 - (i) at or about the time when they first enter the United Kingdom as officers of the Council are imported for their personal use or that of members of their families

forming part of their households, including articles intended for their establishment, and

- (ii) are articles which were in their ownership or possession or that of such members of their families, or which they or such members of their families were under contract to purchase, immediately before they so entered the United Kingdom,

as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent.

PART V

EXPERTS

17. Except in so far as in any particular case any privilege or immunity is waived by the Executive Chairman of the Council, an expert (other than an officer of the Council) serving on any committee of the Council or employed on missions on its behalf shall, so far as is necessary for the carrying out of his functions, including during journeys made in carrying out his functions and in the course of such missions, enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by him in the exercise of his functions, except in the case of a motor traffic offence committed by him or in the case of damage caused by a motor vehicle belonging to or driven by him;
- (b) while he is employed by the Council, the like inviolability for all his official papers and documents as is accorded to a diplomatic agent;
- (c) unless he is a citizen of the United Kingdom and Colonies or a permanent resident of the United Kingdom, while carrying out his functions and during journeys made in carrying out his functions and in the course of such missions, the like exemptions and privileges in respect of his personal baggage as in accordance with Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent.

W. G. Agnew

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EXPLANATORY NOTE

This Order supersedes the International Tin Council (Immunities and Privileges) Order 1961, and confers privileges and immunities upon the International Tin Council, its officers, representatives on its organs, and experts serving on committees or employed on missions on its behalf. These privileges and immunities are conferred in accordance with :—

- (i) article 14 of the Fourth International Tin Agreement (Cmnd. 4493), opened for signature in London on 1st July 1970, which entered into force definitively for the United Kingdom on 23rd September 1971; and
- (ii) a Headquarters Agreement which has been negotiated between the Government of the United Kingdom and the International Tin Council (Cmnd. 4608): this Order will enable Her Majesty's Government to give effect to the Agreement, which will enter into force on signature.