
STATUTORY INSTRUMENTS

1974 No. 1258

**DIPLOMATIC AND INTERNATIONAL
IMMUNITIES AND PRIVILEGES**

**The Organisation for Economic Co-Operation and
Development (Immunities and Privileges) Order 1974**

Laid before Parliament in draft

Made - - - - 25th July 1974

Coming into Operation 1st August 1974

At the Court at Buckingham Palace, the 25th day of July 1974

Present,

The Queen's Most Excellent Majesty in Council

Where as 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, 5 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

1. This Order may be cited as the Organisation for Economic Co-operation and Development (Immunities and Privileges) Order 1974 and shall come into operation on 1st August 1974.

2.—(1) 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.

(2) 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.

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3. The Organisation for Economic Co-operation and Development (Immunities and Privileges) Order 1961(1) is hereby revoked.

PART II

THE ORGANISATION

4. The Organisation for Economic Co-operation and Development (hereinafter referred to as the Organisation) is an organisation of which the United Kingdom and foreign sovereign Powers are members.

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

6. Except in so far as in any particular case it has expressly waived its immunity, the Organisation shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

7. 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.

8. The Organisation 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.

9. The Organisation shall have the like relief from rates as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

10. The Organisation shall have exemption from customs duties and taxes on the importation of goods imported by the Organisation for its official use in the United Kingdom and on the importation of publications of the Organisation 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 Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the Organisation for its official use and in the case of any publications of the Organisation imported or exported by it.

12. The Organisation 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 used for the official purposes of the Organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

13. The Organisation shall have relief, under arrangements made by the Secretary of State, by way of refund of car tax paid on any vehicles and value added tax paid on the supply of any goods which are used for the official purposes of the Organisation, 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 which he represents, any representative of a member to the principal and

(1) (1961 I, p. 1632).

subsidiary organs of the Organisation shall, while exercising his functions and during his journeys to and from the place of meeting, enjoy:—

- (a) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, and rates 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 Article 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; and
- (e) exemptions whereby, for the purposes of the enactments relating to national insurance and social security, including enactments in force in Northern Ireland,—
 - (i) services rendered for the Organisation by the representative shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but
 - (ii) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted;

provided that until the day appointed for the coming into force of section 2 of the Social Security Act 1973 the following shall apply in substitution for the foregoing provisions of this subparagraph—

“exemptions whereby for the purposes of the National Insurance Acts 1965 to 1973, the National Insurance (Industrial Injuries) Acts 1965 to 1973, any enactment for the time being in force amending any of those Acts, and any enactment of the Parliament of Northern Ireland corresponding to any of those Acts or to any enactment amending any of those Acts,—

- (i) services rendered for the Organisation by the representative shall be deemed to be excepted from any class of employment which is insurable employment, or in respect of which contributions are required to be paid, but
- (ii) no person shall be rendered liable to pay any contribution which he would not be required to pay if those services were not deemed to be so excepted.”.

(2) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on:—

- (a) the official staff of a representative other than delegates, alternates, advisers, technical experts and secretaries of delegations, or
- (b) the family of a representative or of a member of the official staff of a representative.

(3) Neither this Article nor Part IV of Schedule 1 to the Act shall operate so as to confer any privilege or immunity on any person as the representative of the United Kingdom or as a member of the official staff of such a representative or on any person who is a citizen of the United Kingdom and Colonies.

PART IV OFFICERS

High Officers

15.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Council of the Organisation, and subject to the provisions of paragraph (2) of this Article, the Secretary-General of the Organisation and any Deputy Secretary-General shall enjoy:—

- (a) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, and rates as are accorded to or in respect of the head of a diplomatic mission;
- (b) the like exemption from customs duties and taxes on the importation of articles imported for their personal use or the use of members of their families forming part of their households, including articles intended for their 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 their 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 them or on their behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements; and
- (e) exemptions whereby, for the purposes of the enactments relating to national insurance and social security, including enactments in force in Northern Ireland,—
 - (i) services rendered by them for the Organisation shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but
 - (ii) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted;

provided that until the day appointed for the coming into force of section 2 of the Social Security Act 1973 the following shall apply in substitution for the foregoing provisions of this subparagraph—

“exemptions whereby for the purposes of the National Insurance Acts 1965 to 1973, the National Insurance (Industrial Injuries) Acts 1965 to 1973, any enactment for the time being in force amending any of those Acts, and any enactment of the Parliament of Northern Ireland corresponding to any of those Acts or to any enactment amending any of those Acts,—

- (i) services rendered by them for the Organisation shall be deemed to be excepted from any class of employment which is insurable employment, or in respect of which contributions are required to be paid, but
- (ii) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted;”

(2) 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.

(3) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on any member of the family of the Secretary-General other than his spouse and children under the age of 21 or on any member of the family of any Deputy Secretary-General.

All Officers

16. Except in so far as any particular case any privilege or immunity is waived by the Secretary-General, Assistant Secretaries-General and established members of the staff of the Organisation shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in their official capacity;
- (b) exemption from income tax in respect of emoluments received by them as officers of the Organisation; and
- (c) 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 to take up their posts as officers of the Organisation are imported for their personal use or that of members of their families forming part of their household, 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 Secretary-General, experts (other than officers of the Organisation) performing missions for the Organisation 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 missions;
- (b) during the period of their missions, including the time spent on journeys in connection with their missions, the like immunity from personal arrest or detention and from seizure of their baggage and the like inviolability for all papers and documents as is accorded to a diplomatic agent.

PART VI

THE TRIBUNAL

18.—(1) In this Article “the Tribunal” means the Tribunal established by the Convention on the Establishment of a Security Control in the field of Nuclear Energy⁽²⁾.

(2) Cmnd. 971.

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(2) Except in so far as in any particular case any immunity is waived by the Tribunal, the judges of the Tribunal shall enjoy immunity from suit and legal process in respect of things done or omitted to be done by them in their judicial capacity.

(3) Except in so far as in any particular case any immunity is waived by the Tribunal, the representatives, counsel and advocates appearing before the Tribunal shall enjoy:—

- (a) immunity from suit and legal process in regard to statements made and writings produced by them in connection with the performance of their duties as representatives, counsel or advocates before the Tribunal; and
- (b) inviolability for their documents.

N. E. Leigh

EXPLANATORY NOTE

This Order supersedes the Organisation for Economic Co-operation and Development (Immunities and Privileges) Order 1961 and confers privileges and immunities (including certain privileges previously accorded administratively) upon the Organisation for Economic Co-operation and Development, its officers and experts, representatives of its members, and certain persons connected with the Tribunal established by the Convention on the Establishment of a Security Control in the field of Nuclear Energy. These privileges and immunities are conferred in accordance with:—

- (i) Supplementary Protocol No. 2 to the Convention on the Organisation for Economic Co-operation and Development (Cmnd. 1646) signed at Paris on 14th December 1960; and
- (ii) Articles 4 and 10 of the Protocol on the Tribunal established by the Convention on the Establishment of a Security Control in the field of Nuclear Energy (Cmnd. 971) signed at Paris on 20th December 1957.