
STATUTORY INSTRUMENTS

1969 No. 733

**DIPLOMATIC AND INTERNATIONAL
IMMUNITIES AND PRIVILEGES**

**The International Coffee Organisation
(Immunities and Privileges) Order 1969**

Laid before Parliament in draft

*Made - - - - 23rd May 1969
Coming into Operation On a date to be notified in the
London Gazette*

At the Court at Holyroodhouse, the 23rd day of May 1969

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 Coffee Organisation (Immunities and Privileges) Order 1969. 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 Coffee Organisation(1) enters into force. This date shall be notified in the London Gazette.

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Interpretation

2.—(1) For the purposes of this Order, the official activities of the International Coffee Organisation shall include its administrative activities and those undertaken pursuant to the International Coffee Agreement 1968⁽²⁾ or any subsequent agreement which replaces it.

(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 Coffee Organisation (Immunities and Privileges) Order 1962⁽³⁾ is hereby revoked.

PART II

THE ORGANISATION

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

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

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

- (a) to the extent that the Organisation 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 Organisation, 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 24 Article 25 or Article 28 of the Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Coffee Organisation.

(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 Organisation 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 Organisation.

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. Within the scope of its official activities, 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.

(2) Cmnd. 3648.

(3) (1962 III, p. 3975).

9. The Organisation 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 Organisation shall have exemption from customs duties and taxes on the importation of goods imported by the Organisation and necessary for the exercise of its official activities, or on the importation of any 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 and necessary for the exercise of its official activities and in the case of any publications of the Organisation imported or exported by it.

12. The Organisation shall have relief, under arrangements made either by the Secretary of State or by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oils (within the meaning of the Customs and Excise Act 1952) which are bought in the United Kingdom and necessary for the exercise of the official activities 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 purchase tax paid on any goods which are necessary for the exercise of the official activities 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 country whom they represent, representatives of Member countries of the Organisation on any of its organs shall enjoy:—

- (a) in respect of words spoken or written and all acts done or omitted to be done by them in the exercise of their functions, the like immunity from suit and legal process as is accorded to the head of a diplomatic mission;
- (b) while exercising their functions and during their journeys to and from the place of meetings convened by the Organisation, 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 Organisation, 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 of Member countries of the Organisation, 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 Officers

15.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Council of the Organisation, there shall be accorded to or in respect of the Executive Director of the Organisation, and, in his absence or incapacitation, the officer designated to act in his place:—

- (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 those Articles are accorded to a diplomatic agent;
- (d) relief, under arrangements made either by the Secretary of State or by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oils (within the meaning of the Customs and Excise Act 1952) which are 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 families of officers 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 Director of the Organisation or (in the case of the Executive Director) by the Council of the Organisation, all officers of the Organisation 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 words spoken or written and all acts 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 Organisation become subject to taxation by the Organisation 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 the officer first enters the United Kingdom as an officer of the Organisation are imported for his personal use or that of members of his family forming part of his household, including articles intended for his establishment, and
 - (ii) are articles which were in his ownership or possession or that of such a member of his family, or which he or such a member of his family was under contract to purchase, immediately before he 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;
- (d) unless they are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, exemptions whereby, for the purposes of the National Insurance Acts 1965 to 1969 (4), the National Insurance (Industrial Injuries) Acts 1965 to 1968(5), 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 which he would not be required to pay if those services were not deemed to be so excepted.

PART V

EXPERTS

17.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Executive Director of the Organisation, experts (other than officers of the Organisation) serving on any committee of the Organisation or employed on missions on its behalf shall, so far as is necessary for the carrying out of their functions, including during journeys made in carrying out their functions and in the course of such missions, enjoy:—

- (a) immunity from suit and legal process in respect of words spoken or written and all acts done or omitted to be done by them in the exercise of their functions, except in the case of a motor traffic offence committed by an expert or in the case of damage caused by a motor vehicle belonging to or driven by him;
- (b) while they are employed by the Organisation, the like inviolability for all their official papers and documents as is accorded to the head of a diplomatic mission;
- (c) while carrying out their functions and during their journeys made in carrying out their functions and in the course of such missions, 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, provided that the provisions of this sub-paragraph 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 privilege or immunity on the official staff or on families of experts to whom the provisions of paragraph (1) of this Article apply.

(4) 1965 c. 51; 1966 c. 6; 1967 c. 73; 1968 c.40; 1969 c.4.

(5) 1965 c.52; 1967c.25; 1968 c.40

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W. G. Agnew

EXPLANATORY NOTE

This Order replaces the International Coffee Organisation (Immunities and Privileges) Order 1962, and confers privileges and immunities upon the International Coffee Organisation, 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 22 of the International Coffee Agreement (Cmnd. 3648), opened for signature in New York on 18th March, 1968;
- (ii) a Headquarters Agreement which has been negotiated between the Government of the United Kingdom and the International Coffee Organisation (Cmnd. 3915): this Order will enable Her Majesty's Government to give effect to the Agreement, which will enter into force on signature.