
STATUTORY INSTRUMENTS

1970 No. 1941

The European Commission and Court of Human Rights (Immunities and Privileges) Order 1970

PART I
GENERAL

Citation and Entry into Force

1.—(1) This Order may be cited as the European Commission and Court of Human Rights (Immunities and Privileges) Order 1970.

(2) Parts I and II of this Order shall come into operation on the date when the Fourth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe opened for signature in Paris on 16th December 1961⁽¹⁾ enters into force with respect to the United Kingdom, and Part III of this Order shall come into operation on the date when the European Agreement relating to Persons participating in Proceedings of the European Commission and Court of Human Rights opened for signature in London on 6th May 1969⁽²⁾ enters into force with respect to the United Kingdom. These dates shall be notified in the London, Edinburgh and Belfast Gazettes.

Interpretation

2.—(1) The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(2) In this Order—

“the Convention” means the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November 1950⁽³⁾;

“the Commission” means the European Commission of Human Rights established by Article 19 of the Convention or any Sub-Commission, member or members of the Commission carrying out their duties under the terms of the Convention or rules of the Commission;

“the Committee of Ministers” means the Committee of Ministers of the Council of Europe when exercising its functions under Article 32 of the Convention;

“the Court” means the European Court of Human Rights established by Article 19 of the Convention or any Chamber, judge or judges of the Court carrying out their duties under the terms of the Convention or the rules of the Court;

“judges of the Court” means judges elected under Article 39 or appointed under Article 43 of the Convention;

“persons participating in proceedings” means—

⁽¹⁾ Cmnd. 1696.

⁽²⁾ Cmnd. 4447.

⁽³⁾ Cmnd. 8969.

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- (a) agents of States parties to the European Agreement relating to Persons participating in Proceedings of the European Commission and Court of Human Rights opened for signature in Paris on 6th May 1969, and advisers and advocates assisting them;
- (b) persons taking part in proceedings instituted before the Commission under Article 25 of the Convention, whether in their own name or as representatives of one of the applicants enumerated in the said Article 25;
- (c) barristers, solicitors or professors of law, taking part in proceedings in order to assist one of the persons referred to in subparagraph (b) of this paragraph;
- (d) persons chosen by the delegates of the Commission to assist them in proceedings before the Court;
- (e) witnesses, experts and other persons called upon by the Commission or the Court to take part in proceedings before the Commission or the Court;
- (f) any person mentioned in sub-paragraph (a) to (e) of this paragraph who is called upon to appear before or to submit written statements to the Committee of Ministers;

“tribunal to which this Order applies” means the Commission, the Court or the Committee of Ministers.

(3) For the purposes of this Order any petition, complaint or other communication which, with a view to action to be taken by or before a tribunal to which this Order applies,—

- (a) is made to the tribunal, or
- (b) is made to a person through whom, in accordance with the constitution, rules or practice of the tribunal, such a communication can be received by the tribunal,

shall be deemed to be proceedings before the tribunal, and the person making any such communication shall be deemed to be a party to such proceedings.