
 STATUTORY INSTRUMENTS

1975 No. 1210

**DIPLOMATIC AND INTERNATIONAL IMMUNITIES
AND PRIVILEGES**
**The International Whaling Commission (Immunities and
Privileges) Order 1975**
*Laid before Parliament in draft**Made - - - - 23rd July 1975*

Coming into Operation *On a date to be notified in
the London, Edinburgh and
Belfast Gazettes*

At the Court at Buckingham Palace, the 23rd day of July 1975

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(1) of the International Organisations Act 1968(a) (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 section 1 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 Whaling Commission (Immunities and Privileges) Order 1975. 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 Whaling Commission(b) enters into force. This date shall be notified in the London, Edinburgh and Belfast Gazettes.

Interpretation

2.—(1) For the purposes of this Order, the official activities of the International Whaling Commission shall include its administrative activities and

(a) 1968 c. 48.

(b) Cmnd. 6071.

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those undertaken pursuant to the International Convention for the Regulation of Whaling, 1946(a) or any succeeding convention.

(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(b).

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

PART II

THE COMMISSION

3. The International Whaling Commission (hereinafter referred to as the Commission) is an organisation of which Her Majesty’s Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

4. The Commission shall have the legal capacities of a body corporate.

5. The Commission 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.

6. Within the scope of its official activities, the Commission 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.

7. The Commission 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.

8. The Commission shall have exemption from customs duties and taxes on the importation of goods imported by the Commission and necessary for the exercise of its official activities, or on the importation of any publications of the Commission 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.

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

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

(a) Cmd. 7604. (b) 1964 c. 81. (c) 1889 c. 63. (d) 1971 c. 12.

11. The Commission 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 or services which are necessary for the exercise of the official activities of the Commission, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART III

REPRESENTATIVES

12.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government they represent, representatives of members of the Commission, 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, except in the case of a motor traffic offence committed by a representative or in the case of damage caused by a motor vehicle belonging to or driven by him;
- (b) while exercising their functions and during their journeys to and from the place of meetings convened by the Commission, the like inviolability for all their official papers and documents as is 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 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

Senior Officers

13.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Secretary of the Commission or (in the case of the Secretary) by the Commission, the Secretary and the Executive Officer of the Commission shall enjoy 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 Commission 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

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- (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.

(2) The provisions of this Article shall not apply to any person who is a citizen of the United Kingdom and Colonies.

(3) 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

14. Except in so far as in any particular case any privilege or immunity is waived by the Secretary of the Commission or (in the case of the Secretary) by the Commission, all officers appointed or recruited for full-time employment with the Commission and who are subject to its staff regulations, 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 Commission become subject to taxation by the Commission for its benefit, exemption from income tax in respect of such emoluments.

PART V

EXPERTS

15. Except in so far as in any particular case any privilege or immunity is waived by the Secretary of the Commission, an expert (other than an officer of the Commission) serving on any committee of the Commission 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 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 Commission, the like inviolability for all his official papers and documents as is accorded to a diplomatic agent.

N. E. Leigh.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order confers privileges and immunities upon the International Whaling Commission, its officers, representatives of its Members, and experts serving on committees or employed on missions on its behalf. These privileges and immunities are conferred in accordance with a Headquarters Agreement which has been negotiated between the Government of the United Kingdom and the International Whaling Commission (Cmnd. 6071).

This Order will enable Her Majesty's Government to give effect to the Headquarters Agreement, which will enter into force on signature.

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