

1980 No. 187

**DIPLOMATIC AND INTERNATIONAL  
IMMUNITIES AND PRIVILEGES****The INMARSAT (Immunities and Privileges)  
Order 1980***Laid before Parliament in draft**Made - - - - 13th February 1980**Coming into Operation On a date to be notified  
in the London, Edinburgh  
and Belfast Gazettes*

At the Court at Buckingham Palace, the 13th day of February 1980

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 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

1. This Order may be cited as the INMARSAT (Immunities and Privileges) Order 1980. 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 Maritime Satellite Organization(b) (hereinafter referred to as the Agreement) enters into force. The date shall be notified in the London, Edinburgh and Belfast Gazettes.

(a) 1968 c. 48.

(b) Cmnd. 7744.

2.—(1) For the purposes of this Order, the official activities of the International Maritime Satellite Organization (hereinafter referred to as the Organisation) means its activities carried out in pursuance of its purpose as defined in the Convention on the International Maritime Satellite Organization (INMARSAT)(a), opened for signature at London on 3rd September 1976, (hereinafter referred to as the Convention) and includes its administrative activities.

(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);

“Party” means a State Party to the Convention for which the Convention has entered into force;

“Signatory” means a Signatory to the Operating Agreement on the International Maritime Satellite Organization (INMARSAT), opened for signature at London on 3rd September 1976(c), for which the Operating Agreement has entered into force;

“space segment” means the satellites and the tracking, telemetry, command, control, monitoring and related facilities and equipment required to support the operation of these satellites.

3. The INMARSAT (Immunities and Privileges) Order 1979(d) is hereby revoked.

## PART II

### THE ORGANISATION

4. 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.—(1) The Organisation shall have immunity from suit and legal process in respect of actions brought by Parties or Signatories or persons acting for or deriving claims from them.

(2) Except to the extent that the Organisation shall have expressly waived its immunity in a particular case, the Organisation shall be immune from all forms of restraint, seizure, attachment or execution in relation to:

(a) the space segment of the Organisation; and

(b) the other property and assets of the Organisation before delivery of final judgment against the Organisation.

(3) The provisions of paragraph (2) of this Article 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.

(a) Cmnd. 7722.

(b) 1964 c. 81.

(c) Cmnd. 7722 at p. 288.

(d) S.I. 1979/454.

7. The Organisation 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.

8.—(1) Within the scope of its official activities, the Organisation shall have exemption from taxes on income and capital gains.

(2) The Organisation shall have exemption in respect of its official vehicles from vehicle excise duty (that is to say, duty under section 1 of the Vehicles (Excise) Act 1971(a), whether chargeable by virtue of that section or otherwise, or any corresponding duty under an enactment of the Parliament of Northern Ireland).

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 duties (whether of customs or excise) and taxes on the importation of goods imported by or on behalf of the Organisation and necessary for the exercise of its official activities, 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 by the Commissioners of Customs and Excise, by way of refund of duty (whether of customs or excise) paid on imported hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979(b)) or value added tax paid on the importation of such oil which is bought in the United Kingdom by the Organisation and necessary for the exercise of its official activities, 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 and value added tax paid on the purchase of new motor cars of United Kingdom manufacture and of value added tax paid on the supply of other goods or services which are necessary for 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 Party whom they represent, or whose Signatory they represent, representatives of Parties and Signatories shall enjoy, while performing their duties in relation to the work of the Organisation and in the course of their journeys to and from their place of work:

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(a) 1971 c. 10.

(b) 1979 c. 5.

- (a) immunity from suit and legal process, even after the termination of their mission, in respect of acts, including words written or spoken, 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 vehicle belonging to or driven by him; and
- (b) the like inviolability for all their official papers and documents as is accorded to diplomatic agents.

(2) Representatives of Parties shall also enjoy, while performing their duties in relation to the work of the Organisation and in the course of their journeys to and from their place of work, immunity from any form of arrest or detention pending trial.

(3) 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 and advisers.

(4) 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 a representative, alternate representative or adviser.

(5) 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, or their adviser, of Her Majesty's Government in the United Kingdom or of the Signatory of Her Majesty's Government in the United Kingdom, or on any person who is a citizen of the United Kingdom and Colonies.

## 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 of the Organisation, the Director General shall enjoy:

- (a) the like immunity from personal arrest or detention as is accorded to a diplomatic agent; and
- (b) the like immunity from suit and legal process as is accorded to a diplomatic agent, 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;

provided that this Article shall not apply to any person who is a citizen of the United Kingdom and Colonies or who is 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 family of an 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 Director General of the Organisation or, in the case of the Director, by the Council of the Organisation, all officers of the Organisation employed full time by the Organisation and subject to its staff regulations, with the exception of persons recruited locally and assigned to hourly rates of pay, shall enjoy:

- (a) immunity from suit and legal process in respect of acts done by them in the exercise of their functions, including words written or spoken, 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 salaries and 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 salaries and emoluments, provided that nothing in this paragraph shall be interpreted as precluding such salaries and emoluments from being taken into account for the purpose of assessing the amount of taxation to be applied to income from other sources;
- (c) unless they are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, the like exemption from duties and taxes on the importation of furniture and personal effects (including one motor car each) which—
  - (i) at the time when they first enter the United Kingdom to take up their post, are imported for their personal use or for their establishment, and
  - (ii) were in their ownership or possession or which they 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; and
- (d) unless they are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, and provided that the Organisation has established or joined a social security scheme, exemptions whereby for the purposes of the enactments relating to social security, including enactments in force in Northern Ireland—
  - (i) services rendered for the Organisation by them 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.

## PART V

## EXPERTS

17. Except in so far as in any particular case any immunity or privilege is waived by the Director General, experts (other than officers of the

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Organisation) 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 missions for the Organisation, enjoy:

- (a) immunity from suit and legal process in respect of acts done by them in the exercise of their functions, including words written or spoken, 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; and
- (b) while exercising their functions in connection with the Organisation or in carrying out missions for the Organisation, the like inviolability for all their official papers as is accorded to a diplomatic agent.

*N. E. Leigh,*  
Clerk of the Privy Council.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order confers privileges and immunities on the International Maritime Satellite Organization, on representatives of its Member States and of Signatories designated by its Member States, and on its officers and experts. These privileges and immunities are conferred in accordance with an Agreement which has been negotiated between the Government of the United Kingdom and the International Maritime Satellite Organization (Cmnd. 7744). The Order revokes the INMARSAT (Immunities and Privileges) Order 1979. The Order will enable Her Majesty's Government to give effect to the Agreement, which will enter into force on signature; the Order will come into operation on the date on which the Agreement enters into force.