

1999 No. 1125

INTERNATIONAL IMMUNITIES AND PRIVILEGES

**The International Mobile Satellite Organisation (Immunities
and Privileges) Order 1999**

Made - - - - 13th April 1999

Coming into force in accordance with Article 1

At Windsor Castle, the 13th day of April 1999

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(a) ("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 10(3) of the Act(b) 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 International Mobile Satellite Organisation (Immunities and Privileges) Order 1999. It shall come into force on the date on which the Headquarters Agreement(c) between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Mobile Satellite Organisation enters into force. This date shall be notified in the London, Edinburgh and Belfast Gazettes.

2. In this Order:

"the Organisation" means the International Mobile Satellite Organisation established by the Convention on the International Maritime Satellite Organisation as amended(d);

"official activities" in relation to the Organisation means its administrative activities and those which it is authorised to undertake pursuant to the Convention on the International Maritime Satellite Organisation as amended;

(a) 1968 c. 48.

(b) As amended by section 1 of the International Organisations Act 1981 (c. 9).

(c) Cm.

(d) Cmnd 7722 as amended by Cm. 3995.

“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(a).

3. The INMARSAT (Immunities and Privileges) Order 1980(b) 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. 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.

7.—(1) Within the scope of its official activities the Organisation shall have immunity from suit and legal process except:

- (a) to the extent that it shall have 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;
- (c) in respect of an attachment order pursuant to the order of a Court of law, of the salaries, wages or other emoluments owed by the Organisation to a staff member, or a former staff member; and
- (d) in respect of a counter-claim directly connected with proceedings initiated by the Organisation.

(2) Paragraph 1 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 and investigation of accidents involving motor vehicles belonging to, or operated on behalf of, the Organisation.

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

9. The Organisation shall have the like relief from non-domestic 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 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 or on behalf of 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 within the scope of its official activities.

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(c) or value added

(a) 1964 c. 81.

(b) S.I. 1980/187.

(c) 1979 c. 5.

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 value added tax paid on the purchase of new vehicles which are necessary for the official activities of the Organisation, and of value added tax paid on the supply of any other goods and services of substantial value 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.

14. The Organisation shall have relief, under arrangements made by the Secretary of State, by way of a refund of insurance premium tax and air passenger duty paid by the Organisation in the exercise of its official activities.

PART III

REPRESENTATIVES

15.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the Member State whom they represent, representatives of Member States of the Organisation shall enjoy:—

- (a) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words spoken and written, done by them in the exercise of their functions, except in the case of a motor traffic offence committed by a representative of a Member State, or in the case of damage caused by a motor vehicle belonging to or driven by such a representative;
- (b) while exercising their functions and during their journeys to and from the place of meeting, the like inviolability for all their official papers and documents as is accorded to a diplomatic agent;
- (c) while exercising their functions and in the course of their journeys to and from the place of meeting the like immunity from personal arrest or detention and from seizure of their personal baggage as is accorded to a diplomatic agent, provided that the representative shall not enjoy such immunity if there are reasonable grounds for suspecting that he is in the course of committing, attempting to commit, or has just committed an offence.

(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 their alternate representatives and advisers.

(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 persons as the representatives or alternate representatives, or their advisers, of Her Majesty's Government in the United Kingdom or on any person who is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, or a British National (Overseas).

(4) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on families of representatives, alternate representatives or advisers.

PART IV

OFFICERS

HIGH OFFICER

16.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Assembly of the Organisation, the Director of the Organisation shall enjoy:—

- (a) the like immunity from personal arrest or detention as is accorded to a diplomatic agent;
- (b) the like immunity from suit and legal process as is accorded to a diplomatic agent; this immunity shall not apply, however, in the case of a motor traffic offence committed by him, nor in the case of damage caused to a motor vehicle belonging to or driven by him;

provided that this Article shall not apply to any person who is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, or a British National (Overseas) 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

17. Except in so far as in any particular case any privilege or immunity is waived by the Director of the Organisation or, in the case of the Director, by the Assembly of the Organisation, all officers of the Organisation appointed or recruited for employment with the Organisation and subject to its staff regulations as well as the Director, with the exception of persons recruited locally and assigned to hourly rates of pay, shall enjoy:—

- (a) immunity from suit and legal process even after they have left the service of the Organisation, in respect of acts, including words written or spoken, done by them in the exercise of their functions; this immunity shall not apply, however, 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 sub-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; this paragraph shall not apply to pensions or annuities paid by the Organisation;
- (c) unless they are British citizens, British Dependent Territories citizens, British Overseas citizens, or British Nationals (Overseas) 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;

- (d) unless they are British citizens, British Dependent Territories citizens, British Overseas citizens, British Nationals (Overseas) or permanently resident in the United Kingdom, and provided that they are participating in a social security scheme established by the Organisation or in another such 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

18. Except in so far as in any particular case any immunity or privilege is waived by the Director, experts (other than officers of the 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 their 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;
- (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 and documents as is accorded to a diplomatic agent.

A.K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers privileges and immunities on the International Mobile Satellite Organisation, on representatives of its members 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 Mobile Satellite Organisation (Cm). The Order revokes the INMARSAT (Immunities and Privileges) Order 1980. 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 force on the date on which the Agreement enters into force.

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