

2003 No. 3126

INTERNATIONAL IMMUNITIES AND PRIVILEGES

**The Northern Ireland (Monitoring Commission etc.) Act 2003
(Immunities and Privileges) Order 2003**

Made - - - - - *3rd December 2003*

Laid before Parliament *3rd December 2003*

Coming into force in accordance with Article 1

The Secretary of State, in exercise of the powers conferred on him by section 1(2) of the Northern Ireland (Monitoring Commission etc.) Act 2003 (a) (“the Act”), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Northern Ireland (Monitoring Commission etc.) Act 2003 (Immunities and Privileges) Order 2003 and shall come into force on the date on which the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing the Independent Monitoring Commission (b) (“the Agreement”) enters into force. That date shall be notified in the London, Edinburgh and Belfast Gazettes.

Interpretation

2.—(1) In this Order—

“Commission” means the Independent Monitoring Commission established by the Agreement;

“Member of the Commission” means a person appointed in terms of Article 10 of the Agreement;

“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 (c).

(2) For the purposes of this Order, the “official activities” of the Commission means its activities carried out in pursuance of its purpose as defined in the Agreement and includes its administrative activities.

The Commission

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

(a) 2003 c.25.
(b) Cm. 6068.
(c) 1964 c. 81.

4. Except in so far as in any particular case any privilege or immunity is waived by the Commission, and subject to section 2 of the Act, the Commission, or in the case of Article 6(2) of the Agreement the relevant Members of the Commission, shall have immunity from suit and legal process.

5. Except in so far as in any particular case any privilege or immunity is waived by the Commission, the Commission 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.

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

Members of the Commission

7. Except in so far as in any particular case any privilege or immunity is waived by the Commission, the 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 course of the performance of their official duties;
- (b) unless they are British citizens, British overseas territories citizens, British Overseas citizens, British Nationals (Overseas) or permanently resident in the United Kingdom, exemption from income tax in respect of the salaries and emoluments received by them as Members of the Commission, provided that nothing in this sub-paragraph shall be interpreted as precluding such salaries and emoluments from being taken into account for the purposes of assessing the amount of taxation to be applied to income from other sources;
- (c) unless they are British citizens, British overseas territories citizens, British Overseas citizens, British Nationals (Overseas) or permanently resident in the United Kingdom, exemptions whereby for the purposes of the enactments relating to social security, including enactments in force in Northern Ireland:—
 - (i) services rendered for the Commission by them shall be deemed to be excepted from any class of employment in respect of which contributions under those enactments are payable, 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.

Staff of the Commission

8. Except in so far as in any particular case any privilege or immunity is waived by the Commission, the staff 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 course of the performance of their official duties;
- (b) unless they are British citizens, British overseas territories citizens, British Overseas citizens, British Nationals (Overseas) or permanently resident in the United Kingdom, exemption from income tax in respect of the salaries and emoluments received by them as staff of the Commission, provided that nothing in this sub-paragraph shall be interpreted as precluding such salaries and emoluments from being taken into account for the purposes of assessing the amount of taxation to be applied to income from other sources;
- (c) unless they are British citizens, British overseas territories citizens, British Overseas citizens, British Nationals (Overseas) or permanently resident in the United Kingdom, exemptions whereby for the purposes of the enactments relating to social security, including enactments in force in Northern Ireland:—

- (i) services rendered for the Commission by them shall be deemed to be excepted from any class of employment in respect of which contributions under those enactments are payable, 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.

Agents and Other Persons

9. Except in so far as in any particular case any privilege or immunity is waived by the Commission, agents of, or persons carrying out work for or giving advice to, the Commission shall enjoy 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.

Jack Straw
Her Majesty's Principal Secretary of State
for Foreign and Commonwealth Affairs

3rd December 2003

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers privileges and immunities on the Independent Monitoring Commission and on its members, staff, agents and persons performing functions assigned to them by the Commission. The Commission was established under the Agreement between the Government of the United Kingdom and the Government of Ireland signed on 25th November 2003 (Cm. 6068).

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