EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

1. The purpose of this Order is to provide privileges and immunities required by the Food and Agriculture Organisation, the Constitution of which was accepted by the United Kingdom of Great Britain and Northern Ireland on 22nd July, 1946.

2. These privileges and immunities are defined in the Convention on the Privileges and Immunities of the Specialised Agencies (Cmd. 7673), and the making of this Order will enable His Majesty's Government in the United Kingdom to fulfil their obligations resulting from their accession to that Convention in respect of the Food and Agriculture Organisation. The deposit by the Food and Agriculture Organisation with the Secretary-General of the United Nations of the final text of Annex II, under Section 37 of that Convention, constitutes the final step of the procedure for unification of privileges referred to in a Resolution adopted by the General Assembly of the United Nations on 13th February, 1946 (Cmd. 6753).

The Diplomatic Privileges (International Civil Aviation Organisation) Order in Council, 1949

1949 No. 134

Made - - - -	*28th January,* 1949
Laid before Parliament	*31st January,* 1949
Coming into Operation	*11th February,* 1949

At the Court at Sandringham, the 28th day of January, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas by Section 1 of the Diplomatic Privileges (Extension) Act, 1944(a), as amended by the Diplomatic Privileges (Extension) Act, 1946(b), hereinafter referred to together as " the Act ", it is enacted:

That the provisions of that Section shall apply to any organisation of which His Majesty's Government in the United Kingdom and the Government or Governments of one or more foreign sovereign Powers are members ;

That His Majesty may, by Order in Council, provide that any organisation to which that Section applies, shall, to the extent specified in the Order, have the immunities and privileges set out in Part I of the Schedule to the Act and may have the legal capacities of a body corporate ;

That His Majesty may, by Order in Council, confer upon the representatives of member Governments on the governing body or any committee of the organisation, and upon persons employed on missions on behalf of the organisation, and upon officers and servants of the organisation, the immunities and privileges set out in Parts II and III of the said Schedule to the extent specified in the Order ; and

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(a) 7 & 8 Geo. 6. c. 44. (b) 9 & 10 Geo 6. c. 66.

That Part IV of the Schedule to the Act shall have effect for the purpose of extending to the staffs of representatives of member Governments and to the families of certain high officers of the organisation any immunities and privileges conferred on the representatives or officers, except in so far as the operation of the said Part IV is excluded by the Order conferring the immunities and privileges:

And Whereas in accordance with Section 37 of the Convention on the Privileges and Immunities of the Specialised Agencies, the International Civil Aviation Organisation, on 11th August, 1948, deposited with the Secretary-General of the United Nations the final text of the Annex to the said Convention which concerns the said Organisation:

And Whereas His Majesty's Government in the United Kingdom has, in accordance with Section 41 of the said Convention, acceded to the said Convention in respect of the International Civil Aviation Organisation by depositing with the Secretary-General of the United Nations an instrument of accession:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the aforesaid Act or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order and it is hereby ordered as follows:—

A. THE ORGANISATION

1. The International Civil Aviation Organisation set up under Article 43 of the Convention on International Civil Aviation signed at Chicago on 7th December, 1944, (hereafter referred to as the Organisation) is an organisation of which His Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

2. The Organisation shall have the legal capacities of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and process. No waiver of immunity shall be deemed to extend to any measure of execution.

3. The Organisation shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of official archives and premises of an envoy of a foreign sovereign Power accredited to His Majesty.

4. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.

5. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in the United Kingdom or for exportation, or on the importation of any publications of the Organisation directly 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.

6. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of any publication of the Organisation directly imported or exported by it.

7. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside the United Kingdom) of any reduced rates applicable for the corresponding service in the case of press telegrams.

B. Representatives of Members

8.—(1) Except in as far as in any particular case any privilege or immunity is waived by the member Governments whom they represent, Representatives of member Governments to the Council of the Organisation shall enjoy:—

(*a*) While exercising their functions as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents.

(*b*) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as representatives.

(*c*) While exercising their functions and during their journey to and from the place of meeting, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty, save that the relief allowed shall not include relief from customs and excise duties or purchase tax except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in the United Kingdom during any period when they are present in the United Kingdom whilst exercising their functions or during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to British subjects whose usual place of abode is in the United Kingdom.

(2) For the purpose of the application of this Order, the expression "representatives of member governments" shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding paragraphs of this Article shall not confer any immunity or privilege upon any person as the representative of His Majesty's Government in the United Kingdom or as a member of the staff of such a representative, or any person who is a British Subject and who is not the representative of a Government of His Majesty other than His Majesty's Government in the United Kingdom or the member of the Staff of and accompanying any such representative.

C. High Officials

9. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, the Secretary-General or the Deputy Secretary-General of the Organisation and the President of the Council of the Organisation shall be accorded in respect of themselves, their spouses and children under the age of twenty-one, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty, his spouse and children, including exemption from income tax in respect of emoluments received by them as officers of the Organisation.

D. Persons Serving on Committees of or Employed on Missions on behalf of the Organisation

10. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons (other than officials of the Organisation) serving on Committees of, or employed on missions on behalf of the Organisation shall enjoy :—

(*a*) While exercising their functions as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability of all papers and documents relating to the work of the Organisation.

(*b*) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of these functions. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the Organisation.

E. OTHER OFFICIALS OF THE ORGANISATION

11. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officials of the Organisation (other than those referred to in Article 9 above) shall enjoy :—

(*a*) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties, and

(*b*) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation.

F. GENERAL

12. The names of the persons to whom the provisions of Articles 8, 9, 10 and 11(a) of this Order apply shall be set forth in a list compiled and published from time to time by the Secretary of State under Section 1 (3) of the Act and such list shall show in regard to each person the date as from which for the purpose of this Order he first held the Office or employment in question, and the date when he ceased to hold that Office or employment.

13. This Order may be cited as the Diplomatic Privileges (International Civil Aviation Organisation) Order in Council, 1949.

14. This Order shall be laid before Parliament. It shall come into operation on the 11th day of February, 1949, and the Right Honourable Ernest Bevin, His Majesty's Principal Secretary of State for Foreign Affairs is to give the necessary directions herein.

Edward Ford.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

1. The purpose of this Order is to provide privileges and immunities required by the International Civil Aviation Organisation, set up under Article 43 of the Convention on International Civil Aviation which was ratified by the United Kingdom on 1st March, 1947, and came into force on 4th April, 1947.

2. These privileges and immunities are defined in the Convention on the Privileges and Immunities of the Specialised Agencies, and the making of this Order will enable His Majesty's Government in the United Kingdom to fulfil their obligations resulting from their accession to that Convention in respect of I.C.A.O. The deposit by I.C.A.O. with the Secretary-General of the United Nations of the final text of Annex III, under Section 37 of that Convention, constitutes the final step of the procedure for unification of privileges referred to in a Resolution adopted by the General Assembly of the United Nations on 13th February, 1946. (Cmd. 6753).

(a) *See* amendment, p. 1493 below.