The Diplomatic Privileges (United Nations Educational, Scientific, and Cultural Organisation) Order in Council, 1949

1949 No. 835

Made - - - -	*29th April*, 1949
Laid before Parliament	*2nd May*, 1949
Coming into Operation	*13th May*, 1949

At the Court at Buckingham Palace, the 29th day of April, 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

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 United Nations Educational, Scientific and Cultural Organisation, on 7th February, 1949, 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 United Nations Educational, Scientific and Cultural Organisation, by depositing with the Secretary-General of the United Nations an instrument of accession:

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

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 United Nations Educational, Scientific and Cultural Organisation (hereinafter 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 legal 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 of the 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 the 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 publications 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: THE PRESIDENT OF THE CONFERENCE: MEMBERS OF THE EXECUTIVE BOARD OF THE ORGANISATION

8.—(1) Except in so far as any privilege or immunity is waived, in the case of representatives of member Governments, by the Governments whom they represent; in the case of the President of the Conference, by the Organisation; and in the case of members of the Executive Board, by the Executive Board of the Organisation; representatives of member Governments, the President of the Conference of the Organisation, and members of the Executive Board 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 and 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 a 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, officers of the Organisation holding the offices of Secretary-General and Deputy Secretary-General 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 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 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 their 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, all 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;

(*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 and 9 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 purposes 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 (United Nations Educational, Scientific, and Cultural Organisation) Order in Council, 1949.

14. This Order shall be laid before Parliament. It shall enter into force on 13th May, 1949. The Right Honourable Ernest Bevin, His Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

E. C. E. Leadbitter.

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 United Nations Educational, Scientific and Cultural Organisation, the Constitution of which was accepted by the United Kingdom of Great Britain and Northern Ireland on 20th February, 1946, and entered into force on 4th November, 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 U.N.E.S.C.O. The deposit by U.N.E.S.C.O. with the Secretary-General of the United Nations of the final text of Annex IV, 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).