INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES)

The International Organisations (Immunities and Privileges of the Council of Europe) Order in Council, 1950

1950 No. 1268

Made - - - - *28th July*, 1950

At the Court at Buckingham Palace, the 28th day of July, 1950

Present,

The King's Most Excellent Majesty in Council

Whereas by Section 1 of the International Organisations (Immunities and Privileges) Act, 1950(a), (hereinafter referred to as the Act) it is enacted:

That the provisions of this Section shall apply to any organisation declared by Order in Council to be an organisation of which the United Kingdom (or His Majesty's Government therein) and one or more foreign sovereign Powers (or the Government or Governments thereof) are members;

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

That His Majesty may, by Order in Council, confer on the representatives (whether of Governments or not) on any organ 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 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 privileges and immunities;

And Whereas, in pursuance of the provisions of Article 40 (*a*) of the Statute of the Council of Europe(b), the General Agreement on Privileges and Immunities of the Council of Europe was signed at Paris on the 2nd September, 1949(c), on behalf of His Majesty's Government in the United Kingdom and the Governments of other members of the Council of Europe;

(a) 14 Geo. 6. c. 14. (b) Cmd. 7778. (c) Cmd. 7780.

And Whereas His Majesty's Government in the United Kingdom desire to ratify the aforesaid General Agreement;

And Whereas it is expedient, in exercise of the powers aforesaid, to make provision for the privileges and immunities of the Council of Europe in accordance with the aforesaid General Agreement:

And Whereas a draft of this Order has been laid before Parliament in accordance with the provisions of Section 6 of the Act and an address has been presented to His Majesty by each House of Parliament praying that an Order may be made in the terms of the said draft.

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf conferred on him by the 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 Council of Europe set up by the Statute signed in London on the 5th of May, 1949, is an organisation of which the United Kingdom and foreign sovereign Powers are members.

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

4. The Council of Europe 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 Council of Europe shall have exemption from taxes on the importation of goods directly imported by the Council for its official use in the United Kingdom or for exportation, or on the importation of any publications of the Council 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 Council of Europe shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Council for its official use and in the case of any publications of the Council directly imported or exported by it.

B. *Representatives of members, other than representatives of His Majesty's Government in the United Kingdom, on the Committee of Ministers*

7.—(i) Except in so far as any privilege or immunity is waived by the Governments whom they represent, representatives of the Governments of members to the Committee of Ministers shall enjoy:—

(*a*) While exercising their functions as such and during their journeys 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, exemption from customs and excise duties or purchase tax in respect of goods imported as part of their personal baggage.

(ii) For the purposes of the application of this Article the expression "representatives of the Governments of members" shall be deemed to include, in addition to the representatives, the following members of their official staffs accompanying them as such representatives:—

Alternate representatives.

Advisers.

Technical experts.

Secretaries of Delegations.

and Part IV of the Schedule to the Act shall not operate so as to confer privileges or immunities on the staffs of representatives other than on those persons falling within the above mentioned descriptions.

(iii) The provisions in the preceding paragraphs of this Article shall not confer any immunity or privilege on 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 on any person who is a citizen of the United Kingdom and Colonies.

C. *Representatives of members on the Consultative Assembly*

8. Representatives to the Consultative Assembly and their substitutes shall have, in respect of words spoken or votes cast by them in the exercise of their functions, immunity from arrest and from all legal proceedings.

9. During the period of the sessions of the Consultative Assembly and during the period of their journey to the place of meeting before the opening of the session, representatives to the Consultative Assembly and their substitutes shall enjoy in the United Kingdom:—

(*a*) If they are representatives of the United Kingdom or the substitutes of such representatives, and whether they are Members of Parliament or not, the same immunity from arrest or legal process as Members of Parliament enjoy under the law and custom of the United Kingdom.

(*b*) If they are representatives or substitutes of such representatives of members of the Council other than the United Kingdom, immunity from arrest and prosecution;

except in cases where

(i) the Consultative Assembly has waived the immunity; or

(ii) they are found committing, attempting to commit or just having committed a criminal offence.

D. *High officials of the Council of Europe*

10. Except in so far as in any particular case any privilege or immunity is waived by the Council, officers of the Council holding the offices of Secretary-General and Deputy Secretary-General shall be accorded, in respect of themselves, their spouses and minor children, the like immunity from suit

and legal process, the like inviolability of residence as is accorded to the envoy of a foreign sovereign Power accredited to His Majesty, his spouse and children, and exemption from income tax in respect of emoluments received by them as officers of the organisation.

E. *Other officials of the Council*

11. Except in so far as any privilege or immunity is waived by the Council, all officials of the Council of Europe of the categories specified by the Secretary-General shall enjoy :—

(*a*) immunity from suit and legal process in respect of words spoken or things done in the course of the performance of their official duties :

(*b*) exemption from income tax in respect of emoluments received by them as officials of the Council.

F. *General*

12. The names of the persons to whom the provisions of Articles 7, 8, 9, and 10 of this Order apply shall be set forth in the list compiled and published from time to time by the Secretary of State under Section 2 (1) of the Act and such lists shall show with 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 on which he ceased to hold that office or employment.

13. This Order may be cited as the International Organisations (Immunities and Privileges of the Council of Europe) Order in Council, 1950. It shall come into force as soon as the General Agreement on Privileges and Immunities of the Council of Europe enters into force. This date shall be notified in the London Gazette. And 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.)

The purpose of this Order is to provide privileges and immunities required by the General Agreement on the Privileges and Immunities of the Council of Europe (Cmd. 7780) to be accorded in connexion with that Council, and to enable His Majesty's Government to ratify the said General Agreement. This General Agreement comes into force when it has been ratified by seven signatory countries. Privileges and Immunities accorded by the General Agreement, which are not provided for in this order, can be provided for by Executive action.