EXPLANATORY NOTE

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

This Order amends the International Organisations (Immunities and Privileges of the Council of Europe) Order in Council, 1950, so as to provide immunities and privileges required by the Protocol of 6th November, 1952 (Cmd. 8843), amending the General Agreement on Privileges and Immunities of the Council of Europe of 2nd September, 1949 (Cmd. 8852). The Order will not come into operation until the Protocol of 1952 enters into force with respect to the United Kingdom. This date will, under the provisions of the Order, be notified in the London Gazette.

1954 No. 1468

The International Organisations (Immunities and Privileges of the Customs Co-operation Council) Order, 1954

Made - - - - *4th November,* 1954
Coming into Operation *4th November,* 1954

At the Court at Buckingham Palace, the 4th day of November, 1954

Present,

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

That Her 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 Her Majesty may, by Order in Council, confer on the representatives (whether of Governments or not) on any organ of the organisation, upon officers and servants of the organisation and upon persons employed on missions on behalf 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 the Annex to the Convention establishing a Customs Co-operation Council which was signed at Brussels on the fifteenth day of December, 1950, provides for the granting of certain immunities and privileges respecting the Council;

(a) 14 Geo. 6. c. 14.

And Whereas Her Majesty's Government in the United Kingdom have ratified the said Convention, which entered into force on the fourth day of November, 1952;

And Whereas it is expedient in the exercise of the powers aforesaid to make provision for the privileges and immunities of the Customs Co-operation Council in accordance with the aforesaid Convention;

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 Her Majesty by each House of Parliament praying that an Order may be made in the terms of the said draft:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf conferred on Her by the Act 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:

A.—The Organisation

1. The Customs Co-operation Council (hereinafter referred to as the Council) is an organisation of which Her Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

2. The Council 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 Council shall have the like inviolability of 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 Her Majesty.

4. The Council 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 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 of the 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 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.

7. The Council 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, other than representatives of Her Majesty's Government in the United Kingdom, on organs or committees of the Council.

8.—(i) Except in so far as in any particular case any privilege or immunity is waived by the Governments whom they represent, representatives of members at meetings of the Council, the Permanent Technical Committee and committees of the Council 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 things done or omitted to be done by them in their capacity as representatives.

(ii) For the purposes of the application of this Article the expression "representatives" 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 of the preceding paragraphs of this Article shall not confer any immunity or privilege on any person as the representative of Her Majesty's Government in the United Kingdom or as a member of the staff of such representative or on any person who is a citizen of the United Kingdom and Colonies.

C.—High Officials of the Council

9. Except in so far as in any particular case any privilege or immunity is waived by the Council, the Secretary General of the Council shall be accorded, in respect of himself, his spouse 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, other than income tax, as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, his spouse and children, and exemption from income tax in respect of emoluments received by him as an officer of the Council.

10. Except in so far as in any particular case any privilege or immunity is waived by the Secretary General of the Council, the Deputy Secretary General shall be accorded the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than income tax, as is accorded to a diplomatic representative of comparable rank on the staff of an envoy of a foreign sovereign Power accredited to Her Majesty, and exemption from income tax in respect of emoluments received

by him as an officer of the Council, and Part IV of the Schedule shall not operate to confer any privilege or immunity on his spouse or children.

D.—PERSONS EMPLOYED ON MISSIONS ON BEHALF OF THE COUNCIL

11. Except in so far as in any particular case any privilege or immunity is waived by the Secretary General of the Council, persons employed on missions on behalf of the Council 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 of all papers and documents relating to the work of the Council.

(*b*) Immunity from suit and legal process in respect of words written or spoken and things done or omitted to be done by them in the exercise of their functions and within the limits of their authority.

E.—OTHER OFFICIALS OF THE COUNCIL

12. Except in so far as in any particular case any privilege or immunity is waived by the Secretary General of the Council, all officials of the Council of any category specified by the Council shall enjoy :—

(*a*) Immunity from suit and legal process in respect of words spoken or written and things done or omitted to be done by them in the course of the performance of their official duties.

(*b*) With effect from the fourth day of November, 1952, exemption from income tax in respect of emoluments received by them as officers or servants of the Council.

F.—GENERAL

13. The names of the persons to whom the provisions of Articles 8 to 11 of this Order apply shall be set forth in the list compiled from time to time by the Secretary of State under Section 2 (1) of the Act and such list 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.

14. This Order may be cited as the International Organisations (Immunities and Privileges of the Customs Co-operation Council) Order, 1954. It shall come into force on the date on which it is made. And the Right Honourable Sir Anthony Eden, Her Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order provides immunities and privileges required by the Annex to the Convention establishing a Customs Co-operation Council, which was signed at Brussels on the 15th December, 1950 (Cmd. 8246). The making of this Order will enable Her Majesty's Government in the United Kingdom to fulfil their obligations resulting from their ratification of the Convention.

COMPARISON BETWEEN THE ARTICLES OF THE ORDER AND OF THE ANNEX TO THE CONVENTION

Order in Council	*Convention*
Article 2	Sections 2 and 3.
Article 3	Sections 4 and 5.
Article 4	Section 8 (*a*).
Article 5	Section 8 (*b*) and (*c*).
Article 6	Section 8 (*b*) and (*c*).
Article 7	Section 10.
Article 8 (i) (*a*)	Section 12 (*a*), (*b*) and (*f*).
Article 8 (i) (*b*)	Section 12 (*a*) and 13.
Article 8 (ii)	Section 1 (ii).
Article 8 (iii)	Section 15.
Article 9	Sections 17 and 18.
Article 10	Sections 17 and 18.
Article 11	Section 20.
Article 12 (*a*)	Section 17 (*a*).
Article 12 (*b*)	Section 17 (*b*).

1954 No. 1472

The International Organisations (Immunities and Privileges of the European Payments Union) Order, 1954

Made - - - - *4th November,* 1954
Coming into Operation *4th November,* 1954

At the Court at Buckingham Palace, the 4th day of November, 1954

Present,

The Queen'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 Her Majesty's Government therein) and one or more foreign sovereign Powers (or the Government or Governments thereof) are members;

That Her 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;

(a) 14 Geo. 6. c. 14.