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 International Convention on the Privileges and Immunities of the Specialised Agencies (Cmd. 7673) to be accorded in connexion with the International Telecommunication Union, and will enable Her Majesty's Government in the United Kingdom to undertake to apply the provisions of that Convention to the Union.

A TABLE OF COMPARISON BETWEEN THE ARTICLES OF THE ORDER AND THE SECTIONS OF THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALISED AGENCIES.

Order in Council	*Convention*
Article 2	Sections 3 and 4.
Article 3	Sections 5 and 6.
Article 4	Section 9 (*a*).
Article 5	Section 9 (*b*).
Article 6	Section 9 (*b*) and (*c*).
Article 7 (i) (*a*)	Section 13 (*a*) and (*b*).
Article 7 (i) (*b*)	Sections 13 (*a*) and 14.
Article 7 (ii)	Section 15.
Article 7 (iii)	Section 1 (v)
Article 7 (iv)	Section 17.
Article 8	Sections 19 (*b*) and 21.
Article 9	Sections 18 and 19.

1954 No. 1471

The International Organisations (Immunities and Privileges of the North Atlantic Treaty Organisation) Order, 1954

Made - - - - 4th November, 1954
*Coming into Operation (On a date to be notified in the London Gazette)**

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;

(a) 14 Geo. 6. c. 14.
* 10th December, 1954.

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 forth 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 an Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff (hereinafter referred to as the Agreement) was signed at Ottawa on the twentieth day of September, 1951, and provides for the granting of certain immunities and privileges respecting the Organisation;

And Whereas Her Majesty's Government in the United Kingdom desire to ratify the Agreement;

And Whereas it is expedient, in exercise of the powers aforesaid, to make provision for the privileges and immunities of the North Atlantic Treaty Organisation in accordance with the 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 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 North Atlantic Treaty Organisation (hereinafter referred to as the Organisation) is an organisation of which the United Kingdom and 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 the Secretary-General of the Organisation or in his absence his Deputy or such other person as the Council of the Organisation may decide, acting on behalf of the Organisation, has expressly authorised the waiver of its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution or detention of property.

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 Her 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 quantitative 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.

B.—REPRESENTATIVES, OTHER THAN REPRESENTATIVES OF HER MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM, ON ORGANS OR COMMITTEES OF THE ORGANISATION.

7. Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which they represent, every person designated by a member of the Organisation to be its principal permanent representative to the Organisation in the United Kingdom and such members of his official staff resident in the United Kingdom as may be agreed between Her Majesty's Government in the United Kingdom and the Organisation shall enjoy the like immunity from suit and legal process, the like inviolability of residence and, as from the twentieth day of September, 1951, the like exemption or relief from taxes as is accorded to a diplomatic representative accredited to Her Majesty, and to his official staff, of comparable rank.

8.—(i) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which he represents, every representative of a member of the Organisation to the Council of the Organisation or to any of its subsidiary bodies shall, while present in the United Kingdom for the discharge of his duties, enjoy:—

(*a*) Immunity from personal arrest or detention and from seizure of his personal baggage and inviolability for all papers and documents.

(*b*) Immunity from legal process in respect of words spoken or written and of things done or omitted to be done by him in his capacity as representative.

(ii) Where the incidence of any form of taxation depends upon residence, any representative to whom this Article applies shall not be deemed to be resident in the United Kingdom during any period when he is present in the United Kingdom for the discharge of his duties.

(iii) For the purposes of the application of this Article, the expression "representative" shall be deemed to include, in addition to the representative, the following members of his official staff accompanying him as such representative:—

Alternate representatives,

Advisers,

Technical experts.

9.—(i) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which they represent, the official clerical staff, other than persons referred to in Articles 7 or 8 of this Order, of a representative of a member of the Organisation to the Council

of the Organisation or to any of its subsidiary bodies shall, while accompanying the representative and present in the United Kingdom for the discharge of their duties, enjoy:—

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

(*b*) Inviolability for all papers and documents.

(ii) Where the incidence of any form of taxation depends upon residence, official clerical staff to which this Article applies, if accompanying such a representative as aforesaid, shall not be deemed to be resident in the United Kingdom during any period when they are present in the United Kingdom for the discharge of their duties.

10.—(i) Nothing in Articles 7, 8 or 9 of this Order shall confer any privilege or immunity on any person as the representative of 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.

(ii) 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 referred to in Articles 7, 8 and 9 of this Order.

11. The expression "subsidiary bodies" in Articles 8 and 9 means any organ, committee or service established by the Council of the Organisation or under its authority, except any military headquarters established pursuant to the North Atlantic Treaty(**a**) and other military bodies to which the Agreement does not apply.

C.—High Officials of the Organisation

12. Except in so far as in any particular case any privilege or immunity is waived on behalf of the Organisation, the Secretary-General of the Organisation, the Co-ordinator of North Atlantic Defence Production and such other permanent officials of similar rank as may be agreed between the Secretary-General of the Organisation and Her Majesty's Government in the United Kingdom shall be accorded the like immunity from suit and legal process, the like inviolability of residence and, as from the twentieth day of September, 1951, the like exemption or relief from taxes, other than income tax, as is accorded to a diplomatic representative of comparable rank accredited to Her Majesty, and, as from the twentieth day of September, 1951, exemption from income tax in respect of emoluments received by them as officers of the Organisation; provided that if any such officer is a citizen of the United Kingdom and Colonies he shall enjoy only:—

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

(*b*) Inviolability for all papers and documents relating to the work on which he is engaged for the Organisation.

(*c*) As from the twentieth day of September, 1951, and so long as paragraph (*b*) of Article 14 of this Order applies to officials who are citizens of the United Kingdom and Colonies, exemption from income tax in respect of emoluments received by him as an officer of the Organisation.

(a) Cmd. 7789.

D.—Persons employed on Missions on behalf of the Organisation

13. Except in so far as in any particular case any privilege or immunity is waived on behalf of the Organisation, experts, other than any person referred to in Article 12 or 14 of this Order, employed on missions on behalf of the Organisation shall so far as is necessary for the effective exercise of their functions while present in the United Kingdom for the discharge of their duties, enjoy:—

(*a*) Immunity from personal arrest or detention and from seizure of their personal baggage.

(*b*) 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.

(*c*) Inviolability for all papers and documents relating to the work on which they are engaged for the Organisation.

Provided that, if any such expert is a citizen of the United Kingdom and Colonies, he shall not enjoy any immunity under paragraph (*a*) of this Article.

E.—Other Officials of the Organisation

14. Except in so far as in any particular case any privilege or immunity is waived on behalf of the Organisation, all officials of the Organisation of categories agreed between Her Majesty's Government in the United Kingdom and the Secretary-General of the Organisation, 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 their official capacity and within the limits of their authority.

(*b*) As from the twentieth day of September, 1951, exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation.

Provided that paragraph (*b*) of this Article shall cease to apply to officials who are citizens of the United Kingdom and Colonies upon the modification or termination of any arrangement entered into by a Member State under Article 19 of the Agreement for the employment by that State of its nationals serving on the international staff of the Organisation and the payment of their salaries from its own funds.

F.—General

15. The names of the persons to whom the provisions of Articles 7, 8, 9, 12 and 13 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 2 (1) 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.

16. This Order may be cited as the International Organisations (Immunities and Privileges of the North Atlantic Treaty Organisation) Order, 1954. It shall come into force on the date on which the Agreement enters into force with respect to the United Kingdom. This date shall be notified in the London Gazette*. 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.

* 10th December, 1954.

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 Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff (Cmd. 8400), and will enable Her Majesty's Government in the United Kingdom to ratify that Agreement.

TABLE OF COMPARISON BETWEEN THE ARTICLES OF THE ORDER AND THE AGREEMENT

Order in Council	*Agreement*
Article 2	Articles 4 and 5.
Article 3	Articles 6 and 7.
Article 4	Article 9 (*a*).
Article 5	Article 9 (*b*) and (*c*).
Article 6	Article 9 (*b*) and (*c*).
Article 7	Article 12.
Article 8 (i) (*a*)	Article 13 (1) (*a*), (*c*) and (*g*).
Article 8 (i) (*b*)	Article 13 (1) (*b*).
Article 8 (ii)	Article 13 (2).
Article 8 (iii)	Article 13 (3).
Article 9 (i)	Article 14.
Article 9 (ii)	Article 14.
Article 10 (i)	Article 16.
Article 11	Articles 1 and 2.
Article 12	Articles 17, 18, 19, 20 and 23.
Article 13	Articles 21 and 23.
Article 14	Articles 17, 18, 19 and 23.

1954 No. 1466

The International Organisations (Immunities and Privileges of the Universal Postal Union) Order, 1954

Made - - - - 4th November, 1954
*Coming into Operation (On a date to be notified in the London Gazette)**

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 :

(a) 14 Geo. 6. c. 14.
* 17th December, 1954.