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	Section 11.
Article 8 (i) (*a*)	Section 13 (*a*) and (*b*).
Article 8 (i) (*b*)	Sections 13 (*a*) and 14.
Article 8 (ii)	Section 15.
Article 8 (iii)	Section 1 (v)(a)
Article 8 (iv)	Section 17.
Article 9	Sections 19 (*b*) and 21.
Article 10	Sections 18, 19 (*a*) and 19 (*b*).

1955 No. 1209

The International Organisations (Immunities and Privileges of Western European Union) Order, 1955

Made - - - - *29th July,* 1955
Coming into Operation *On a date to be notified in the London Gazette*

At the Court at Goodwood House, the 29th day of July, 1955

Present,

The Queen's Most Excellent Majesty in Council

Whereas by Section 1 of the International Organisations (Immunities and Privileges) Act, 1950(b), (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 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

(a) Section 1 (v) must be interpreted as qualified by the provisions of Section 2 (*b*) of Appendix II to the Convention for the Establishment of the Inter-governmental Maritime Consultative Organisation (Cmd. 7412) restricting the definition of "representatives or members" to representatives, alternates and advisers.
(b) 14 Geo. 6. c. 14.

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 Western European Union, National Representatives and International Staff (hereinafter referred to as the Agreement) was signed at Paris on the eleventh day of May, 1955, and provides for the granting of certain immunities and privileges respecting Western European Union;

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 Western European Union 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. Western European Union (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 immunity is waived on behalf of the Organisation, 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, OTHER THAN THE ASSEMBLY

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 the State which has designated them and the Secretary-General of the Organisation, and between the Secretary-General of the Organisation and Her Majesty's Government in the United Kingdom, shall enjoy the like immunity from suit and legal process, the like inviolability of residence and, as from the sixth day of May, 1955, 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 Article 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 Article 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 placed under its authority.

C.—Representatives to the Assembly of the Organisation

12. Representatives to the Assembly of the Organisation 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 all legal proceedings.

13. During the period of the sessions of the Assembly, while attending meetings of Committees or Sub-Committees of the Assembly whether or not that Assembly is itself in session and during their journeys to and from the place of meeting, representatives to the 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 of members of the Organisation other than the United Kingdom, or substitutes of such representatives, immunity from arrest and prosecution;

except in cases where

(i) the 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 Organisation

14. 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 Deputy Secretaries-General, the Director of the Armaments Control Agency and such other permanent officials of similar rank as may be specified by the Council of the Organisation shall be accorded the like immunity from suit and legal process, the like inviolability of residence and, as from the sixth day of May, 1955, 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 sixth day of May, 1955, 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 sixth day of May 1955, exemption from income tax in respect of emoluments received by him as an officer of the Organisation.

E.—Persons Employed on Missions on behalf of the Organisation

15. Except in so far as in any particular case any privilege or immunity is waived on behalf of the Organisation, experts, other than any persons referred to in Article 14 or 16 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.

F.—Other Officials of the Organisation

16. 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 specified by the Council 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 sixth day of May 1955, exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation.

G.—General

17. The names of the persons to whom the provisions of Articles 7, 8, 9, 12, 13, 14 and 15 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.

18. The Diplomatic Privileges (Brussels Treaty Permanent Commission) Order in Council, 1948(**a**) and the Diplomatic Privileges (Brussels Treaty Permanent Commission) (Amendment No. 2) Order in Council, 1949(**b**), are hereby revoked.

19. This Order may be cited as the International Organisations (Immunities and Privileges of Western European Union) Order, 1955. It shall come into operation 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 Harold Macmillan, 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 Agreement on the Status of Western European Union, National Representatives and International Staff (Cmd. 9479). The Order also revokes the previous Orders conferring immunities and privileges on the Brussels Treaty Permanent Commission, which, on May 6, 1955, was replaced by Western European Union as the Organisation established for the purposes of the Brussels Treaty (Cmd. 7599), as modified and completed by the Protocols signed at Paris on October 23, 1954 (Cmd 9304).

The Order will not come into operation until the Agreement enters into force with respect to the United Kingdom. This date will, under the provisions of the Order, be notified in the London Gazette.

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

Order in Council	*Agreement*
Article 2	Articles 3 and 4.
Article 3	Articles 5 and 6.
Article 4	Article 8 (*a*).
Article 5	Article 8 (*b*) and (*c*).
Article 6	Article 8 (*b*) and (*c*).
Article 7	Article 11.
Article 8 (i) (*a*)	Article 12 (1) (*a*), (*c*) and (*g*).
Article 8 (i) (*b*)	Article 12 (1) (*b*).
Article 8 (ii)	Article 12 (2).
Article 8 (iii)	Article 12 (3).
Article 9 (i)	Article 13.
Article 9 (ii)	Article 13.
Article 10 (i)	Article 15.
Article 11	Article 1.
Article 12	Article 17.
Article 13	Article 18.
Article 14	Articles 20, 21, 22 and 25.
Article 15	Articles 23 and 25.
Article 16	Articles 19, 20, 21 and 25

(a) S.I. 1948/2253 (Rev. V, p. 838: 1948 I, p. 688). (b) S.I. 1949/2190 (1949 I, p. 1462).