STATUTORY INSTRUMENTS

1965 No. 981

DIPLOMATIC AND INTERNATIONAL IMMUNITIES AND PRIVILEGES

The South-East Asia Treaty Organisation (Immunities and Privileges) Order 1965

Laid before Parliament in Draft
Made - - - - 14*th April* 1965
Coming into Operation *On a date to be notified in the London Gazette.*

At the Court at Windsor Castle, the 14th day of April 1965

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 6 of the International Organisations (Immunities and Privileges) Act 1950(a) (hereinafter referred to as 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 conferred on Her by section 1 of 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:—

PART I

THE ORGANISATION

1. The South-East Asia 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.

3. The Organisation shall have immunity from suit and legal process, except in so far as in any particular case the Secretary-General, acting on behalf of the Organisation, has expressly waived its immunity. No waiver of immunity shall be deemed to extend to any measure of execution.

4. The Organisation 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.

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

PART II

REPRESENTATIVES

5.—(1) Except in so far as in any particular case any immunity or privilege is waived by the Member State which he represents, the Principal Representative, the Military Adviser and the Council Representative of a Member State of the Organisation shall enjoy 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 Her Majesty.

(2) Other representatives of Member States on any organ or committee of the Organisation shall enjoy:—

(*a*) in respect of acts, including words written or spoken, done by them in exercise of their functions, immunity from suit and legal process;

(*b*) whilst exercising their functions and during their journeys to and from the place of meeting, the like immunity from personal arrest and detention and from seizure of their personal baggage and the like inviolability for all their papers and documents as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(3) Where the incidence of any form of taxation depends upon residence, any period during which a representative to whom this Article applies is present in the United Kingdom for the exercise of his functions shall, for the purpose of determining his liability to taxation, be treated as not being a period of residence in the United Kingdom.

(4) Neither the provisions of the preceding paragraphs of this Article nor those of Part IV of the Schedule to the Act shall operate so as to confer any immunity or privilege on any person as the representative of Her Majesty's Government in the United Kingdom or on any person who is a citizen of the United Kingdom and Colonies. The provisions of Part IV of the Schedule to the Act shall not operate so as to confer on any person immunity from suit and legal process in respect of acts done by him otherwise than in the exercise of his functions.

PART III

OFFICERS

6.—(1) Except in so far as in any particular case any immunity or privilege is waived by the Council of the Organisation, the Secretary-General and the Deputy Secretary-General shall enjoy the like immunity from suit and legal process, the like exemption from income tax and the like inviolability of residence as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, provided that if in either case he is a citizen of the United Kingdom and Colonies, he shall only enjoy the immunities and privileges conferred by Article 7 on members of the staff of the Organisation together with inviolability of his official papers and documents.

(2) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on the families of persons to whom this Article applies.

7. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General of the Organisation, a member of the staff of the Organisation who is not locally recruited and assigned to hourly rates shall enjoy:—

(*a*) immunity from suit and legal process in respect of words spoken or written and all acts done by him in the course of the performance of his official duties;

(*b*) exemption from income tax in respect of emoluments received by him as an officer or servant of the Organisation.

PART IV

GENERAL

8. The Interpretation Act 1889(**a**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

9. This Order may be cited as the South-East Asia Treaty Organisation (Immunities and Privileges) Order 1965. It shall come into operation on the date on which the Agreement on the Privileges and Immunities in the United Kingdom of the South-East Asia Treaty Organisation, concluded on 12th March 1965 between the Government of the United Kingdom and the Governments of other Member States of the Organisation, enters into force with respect to the United Kingdom. This date shall be notified in the London Gazette.

W. G. Agnew.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order confers immunities and privileges upon the South-East Asia Treaty Organisation, representatives on any of its organs or committees, and members of the staff of the Organisation. It will enable the United Kingdom to give effect to the Agreement on the Privileges and Immunities in the United Kingdom of the South-East Asia Treaty Organisation, concluded on 12th March 1965 between the Government of the United Kingdom and the Governments of other Member States of the Organisation (Cmnd. 2580). The Order will come into operation on the date on which the Agreement enters into force with respect to the United Kingdom.

(**a**) 52 & 53 Vict. c. 63.