



MONTSERRAT

CHAPTER 13.02

DIPLOMATIC PRIVILEGES ACT and Subsidiary and Related Legislation

Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

	Page
DIPLOMATIC PRIVILEGES ACT	3
Act 9 of 1948 .. in force 20 December 1948	
Amended by Act 4 of 1951 and S.R.O. 15/1956	
Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)	
FOOD AND AGRICULTURE ORGANISATION ORDER – Section 2	9
S.R.O. (L.I.) 34/1949 .. in force 14 September 1949	
INTERNATIONAL CIVIL AVIATION ORGANISATION ORDER – Section 2	13
S.R.O. (L.I.) 32/1949 .. in force 14 September 1949	
Amended by S.R.O. (L.I.) 38/1955	
INTERNATIONAL LABOUR ORGANISATION ORDER – Section 2	17
S.R.O. (L.I.) 33/1949 .. in force 14 September 1949	
INTERNATIONAL REFUGEE ORGANISATION ORDER – Section 2	21
S.R.O. (L.I.) 46/1949 .. in force 16 November 1949	

Continued on the Inside Cover ...

INTERNATIONAL TELECOMMUNICATION UNION ORDER – Section 2	25
S.R.O. (L.I.) 41/1955 .. in force 10 December 1955	
UNITED NATIONS AND INTERNATIONAL COURT OF JUSTICE (IMMUNITIES AND PRIVILEGES) ORDER – Section 2	29
S.R.O. (L.I.) 15/1949 .. in force 26 April 1949	
UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION ORDER – Section 2	45
S.R.O. (L.I.) 45/1949 .. in force 16 November 1949	
UNIVERSAL POSTAL UNION ORDER – Section 2	49
S.R.O. (L.I.) 40/1955 .. in force 10 December 1955	
WORLD HEALTH ORGANISATION ORDER – Section 2	53
S.R.O. (L.I.) 35/1949 .. in force 14 September 1949	
Amended by S.R.O. 29/1956	
WORLD METEOROLOGICAL ORGANISATION ORDER – Section 2	57
S.R.O. (L.I.) 39/1955 .. in force 17 December 1954	
INTERNATIONAL SEA-BED AUTHORITY (IMMUNITIES AND PRIVILEGES) ORDER – Section 2	61
S.R.O. 59/1997 .. in force 5 December 1997	
INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA (IMMUNITIES AND PRIVILEGES) ORDER – Section 2	65
S.R.O. 58/1997 .. in force 5 December 1997	
DIPLOMATIC PRIVILEGES (VIENNA CONVENTION) ACT	67
Act 28 of 1979 .. in force 1 July 1984 (S.R.O. 23/1984)	



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Act 9 of 1948 .. in force 20 December 1948	
Amended by Act 4 of 1951 and S.R.O. 15/1956	
Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)	
FOOD AND AGRICULTURE ORGANISATION ORDER – Section 2	9
S.R.O. (L.I.) 34/1949 .. in force 14 September 1949	
INTERNATIONAL CIVIL AVIATION ORGANISATION ORDER – Section 2	13
S.R.O. (L.I.) 32/1949 .. in force 14 September 1949	
Amended by S.R.O. (L.I.) 38/1955	
INTERNATIONAL LABOUR ORGANISATION ORDER – Section 2	17
S.R.O. (L.I.) 33/1949 .. in force 14 September 1949	
INTERNATIONAL REFUGEE ORGANISATION ORDER – Section 2	21
S.R.O. (L.I.) 46/1949 .. in force 16 November 1949	

Continued on the Inside ...

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INTERNATIONAL TELECOMMUNICATION UNION ORDER – Section 2	25
S.R.O. (L.I.) 41/1955 .. in force 10 December 1955	
UNITED NATIONS AND INTERNATIONAL COURT OF JUSTICE (IMMUNITIES AND PRIVILEGES) ORDER – Section 2	29
S.R.O. (L.I.) 15/1949 .. in force 26 April 1949	
UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION ORDER – Section 2	45
S.R.O. (L.I.) 45/1949 .. in force 16 November 1949	
UNIVERSAL POSTAL UNION ORDER – Section 2	49
S.R.O. (L.I.) 40/1955 .. in force 10 December 1955	
WORLD HEALTH ORGANISATION ORDER – Section 2	53
S.R.O. (L.I.) 35/1949 .. in force 14 September 1949	
Amended by S.R.O. 29/1956	
WORLD METEOROLOGICAL ORGANISATION ORDER – Section 2	57
S.R.O. (L.I.) 39/1955 .. in force 17 December 1954	
INTERNATIONAL SEA-BED AUTHORITY (IMMUNITIES AND PRIVILEGES) ORDER – Section 2	61
S.R.O. 59/1997 .. in force 5 December 1997	
INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA (IMMUNITIES AND PRIVILEGES) ORDER – Section 2	65
S.R.O. 58/1997 .. in force 5 December 1997	
DIPLOMATIC PRIVILEGES (VIENNA CONVENTION) ACT	67
Act 28 of 1979 .. in force 1 July 1984 (S.R.O. 23/1984)	

CHAPTER 13.02

DIPLOMATIC PRIVILEGES ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Privileges, immunities and capacities of certain international organisations and their staffs
3. Provisions as to Orders in Cabinet
4. Diplomatic immunities of representatives attending international conferences
5. Reciprocal treatment
6. Application to United Nations

SCHEDULE

CHAPTER 13.02

DIPLOMATIC PRIVILEGES ACT

(Acts 9 of 1948, 4 of 1951, 9 of 2011 and S.R.O. 15/1956)

Commencement

[20 December 1948]

Short title

1. This Act may be cited as the Diplomatic Privileges Act.

Privileges, immunities and capacities of certain international organisations and their staffs

2. (1) This section shall apply to any organisation declared by Order of the Governor acting on the advice of Cabinet to be an organisation of which Her Majesty's Government in the United Kingdom and the Government or Governments of one or more foreign sovereign Powers are members.
(Amended by Act 9 of 2011)

(2) The Governor acting on the advice of Cabinet may by Order—

- (a) provide that any organisation to which this section applies (hereinafter referred to as "**the organisation**") shall, to such extent as may be specified in the Order, have the immunities and privileges set out in Part I of the Schedule, and shall also have the legal capacities of a body corporate;

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(b) confer upon—

- (i) any persons who are representatives (whether of governments or not) on any organ of the organisation or are members of any committee of the organisation or of an organ thereof;
- (ii) such number of officers of the organisation as may be specified in the Order, being the holders of such high offices in the organisation as may be so specified; and
- (iii) such persons employed on missions on behalf of the organisation as may be so specified,

to such extent as may be specified in the Order, the immunities and privileges set out in Part 2 of the Schedule;

- (c) confer upon such other classes of officers and servants of the organisation as may be specified in the Order, to such extent as may be so specified, the immunities and privileges set out in Part 3 of the Schedule,

and Part 4 of the Schedule shall have effect for the purpose of extending to the staffs of such representatives and members as are mentioned in paragraph (b)(i) and to the families of officers of the organisation any immunities and privileges conferred on the representatives, members or officers under that paragraph, except in so far as the operation of the said Part 4 is excluded by the Order conferring the immunities and privileges:

Provided that, the Order in Cabinet shall be so framed as to secure that there are not conferred on any person any immunities or privileges greater in extent than those which, at the time of the making of the Order, are required to be conferred on that person in order to give effect to any international agreement in that behalf.

(Amended by Act 9 of 2011)

(3) Where immunities and privileges are conferred on any persons by an Order in Cabinet made under section 2(2), the Governor—

- (a) shall compile a list of the persons entitled to immunities and privileges conferred under paragraph (b) of that subsection, and may compile a list of the persons entitled to immunities and privileges conferred under paragraph (c) of that subsection;
- (b) shall cause any list compiled under this subsection to be published in the *Gazette*; and
- (c) whenever any person ceases or begins to be entitled to the immunities and privileges to which any such list relates, shall amend the list and cause a notice of the amendment, or, if he thinks fit, an amended list, to be published as aforesaid.

(Amended by Act 9 of 2011)

(4) Every list or notice published under section 2(3) shall state the date from which the list or amendment takes or took effect; and the fact that any

person is or was included or not included at any time among the persons entitled to the immunities and privileges in question may, if a list of those persons has been so published, be conclusively proved by producing the *Gazette* containing the list, or, as the case may be, the last list taking effect before that time, together with the *Gazette* (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

Provisions as to Orders in Cabinet

3. (1) Every Order in Cabinet made under section 2(1) or (2) shall be laid as soon as may be before the Legislative Assembly and if, within the period of forty days beginning with the day on which any such Order is laid before it, the Legislative Assembly by resolution request that the Order be annulled, the Governor acting on the advice of Cabinet may annul the Order and it shall thereupon cease to have effect, but without prejudice to the validity of anything done thereunder in the meantime or to the making of a new Order.

(2) In reckoning the said period of forty days, no account shall be taken of any time during which the Legislative Assembly is dissolved or prorogued.

(3) Any such Order in Cabinet may be varied or revoked by a subsequent Order in Cabinet made in like manner. (*Amended by Act 9 of 2011*)

Diplomatic immunities of representatives attending international conferences

4. (1) Where a conference is held in Montserrat and is attended by the representatives of Her Majesty's Government in the United Kingdom and the Government or Governments of one or more foreign sovereign Powers, and it appears to the Governor that doubts may arise as to the extent to which the representatives of such foreign Powers and members of their official staffs are entitled to diplomatic immunities, he may—

- (a) compile a list of the persons aforesaid who are entitled to such immunities, and cause that list to be published in the *Gazette*; and
- (b) whenever it appears to the Governor that any person ceases or begins to be entitled to such immunities, amend the list and cause a notice of amendment or, if he thinks fit, an amended list, to be published as aforesaid,

and every representative of a foreign Power who is for the time being included in the list shall be accorded the same diplomatic immunities as an envoy of a foreign Power accredited to Her Majesty in England is accorded under the law of England and such of the members of his official staff as are for the time being included in the list shall be accorded the same diplomatic immunities as the retinue of such an envoy is accorded under the law of England.

(2) Every list or notice published under the last foregoing subsection in relation to any conference shall include a statement of the date from which the list or amendment takes or took effect; and the fact that any person is or was

included or not included at any time among the persons entitled to diplomatic immunities as representatives attending the conference or as members of the official staff of any such representative may, if a list of those persons has been so published, be conclusively proved by producing the *Gazette* containing the list or, as the case may be, the last list taking effect before that time, together with the *Gazette* (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

Reciprocal treatment

5. Nothing in the foregoing provisions of this Act shall be construed as precluding the Governor from declining to accord immunities or privileges to, or from withdrawing immunities or privileges from, nationals or representatives of any Power on the ground that that Power is failing to accord corresponding immunities or privileges to British nationals or representatives.

Application to United Nations

6. This Act shall in its application to the United Nations have effect subject to the following modifications—

- (a) any reference to the governing body or any committee of the organisation shall be construed as referring to the General Assembly or any council or other organ of the United Nations; and
- (b) the powers conferred upon the Governor acting on the advice of Cabinet by section 2(2) shall include power to confer on the judges and registrars of the International Court, and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of or convention approved by the General Assembly of the United Nations.

(Amended by Act 9 of 2011)

SCHEDULE

(Section 2(2)(a))

PART 1

IMMUNITIES AND PRIVILEGES OF THE ORGANISATION

1. Immunity from suit and legal process.
2. The like inviolability of official archives and premises occupied as offices as is accorded under the law of England in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty.
3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded under the law of England to a foreign sovereign Power.
4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in Montserrat 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 Governor acting on the advice of Cabinet may prescribe, for the protection of the Revenue. *(Amended by Act 9 of 2011)*
5. Exemption from prohibitions and 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 publications of the organisation directly imported or exported by it.
6. 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 Montserrat), of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART 2

**IMMUNITIES AND PRIVILEGES OF REPRESENTATIVES,
MEMBERS OF COMMITTEES, HIGH OFFICERS AND PERSONS ON MISSIONS**

1. The like immunity from suit and legal process as is accorded under the law of England to an envoy of a foreign Power accredited to Her Majesty.
2. The like inviolability of residence as is accorded to such an envoy.
3. The like exemption or relief from taxes as is accorded to such an envoy.

PART 3

IMMUNITIES AND PRIVILEGES OF OTHER OFFICERS AND SERVANTS

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.

2. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

PART 4

IMMUNITIES AND PRIVILEGES OF OFFICIAL STAFFS AND OF HIGH OFFICERS' FAMILIES

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as a representative on any organ of the organisation or a member of any committee of the organisation or of an organ thereof, his official staff accompanying him as such a representative or member shall also be entitled to those immunities and privileges to the same extent as the retinue of an envoy of a foreign sovereign Power accredited to Her Majesty is entitled to the immunities and privileges accorded to the envoy.

2. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as an officer of the organisation, that person's wife or husband and children under the age of 21 shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of an envoy of a foreign sovereign Power accredited to Her Majesty are entitled under the law of England to the immunities and privileges accorded to the envoy.

FOOD AND AGRICULTURE ORGANISATION ORDER – SECTION 2

(S.R.O. (L.I.) 34/1949)

Commencement

[14 September 1949]

Short title

1. This Order may be cited as the Food and Agriculture Organisation Order.

A. THE ORGANISATION

Declaration

2. The Food and Agriculture Organisation (hereinafter referred to as “the Organisation”) is an Organisation of which Her Majesty’s Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

Body Corporate

3. The Organisation 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.

Inviolability of Official Archives, etc.

4. 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.

Exemption from Taxes

5. 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.

Exemption from Customs Duty

6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Montserrat or for exportation, or on the importation of any of the publications of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs in Montserrat may prescribe for the protection of the revenue.

Exemption from Prohibitions and Restrictions on Importations, etc.

7. The Organisation shall have exemption from prohibitions and restrictions on the importation or exportation in the case of foods directly imported or exported by the Organisation for its official use and in the case of any publications of the Organisations directly imported or exported by it.

Reduced Rates for Telegraphic Communications

8. The Organisation shall have the right whenever there is in operation a Government telegraphic service, 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 Montserrat), of any reduced rates applicable for the corresponding service in the case of press telegrams.

B. REPRESENTATIVES OF MEMBERS: CHAIRMAN OF THE COUNCIL OF THE ORGANISATION

Immunity and Privileges

9. (1) Except in so far as any privilege or immunity is waived, in the case of representatives of member Governments, by the Governments whom they represent and, in the case of the Chairman of the Council of the Organisation, by the Council of the Food and Agriculture Organisation, representatives of member Governments, and the Chairman of the Council of the Organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey 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, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in Montserrat during any period when they are present in Montserrat while exercising their functions and during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to British subjects whose usual place of abode is in Montserrat.

(2) For the purpose of the application of this Order, the expression “**representatives of member governments**” shall be deemed to include their official

staffs accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding paragraphs of this section shall not confer any immunity or privilege upon any person as the representative of Her Majesty's Government in Montserrat or as a member of the staff of such a representative, or any person who is a British subject and who is not the representative of a Government of Her Majesty other than Her Majesty's Government in Montserrat or a member of the staff of and accompanying any such representative.

C. HIGH OFFICIALS

10. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officers of the Organisation holding the offices of Director-General and Deputy Director-General shall be accorded in respect of themselves, their spouses and children under the age of 21, 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, his spouse and children, including exemption from income tax in respect of emoluments received by them as officers of the Organisation.

D. PERSONS EMPLOYED ON MISSIONS ON BEHALF OF THE ORGANISATION

11. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons (other than officials of the Organisation) serving on Committees of, or on behalf of the Organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey 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 Organisation;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the Organisation.

E. OTHER OFFICIALS OF THE ORGANISATION

Immunities and Privileges

12. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, all officials of the Organisation (other than those referred to in section 10) shall enjoy—

- (a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties;
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation.

F. GENERAL

List of Persons Entitled to Immunities and Privileges

13. The names of the persons to whom the provisions of sections 9 and 10 of this Order apply shall be set forth in a list compiled and published from time to time by the Governor under section 2(3) 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.

INTERNATIONAL CIVIL AVIATION ORGANISATION ORDER – SECTION 2

(S.R.O. 32/1949 and 38/1955)

Commencement

[14 September 1949]

Short title

1. This Order may be cited as the International Civil Aviation Organisation Order.

A. THE ORGANISATION

Declaration

2. The International Civil Aviation Organisation set up under Article 43 of the Convention on International Civil Aviation signed at Chicago on 7 December, 1944, (hereinafter referred to as the Organisation) is an organisation of which Her Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

Body Corporate

3. The Organisation 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 process. No waiver of immunity shall be deemed to extend to any measure of execution.

Inviolability of Official Archives, etc.

4. 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.

Exemption from Taxes

5. 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.

Exemption from Customs Duty

6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Montserrat 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 Comptroller of Customs in Montserrat may prescribe for the protection of the revenue.

Exemption from Prohibitions and Restrictions on Importations, etc.

7. The Organisation shall have exemption from prohibitions and 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.

Reduced Rates for Telegraphic Communications

8. The Organisation shall have the right whenever there is in operation a Government telegraphic service, 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 dispatched from places outside Montserrat) of any reduced rates applicable for the corresponding service in the case of press telegrams.

B. REPRESENTATIVES OF MEMBERS

Immunity and Privileges

9. (1) Except in so far as in any particular case any privilege or immunity is waived by the member Governments whom they represent, Representatives of member Governments to the Assembly or to the Council of the Organisation, to any Commission (however named) provided for in the constitution of the Organisation, or to any Committee of such Assembly, Council or Commission shall enjoy—

- (a) while exercising their functions as such, and during their journey 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, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in Montserrat during any period when they are present in Montserrat whilst exercising their functions or during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to British subjects whose usual place of abode is in Montserrat.

(2) For the purpose of the application of this Order, the expression “**representatives of member governments**” shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding paragraphs of this section shall not confer any immunity or privilege upon any person as the representative of Her Majesty's Government in Montserrat or as a member of the staff of such a representative, or any person who is a British subject and who is not the representative of a Government of Her Majesty other than Her Majesty's Government in Montserrat or the member of the staff of and accompanying any such representative.

C. HIGH OFFICIALS

Persons entitled to Immunities and Privileges

10. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, the Secretary-General or the Deputy Secretary-General of the Organisation and the President of the Council of the Organisation shall be accorded in respect of themselves, their spouses and children under the age of 21, 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, his spouse and children, including exemption from income tax in respect of emoluments received by them as officers of the Organisation.

D. PERSONS SERVING ON COMMITTEES OF OR EMPLOYED ON MISSIONS ON BEHALF OF THE ORGANISATION

Immunities

11. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons (other than officials of the Organisation) serving on Committees of, or employed on missions on behalf of the Organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey 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 Organisation;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of these functions. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the Organisation.

E. OTHER OFFICIALS OF THE ORGANISATION

Immunities and Privileges

12. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officials of the Organisation (other than those referred to in section 10 above) shall enjoy—

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- (a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties; and
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation.

F. GENERAL

List of Persons Entitled to Immunities and Privileges

13. The names of the persons to whom the provisions of sections 9, 10, 11, and 12 of this Order apply shall be set forth in a list compiled and published from time to time by the Governor under section 2(3) of the Act, and such list shall show in regard to each person the date as from which, for the purpose of this Order, he first held office or employment in question, and the date when he ceased to hold that office or employment.

INTERNATIONAL LABOUR ORGANISATION ORDER – SECTION 2

(S.R.O. (L.I.) 33/1949)

Commencement

[14 September 1949]

Short title

1. This Order may be cited as the International Labour Organisation Order.

A. THE ORGANISATION

Declaration

2. The International Labour Organisation is an organisation of which Her Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

Body Corporate

3. The International Labour Organisation 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 process. No waiver of immunity shall be deemed to extend to any measure of execution.

Inviolability of Official Archives, etc.

4. The International Labour 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.

Exemption from Taxes

5. The International Labour 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.

Exemption from Customs Duty

6. The International Labour Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Montserrat or for exportation, or on the importation of any of the publications of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs in Montserrat may prescribe for the protection of the revenue.

Exemption from Prohibitions and Restrictions on Importations, etc.

7. The International Labour Organisation shall have exemption from prohibitions and 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 publications of the Organisation directly imported or exported by it.

Reduced Rates for Telegraphic Communications

8. The International Labour Organisation shall have the right whenever there is in operation a Government telegraphic service, to avail itself, for telegraphic communications sent by it and containing only matters for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Montserrat), of any reduced rates applicable for the corresponding service in the case of press telegrams.

B. REPRESENTATIVES OF MEMBERS: MEMBERS OF THE GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE**Immunity and Privileges**

9. (1) Except in so far as any privilege or immunity is waived, in the case of representatives of member Governments, by the Governments whom they represent; and in the case of members and deputy members of the Governing Body of the International Labour Office and their substitutes, by the Governing Body, representatives of member Governments and the employers' and workers' members and deputy members of the Governing Body of the International Labour Office and their substitutes shall enjoy—

- (a) while exercising their functions as such, and during their journey 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 or as members of the Governing Body of the International Labour Office as the case may be;
- (c) while exercising their functions and during their journey to and from the place of meeting, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in Montserrat during any period when they are present in Montserrat while exercising their functions or during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to British subjects whose usual place of abode is in Montserrat.

(2) For the purpose of the application of this Order the expression “**representatives of member governments**” shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding paragraphs of this section shall not confer any immunity or privilege upon any person as the representative of Her Majesty’s Government in Montserrat or a member of the staff of such a representative or any person who is a British subject and who is not the representative of a Government of Her Majesty other than Her Majesty’s Government in Montserrat or a member of the staff of and accompanying any such representative.

C. HIGH OFFICIALS

Persons Entitled to Immunities and Privileges

10. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officers of the International Labour Organisation holding the offices of Director-General, Deputy Director-General and Assistant Director-General shall be accorded in respect of themselves, their spouses and children under the age of 21, 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, his spouse and children, including exemption from income tax in respect of emoluments received by them as officers of the Organisation.

D. PERSONS SERVING ON COMMITTEES OF OR EMPLOYED ON MISSIONS ON BEHALF OF THE ORGANISATION

Immunities

11. Except in so far as in any particular case any privilege is waived by the Organisation, persons (other than officials of the Organisation) serving on Committees of, or employed on missions on behalf of the International Labour Organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey 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 Organisation;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the International Labour Organisation.

E. OTHER OFFICIALS OF THE ORGANISATION

Immunities and Privileges

12. Except in so far as in any particular case any privilege or immunity is waived by the International Labour Organisation, all officials of the Organisation (other than those referred to in section 10 above) shall enjoy—

- (a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties;
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the International Labour Organisation.

F. GENERAL

List of Persons Entitled to Immunities and Privileges

13. The names of the persons to whom the provisions of sections 9, 10, 11 and 12 of this Order apply shall be set forth in a list compiled and published from time to time by the Governor under section 2(3) 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.

INTERNATIONAL REFUGEE ORGANISATION ORDER – SECTION 2

(S.R.O. (L.I.) 46/1949)

Commencement

[16 November 1949]

Short title

1. This Order may be cited as the International Refugee Organisation Order.

A. THE ORGANISATION

Declaration

2. The International Refugee Organisation (hereinafter referred to as “the Organisation”) is an organisation of which Her Majesty’s Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

Body Corporate

3. The Organisation 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.

Inviolability of Official Archives, etc.

4. 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.

Exemption from Taxes

5. 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.

Exemption from Customs Duty

6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Montserrat, 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 Comptroller of Customs in Montserrat may prescribe for the protection of the revenue.

Exemption from Prohibitions and Restrictions on Importations, etc.

7. The Organisation shall have exemption from prohibitions and 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.

Reduced Rates for Telegraphic Communications

8. The Organisation shall have the right whenever there is in operation a Government telegraphic service, to avail itself, for telegraphic communications sent by it and containing only matter for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Montserrat), of any reduced rates applicable for the corresponding service in the case of press telegrams.

B. REPRESENTATIVES OF MEMBERS

Immunity and Privileges

9. (1) Except in so far as in any particular case any privilege or immunity is waived by the member Governments whom they represent, representatives of member Governments to the Council of the Organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey 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, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, save that the relief allowed, shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in Montserrat during any period when they are present in Montserrat while exercising their functions or during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to British subjects whose usual place of abode is in Montserrat.

(2) For the purpose of the application of this Order, the expression “**representatives of member governments**” shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding paragraphs of this section shall not confer any immunity or privilege upon any person as the representative of Her Majesty’s Government in Montserrat or as a member of the staff of such a representative, or any person who is a British subject and who is not the representative of a Government of

Her Majesty other than Her Majesty's Government in Montserrat or a member of the staff of and accompanying any such representative.

C. HIGH OFFICIALS

Persons entitled to Immunities and Privileges

10. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, the Director-General or the Deputy Director-General of the Organisation shall be accorded in respect of themselves, their spouses and children under the age of 21, 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, his spouse and children, including exemption from income tax in respect of emoluments received by them as officers of the Organisation.

D. PERSONS EMPLOYED ON MISSIONS ON BEHALF
OF THE ORGANISATION

Immunities

11. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons employed on missions on behalf of the Organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey 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 Organisation;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of these functions. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the Organisation.

E. OTHER OFFICIALS OF THE ORGANISATION

Immunities and Privileges

12. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officials of the Organisation (other than those referred to in section 10 above or officials engaged locally and remunerated by payment calculated on the number of hours worked) shall enjoy—

- (a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties; and
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation.

F. GENERAL

List of Persons entitled to Immunities and Privileges

13. The names of the persons to whom the provisions of sections 9 and 10 of this Order apply shall be set forth in a list compiled and published from time to time by the Governor under section 2(3) of the Act, and such list shall show in regard to each person the date as from which, for the purpose of this Order, he first held the office or employment in question, and the date when he ceased to hold that office or employment.

INTERNATIONAL TELECOMMUNICATION UNION ORDER – SECTION 2

(S.R.O. (L.I.) 41/1955)

Commencement

[10 December 1955]

Short title

1. This Order may be cited as the International Telecommunication Union Order.

A. THE ORGANISATION

Declaration

2. The International Telecommunication Union (hereinafter referred to as “the Union”) is an Organisation of which the United Kingdom and foreign sovereign Powers are members.

Body Corporate

3. The Union 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.

Inviolability of Archives

4. The Union 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.

Exemption from Taxes

5. The Union 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.

Exemption from Customs Duty

6. The Union shall have exemption from taxes on the importation of goods directly imported by the Union for its official use in Montserrat or for exportation, or on the importation of any publications of the Union directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs of Montserrat may prescribe for the protection of the revenue.

Exemption from Prohibition and Restrictions on Importations, etc.

7. The Union shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the

Union for its official use and in the case of any publications of the Union directly imported or exported by it.

B. REPRESENTATIVES ON ORGANS OR COMMITTEES OF THE UNION

Immunity and Privileges

8. (1) Except in so far as in any particular case any privilege or immunity is waived by the Government whom they represent, representatives of member Governments at plenipotentiary and administrative conferences, on the administrative council, on consultative committees or on any committee of any of those bodies 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.

(2) Where the incidence of any form of taxation depends upon residence, representatives shall not be deemed to be resident in Montserrat during any period when they are present in Montserrat for the discharge of their duties.

(3) For the purposes of the application of this section 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 4 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.

C. HIGH OFFICIALS OF THE UNION

The Secretary-General

9. Except in so far as in any particular case any privilege or immunity is waived by the Union, any officer of the Union holding the office of Secretary-General (including any officer acting for him during his absence from duty) shall be accorded in respect of himself, his spouse and his children under the age of 21, 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 Union.

D. OTHER OFFICIALS OF THE UNION

Immunities

10. Except in so far as in any particular case any privilege or immunity is waived by the Union, officials of the Union of any category specified by it 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) exemption from income tax in respect of emoluments received by them as officers or servants of the Union.

E. GENERAL

List of Persons Entitled to Immunities and Privileges

11. The names of the persons to whom the provisions of sections 8, 9 and 10 of this Order apply shall be set forth in a list compiled and published from time to time by the Administrator under section 2(3) 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.

UNITED NATIONS AND INTERNATIONAL COURT OF JUSTICE ORDER – SECTION 2

(S.R.O. (L.I.) 15/1949)

Commencement

[26 April 1949]

Short title

1. This Order may be cited as the United Nations and International Court of Justice Order.

PART I

THE UNITED NATIONS

A. *The Organisation*

Declaration

2. The United Nations set up by the Charter at San Francisco on the 26 June, 1945, is an organisation of which Her Majesty's Government in the United Kingdom and the governments of foreign Powers are members.

Body Corporate

3. The United Nations 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.

Inviolability of Official Archives, etc.

4. The United Nations 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.

Exemption from Taxes

5. The United Nations 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.

Exemption from Customs Duty

6. The United Nations shall have exemption from taxes on the importation of goods directly imported by the organisation for its official use in Montserrat 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 Comptroller of Customs in Montserrat may prescribe for the protection of the revenue.

Exemption from Prohibitions and Restrictions on Importations, etc.

7. The United Nations shall have exemption from prohibitions and restrictions on importation and exportation in the case of goods directly imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it.

Reduced Rates for Telegraphic Communications

8. The United Nations shall have the right whenever there is in operation a Government telegraphic service, 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 Montserrat), of any reduced rates applicable for the corresponding service in the case of press telegrams.

B. Representatives of Members

Immunities and Privileges

9. Except in so far as in any particular case any privilege or immunity is waived by the member governments whom they represent Representatives of member governments to the General Assembly or to any Council or other organ of the United Nations shall enjoy—

- (a) while exercising their functions as such, and during their journey 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, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in Montserrat during any period when they are present in Montserrat while exercising their functions or during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to British subjects whose usual place of abode is in Montserrat.

Definition

10. For the purposes of the application of this Order, the expression “**representatives of member governments**” shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations, but shall not include any

person who is the representative of Her Majesty's Government in Montserrat or any member of the staff of such representative, or any person, who is a British subject and who is not the representative of a Government of Her Majesty other than Her Majesty's Government in Montserrat or the member of the staff of and accompanying any such representative.

C. *High Officials of the United Nations*

Maximum Number of Persons Entitled to Immunities and Privileges

11. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General or the Security Council of the United Nations, the Secretary-General and Assistant Secretaries-General of the United Nations (and not exceeding at one time six in number) shall be accorded in respect of themselves, their spouses and children under the age of 21 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, his spouse and children. They shall also enjoy exemption from income tax in respect of emoluments received by them as officers of the United Nations.

D. *Persons employed on Missions on behalf of the United Nations*

Immunities

12. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General of the United Nations, persons employed on missions on behalf of the United Nations shall enjoy—

- (a) while exercising their functions as such, and during their journey 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 the exercise of these functions.

E. *Other Officials of the United Nations*

Immunities and Privileges

13. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General of the United Nations, officials of the United Nations (other than those referred to in paragraph 11 above, and officials engaged locally and remunerated by payment calculated by the number of hours worked) shall enjoy—

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

- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the United Nations.

PART II

International Court of Justice

Immunities and Privileges

14. Except in so far as in any particular case any privilege or immunity is waived by the Court, the Judges and Registrar of the International Court of Justice (including any officer of the Court acting as Registrar) shall, when engaged on the business of the Court and during any journey to and from the place where the Court is sitting in connection with such business, enjoy the like immunity from suit and legal process, the like inviolability of residence and also unless they are British subjects whose usual place of abode is in Montserrat the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

Exemption from Income Tax

15. The Judges and Registrar of the International Court of Justice shall enjoy exemption from income tax in respect of all emoluments received by them as Judges or Registrar.

Immunities and Privileges

16. Except in so far as in any particular case any privilege or immunity is waived by the Government whom they represent before the Court, the agents, counsel and advocates of parties before the Court shall enjoy—

- (a) when engaged on their missions before the Court and during their journeys to and from the place where the Court is sitting in connection with such missions, 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 this capacity;
- (c) when engaged on their missions before the Court and during their journeys to and from the place where the Court is sitting in connection with such mission, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, save that the relief allowed shall not include relief from customs or excise duties except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of tax depends upon residence, be deemed to be resident in Montserrat during any period when they are present in Montserrat while exercising these functions or during their journey to and from the place of meeting. The provisions of this sub-paragraph shall not apply to British subjects whose usual place of abode is in Montserrat.

The provisions of this paragraph do not apply to any agents, counsel or advocates acting on behalf of Her Majesty's Government in Montserrat or to any British subject acting on behalf of any other Government except a Government of Her Majesty other than Her Majesty's Government in Montserrat.

PART III

General

List of Persons Entitled to Immunities and Privileges

17. The names of the persons to whom the provisions of paragraphs 9, 10, 11, 12, 14, 15 and 16 of this Order apply shall be set forth in a list compiled and published from time to time by the Governor under section 2(3) 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.

ANNEX I

GENERAL CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS, TOGETHER WITH CERTAIN RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 13 FEBRUARY 1946

The General Assembly approves the annexed convention on the Privileges and Immunities of the United Nations and proposes it for accession by each Member of the United Nations.

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

Whereas Article 104 of the Charter of the United Nations provides that the Organisation shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes, and

Whereas Article 105 of the Charter of the United Nations provides that the Organisation shall enjoy in the territory of each of its members such privileges and immunities as are necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations and officials of the Organisation shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of the functions in connection with the Organisation.

Consequently the General Assembly by a Resolution adopted on the 13 February, 1946, approved the following Convention and proposes it for accession by each Member of the United Nations.

ARTICLE I

JURIDICAL PERSONALITY

Section 1. The United Nations shall possess juridical personality. It shall have the capacity—

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

ARTICLE II

PROPERTY, FUNDS AND ASSETS

Section 2. The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 3. The premises of the United Nations shall be inviolable. The property and assets of the United Nations wherever located and by whomsoever held shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 4. The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Section 5. Without being restricted by financial controls, regulations or moratoria of any kind—

- (a) the United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;
- (b) the United Nations shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.

Section 6. In exercising its rights under section 5 above, the United Nations shall pay due regard to any representations made by the Government of any Member in so far as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

Section 7. The United Nations, its assets, income and other property shall be—

- (a) exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the

United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;

- (c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Section 8. While the United Nations will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the United Nations is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE III

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 9. The United Nations shall enjoy in the territory of each Member for its official communications treatment not less favourable than that accorded by the Government of that Member to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

Section 10. The United Nations shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE IV

THE REPRESENTATIVES OF MEMBERS

Section 11. Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities—

- (a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;
- (b) inviolability for all papers and documents;
- (c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;

- (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the State they are visiting or through which they are passing in the exercise of their functions;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys; and also
- (g) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

Section 12. In order to secure for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

Section 13. Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations are present in a State for the discharge of their duties shall not be considered as periods of residence.

Section 14. Privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the United Nations. Consequently, a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 15. The provisions of sections 11, 12 and 13 are not applicable as between a representative and the authorities of the State of which he is a national or of which he is or has been the representative.

Section 16. In this Article the expression "**representatives**" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

ARTICLE V

OFFICIALS

Section 17. The Secretary-General will specify the categories of officials to which the provisions of this Article and Article VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.

Section 18. Officials of the United Nations shall—

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) be exempt from taxation on the salaries and emoluments paid to them by the United Nations;
- (c) be immune from national service obligations;
- (d) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registrations;
- (e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;
- (f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Section 19. In addition to the immunities and privileges specified in section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 20. Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in the case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

Section 21. The United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.

ARTICLE VI

EXPERTS ON MISSIONS FOR THE UNITED NATIONS

Section 22. Experts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular, they shall be accorded—

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;
- (c) inviolability for all papers and documents;
- (d) for the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

Section 23. Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

ARTICLE VII

UNITED NATIONS *LAISSEZ-PASSER*

Section 24. The United Nations may issue United Nations *laissez-passer* to its officials. These *laissez-passer* shall be recognized and accepted as valid travel documents, by the authorities of Members, taking into account the provisions of section 25.

Section 25. Applications for visas (where required) from the holders of United Nations *laissez-passer*, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 26. Similar facilities to those specified in section 25 shall be accorded to experts and other persons who, though not the holders of United Nations *laissez-passer*, have a certificate that they are travelling on the business of the United Nations.

Section 27. The Secretary-General, Assistant Secretaries-General and Directors travelling on United Nations *laissez-passer* on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

Section 28. The provisions of this Article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under Article 63 of the Charter so provide.

ARTICLE VIII

SETTLEMENT OF DISPUTES

Section 29. The United Nations shall make provisions for appropriate modes of settlement of—

- (a) disputes arising out of contracts or other disputes of a private law character, to which the United Nations is a party;
- (b) disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

Section 30. All differences arising out of the interpretation or application of the present convention shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between the United Nations on the one hand and a member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court. The opinion given by the Court shall be accepted as decisive by the parties.

FINAL ARTICLE

Section 31. This convention is submitted to every member of the United Nations for accession.

Section 32. Accession shall be effected by deposit of an instrument with the Secretary-General of the United Nations and the convention shall come into force as regards each Member on the date of deposit of each instrument of accession.

Section 33. The Secretary-General shall inform all Members of the United Nations of the deposit of each accession.

Section 34. It is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this convention.

Section 35. This convention shall continue in force as between the United Nations and every Member which has deposited an instrument of accession for so long as that Member remains a Member of the United Nations, or until a revised general convention has been approved by the General Assembly and that Member has become a party to this revised convention.

Section 36. The Secretary-General may conclude with any Member or Members supplementary agreements adjusting the provisions of this convention so far as that Member or those Members are concerned. These supplementary agreements shall in each case be subject to the approval of the General Assembly.

ANNEX 2

1. Extracts from the Statute of the Court.

ARTICLE 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

ARTICLE 30

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

ARTICLE 32

1. Each member of the Court shall receive an annual salary.
2. The President shall receive a special allowance.
3. The Vice-President shall receive a special allowance for every day on which he acts as President.
4. The Judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.
5. These salaries, allowances and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.
6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.
7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their travelling expenses refunded.
8. The above salaries, allowances, and compensation shall be free of all taxation.

ARTICLE 42

1. The parties shall be represented by agents.
2. They may have the assistance of counsel or advocates before the Court.
3. The agents, counsel and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

PRIVILEGES AND IMMUNITIES OF MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE, THE REGISTRAR, OFFICIALS OF THE REGISTRY, ASSESSORS, THE AGENTS AND COUNSEL OF THE PARTIES AND OF WITNESSES AND EXPERTS.

By a resolution adopted on 13 February 1946, the General Assembly with a view to insuring that the International Court of Justice should enjoy the privileges, immunities and facilities necessary for the exercise of its functions and the fulfilment of its purposes, in the country of its seat and elsewhere, invited the Court at its first session to consider this question and to inform the Secretary-General of its recommendations.

The Court has accordingly examined the problem in its various aspects during its first session, held at The Hague from 3 April to 6 May 1946, and has transmitted to the General Assembly its conclusions.

The General Assembly considered the recommendations of the Court during the second part of its first session, and the report of the sixth Committee.

THE GENERAL ASSEMBLY

1. *Approves* the agreements concluded between the International Court of Justice and the Netherlands Government, as accorded in the exchange of letters between the President of the Court and the Minister of Foreign Affairs of the Netherlands.
2. *Recommends* that if a Judge, for the purpose of holding himself permanently at the disposal of the Court, resides in some country other than his own, he should be accorded diplomatic privileges and immunities during the period of his residence there.
3. *Recommends* that Judges should be accorded every facility for leaving the country where they may happen to be, for entering the country where the Court is sitting, and again for leaving it. On journeys in connection with the exercise of their functions, they should, in all countries through which they may have to pass, enjoy all the privileges, immunities and facilities granted by these countries to diplomatic envoys.

This provision should also apply to the Registrar and to any officer of the Court acting as Registrar.

4. *Recommends* that—
 - (a) Officials of the Court should enjoy in any country where they may be on the business of the Court, or in any country through which they may pass on such business, such privileges, immunities and facilities

for residence and travel as may be necessary for the independent exercise of their functions.

The Registrar, and any officer of the Court acting as Registrar, should, while on the business of the Court, be accorded diplomatic privileges and immunities.

- (b) Inasmuch as these privileges and immunities are granted to officials of the Court in the interests of the International Court of Justice, and not for the personal benefit of the individuals themselves, the Registrar of the Court, with the President's approval, should have the right and the duty to waive the immunity in any case where, in his opinion, the immunity would impede the course of justice, and can be waived without prejudice to the interests of the Court. In the case of the Registrar, the Court should have the right to waive immunity.

5. *Recommends* that—

- (a) (i) The agents, counsel and advocates before the Court should be accorded, during the period of their missions including the time spent on journeys in connection with their missions, the privileges and immunities provided for in Article IV, sections 11, 12 and 13 of the Convention on the Privileges and Immunities of the United Nations under the conditions of Article IV, section 15, of that Convention.
- (ii) Assessors of the Court should be accorded, during the period of their missions, including the time spent on journeys in connection with their missions, the privileges and immunities provided for in Article VI, section 22 of the Convention on the Privileges and Immunities of the United Nations.
- (iii) Witnesses, experts and persons performing missions by order of the Court should be accorded, during the period of their missions, including the time spent on journeys in connection with their missions, the privileges and immunities provided for in Article VI, section 22 of the Convention on the Privileges and Immunities of the United Nations.
- (b) Inasmuch as the privileges and immunities referred to above under paragraph (a) are granted in the interests of the due administration of justice and not for the personal benefit of the individuals themselves, the appropriate authority should have the right and the duty to waive the immunity in any case where, in its opinion, the immunity would impede and can be waived without prejudice to the course of justice.

For this purpose, the competent authority in the case of agents, counsel and advocates representing a State will be the State concerned. In other cases (including those of assessors of the Court, persons performing missions by order of the Court and witnesses or experts), the competent authority will be the International Court of Justice or, when the Court is not sitting, the President of the Court.

6. *Recommends that—*

- (a) The authorities of Members should recognize and accept United Nations *laissez-passer* issued by the International Court of Justice to the members of the Court, the Registrar and the officials of the Court, as valid travel documents, taking into account the provisions of sub-paragraph (b);
 - (b) Applications for visas (where required) from the Judges of the Court and the Registrar should be dealt with as speedily as possible. All other holders of *laissez-passer* should receive the same facilities when the applications for visas are accompanied by a certificate that they are travelling on the business of the Court. In addition, all holders of *laissez-passer* should be granted facilities for speedy travel;
 - (c) Similar facilities to those specified in sub-paragraph (b) should be accorded to experts and other persons who, though not the holders of United Nations *laissez-passer* delivered by the International Court of Justice, have a certificate that they are travelling on the business of the Court.
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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND
CULTURAL ORGANISATION ORDER – SECTION 2**

(S.R.O. (L.I.) 45/1949)

Commencement

[16 November 1949]

Short title

1. This Order may be cited as the United Nations Educational, Scientific and Cultural Organisation Order.

A. THE ORGANISATION

Declaration

2. The United Nations Educational, Scientific and Cultural Organisation (hereinafter referred to as the Organisation) is an organisation of which Her Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

Body Corporate

3. The Organisation 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.

Inviolability of Official Archives, etc.

4. 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.

Exemption from Taxes

5. 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.

Exemption from Customs Duty

6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Montserrat or for exportation, or on the importation of any of the publications of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs in Montserrat may prescribe for the protection of the revenue.

Exemption from Prohibitions and Restrictions on Importations, etc.

7. The Organisation shall have exemption from prohibitions and 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.

Reduced Rates for Telegraphic Communications

8. The Organisation shall have the right whenever there is in operation a Government telegraphic service, 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 dispatched from places outside Montserrat), of any reduced rates applicable for the corresponding service in the case of press telegrams.

B. REPRESENTATIVES OF MEMBERS: THE PRESIDENT
OF THE CONFERENCE: MEMBERS OF THE EXECUTIVE BOARD
OF THE ORGANISATION

Immunity and Privileges

9. (1) Except in so far as any privilege or immunity is waived, in the case of representatives of member Governments by the Governments whom they represent; in the case of the President of the Conference, by the Organisation; and in the case of members of the Executive Board, by the Executive Board of the Organisation; representatives of member Governments, the President of the Conference of the Organisation, and members of the Executive Board of the Organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey 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, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in Montserrat during any period when they are present in Montserrat while exercising their functions and during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to British subjects whose usual place of abode is in Montserrat.

(2) For the purpose of the application of this Order, the expression “**representatives of member governments**” shall be deemed to include their official staffs accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding paragraphs of this section shall not confer any immunity or privilege upon any person as the representative of Her Majesty’s Government in Montserrat or as a member of the staff of such a representative, or any person who is a British subject and who is not the representative of a Government of Her Majesty other than Her Majesty’s Government in Montserrat or a member of the staff of and accompanying any such representative.

C. HIGH OFFICIALS

Persons Entitled to Immunities and Privileges

10. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officers of the Organisation holding the offices of Secretary-General and Deputy Secretary-General shall be accorded in respect of themselves, their spouses and children under the age of 21, 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, his spouse and children, including exemption from income tax in respect of emoluments received by them as officers of the Organisation.

D. PERSONS EMPLOYED ON MISSIONS ON BEHALF OF THE ORGANISATION

Immunities

11. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons employed on missions on behalf of the Organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey 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 Organisation;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the Organisation.

E. OTHER OFFICIALS OF THE ORGANISATION

Immunities and Privileges

12. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, all officials of the Organisation (other than those referred to in section 10 above) shall enjoy—

- (a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties;
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation.

F. GENERAL

List of Persons Entitled to Immunities and Privileges

13. The names of the persons to whom the provisions of sections 9 and 10 of this Order apply shall be set forth in a list compiled and published from time to time by the Governor under section 2(3) 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.

UNIVERSAL POSTAL UNION ORDER – SECTION 2

(S.R.O. (L.I.) 40/1955)

Commencement

[10 December 1955]

Short title

1. This Order may be cited as the Universal Postal Union Order.

A. THE ORGANISATION

Declaration

2. The Universal Postal Union (hereinafter referred to as “**the Union**”) is an organisation of which the United Kingdom and foreign sovereign Powers are members.

Body Corporate

3. The Union 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.

Inviolability of Archives

4. The Union 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.

Exemption from Taxes

5. The Union 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.

Exemption from Customs Duty

6. The Union shall have exemption from taxes on the importation of goods directly imported by the Union for its official use in Montserrat or for exportation, or on the importation of any publications of the Union directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs of Montserrat may prescribe for the protection of the revenue.

Exemption from Prohibitions and Restrictions on Importations, etc.

7. The Union shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Union for its official use and in the case of any publications of the Union directly imported or exported by it.

Copying/unauthorised distribution strictly prohibited.

Reduced Rates for Telegraphic Communications

8. The Union 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 Montserrat), of any reduced rates applicable for the corresponding service in the case of press telegrams.

B. REPRESENTATIVES ON ORGANS OR COMMITTEES OF THE UNION

Immunity and Privileges

9. (1) Except in so far as in any particular case any privilege or immunity is waived by the Government whom they represent, representatives of members at Congresses, on the Executive and Liaison Committee, at administrative conferences or on commissions provided for in the constitution of the Union, or on any committee of any of these bodies 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.

(2) Where the incidence of any form of taxation depends upon residence, representatives shall not be deemed to be resident in Montserrat during any period when they are present in Montserrat for the discharge of their duties.

(3) For the purposes of the application of this section 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 4 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.

C. HIGH OFFICIALS OF THE UNION

The Director of the International Bureau

10. Except in so far as in any particular case any privilege or immunity is waived by the Union, the Director of the International Bureau of the Union (including any

officer acting for him during his absence from duty) shall be accorded, in respect of himself, his spouse and his children under the age of 21, 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 Union.

D. OTHER OFFICIALS OF THE UNION

Immunities

11. Except in so far as in any particular case any privilege or immunity is waived by the Union, officials of the Union of any category specified by it 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) exemption from income tax in respect of emoluments received by them as officers or servants of the Union.

E. GENERAL

List of Persons Entitled to Immunities and Privileges

12. The names of the persons to whom the provisions of sections 9, 10 and 11 of this Order apply shall be set forth in a list compiled and published from time to time by the Governor under section 2(3) 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.

WORLD HEALTH ORGANISATION ORDER – SECTION 2

(S.R.O. (L.I.) 35/1949 and 29/1956)

Commencement

[14 September 1949]

Short title

1. This Order may be cited as the World Health Organisation Order.

Interpretation

2. (1) This Order shall have effect as if in section 10 references to representatives of member Governments included references to representatives of the Governments of Associate Members of the Organisation.

(2) For the purposes of this Order, the expression “**representatives of the Governments of Associate Members of the Organisation**” shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

A. THE ORGANISATION

Declaration

3. The World Health Organisation is an organisation of which Her Majesty’s Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

Body Corporate

4. The World Health Organisation 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.

Inviolability of Official Archives, etc.

5. The World Health 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.

Exemption from Taxes

6. The World Health 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.

Exemption from Customs Duty

7. The World Health Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Montserrat 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 Comptroller of Customs in Montserrat may prescribe for the protection of the revenue.

Exemption from Prohibitions and Restrictions on Importations, etc.

8. The World Health Organisation shall have exemption from prohibitions and 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 publications of the Organisation directly imported or exported by it.

Reduced Rates for Telegraphic Communications

9. The World Health Organisation shall have the right whenever there is in operation a Government telegraphic service, 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 Montserrat) of any reduced rates applicable for the corresponding service in the case of press telegrams.

B. REPRESENTATIVES OF MEMBERS AND OF THE EXECUTIVE BOARD OF THE WORLD HEALTH ORGANISATION

Immunity and Privileges

10. (1) Except in so far as in any particular case any privilege or immunity is waived, in the case of representatives of member Governments, by the member Governments whom they represent, and in the case of persons designated to serve on the Executive Board of the World Health Organisation and their alternates and advisers, by the Executive Board, representatives of member Governments and persons designated to serve on the Executive Board of the Organisation and their alternates and advisers shall enjoy—

- (a) while exercising their functions as such, and during their journey 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;
- (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, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, save that the relief allowed shall not include relief from

customs and excise duties except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in Montserrat during any period when they are present in Montserrat while exercising their functions or during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to British subjects whose usual place of abode is in Montserrat.

(2) For the purposes of the application of this Order, the expression **“representatives of member governments”** shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding paragraphs of this section shall not confer any immunity or privilege upon any person as the representative of Her Majesty’s Government in Montserrat or as a member of the staff of such a representative or any person who is a British subject and who is not the representative of a Government of Her Majesty other than Her Majesty’s Government in Montserrat or a member of the staff of and accompanying any such representative.

(4) The provisions of the preceding paragraphs of this section shall have effect as if references to representatives of member Governments including references to representatives of the Governments of Associate Members of the Organisation.

(5) For the purposes of this Order, the expression **“representatives of the Governments of Associate Members of the Organisation”** shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

C. HIGH OFFICIALS

Persons Entitled to Immunities and Privileges

11. Except in so far as in any particular case any privilege or immunity is waived by the World Health Organisation, officers of the Organisation holding the offices of Director-General or Deputy Director-General shall be accorded in respect of themselves, their spouses and children under the age of 21, 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, his spouse and children, and they shall also enjoy exemption from income tax in respect of emoluments received by them as officers of the World Health Organisation.

D. PERSONS SERVING ON COMMITTEES OF OR EMPLOYED ON
MISSIONS ON BEHALF OF THE ORGANISATION

Immunities

12. Except in so far as in any particular case any privilege or immunity is waived by the World Health Organisation, persons (other than officials of the Organisation) serving on Committees of, or employed on missions on behalf of the Organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey 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 Organisation;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions. Such immunity shall continue notwithstanding that the person concerned is no longer employed on missions on behalf of the Organisation.

E. OTHER OFFICIALS OF THE ORGANISATION

Immunities and Privileges

13. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, all officials of the World Health Organisation, (other than those referred to in section 11 above), shall enjoy—

- (a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties;
- (b) exemption from income tax in respect of emoluments received by them as officers and servants of the World Health Organisation.

F. GENERAL

List of Persons Entitled to Immunities and Privileges

14. The names of the persons to whom the provisions of sections 10, 11, 12 and 13 of this Order apply shall be set forth in a list compiled and published from time to time by the Governor under section 2(3) 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.

WORLD METEOROLOGICAL ORGANISATION ORDER – SECTION 2

(S.R.O. (L.I.) 39/1955)

Commencement

[17 December 1954]

Short title

1. This Order may be cited as the World Meteorological Organisation Order.

A. THE ORGANISATION

Declaration

2. The World Meteorological Organisation (hereinafter referred to as the Organisation) is an Organisation of which the United Kingdom and foreign sovereign Powers are members.

Body Corporate

3. The Organisation 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.

Inviolability of Archives

4. 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.

Exemption from Taxes

5. The Organisation shall have the like exemption of relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.

Exemption from Customs Duty

6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Montserrat 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 Comptroller of Customs of Montserrat may prescribe for the protection of the revenue.

Exemption from Prohibitions and Restrictions on Importations, etc.

7. The Organisation shall have exemption from prohibitions and 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 publications of the Organisation directly imported or exported by it.

Reduced Rates for Telegraphic Communications

8. The Organisation 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 Montserrat), of any reduced rates applicable for the corresponding service in the case of press telegrams.

B. REPRESENTATIVES ON ORGANS OR COMMITTEES OF THE ORGANISATION

Immunity and Privileges

9. (1) Except in so far as in any particular case any privilege or immunity is waived by the Government whom they represent, representatives of members at the World Meteorological Congress, on the Executive Committee, at regional associations, on technical commissions, or on any committee of any of these bodies shall enjoy—

- (a) while exercising their functions as such and during their journeys 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.

(2) Where the incidence of any form of taxation depends upon residence, representatives shall not be deemed to be resident in Montserrat during any period when they are present in Montserrat for the discharge of their duties.

(3) For the purposes of the application of this section 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 4 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.

C. HIGH OFFICIALS OF THE ORGANISATION

The Secretary-General

10. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, any officer of the Organisation holding the office of Secretary-General (including any officer acting for him during his absence from duty) shall be accorded in respect of himself, his spouse and his children under the age of 21, 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 Organisation.

D. OTHER OFFICIALS OF THE ORGANISATION

Immunities

11. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officials of the Organisation of any category specified by it 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) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation.

E. GENERAL

List of Persons Entitled to Immunities and Privileges

12. The names of the persons to whom the provisions of sections 9, 10 and 11 of this Order apply shall be set forth in a list compiled and published from time to time by the Governor under section 2(3) 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.

INTERNATIONAL SEA-BED AUTHORITY (IMMUNITIES AND PRIVILEGES) ORDER
– SECTION 2

(S.R.O. 59/1997)

Commencement

[5 December 1997]

Short title

1. This Order may be cited as the International Sea-Bed Authority (Immunities and Privileges) Order.

PART I

PRELIMINARY

Interpretation

2. In this Order—

“**the 1961 Convention Articles**” means the Articles, (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961), which are set out in Schedule to the Diplomatic Privileges Act;

“**Act**” means the Diplomatic Privileges Act;

“**Assembly**” means the Assembly of the Authority;

“**Authority**” means the International Sea-Bed Authority established by the Convention;

“**Convention**” means the United Nations Convention on the Law of the Sea;

“**Council**” means the Council of the Authority;

“**Enterprise**” means the organ of the Authority referred to in Article 158(2) and Article 170 of the Convention;

“**Member**” means a member of the Authority;

“**Party**” means a Party to the Convention;

“**representative**” means a representative of a Party to the Convention attending meetings of the Assembly, the Council or organs of the Assembly or the Council.

PART II

THE AUTHORITY

Declaration

3. The Authority is an organisation of which the United Kingdom and Montserrat are members.

Body Corporate

4. The Authority (including the Enterprise) shall have the legal capacity of a body corporate.

Immunity from Suit

5. The Authority, its property and assets shall enjoy immunity from suit and legal process, except to the extent that the Authority expressly waives this immunity in a particular case.

Inviolability of Premises and Archives

6. The Authority shall have the like inviolability in respect of its premises and archives as, in accordance with the 1961 Convention Articles, is accorded in respect of the official premises and archives of a diplomatic mission.

Exemption from Taxes and Rates

7. (1) Within the scope of its official activities, the Authority, its assets and property, its income and its operations and transactions authorised by the Convention shall have exemption from income tax, property tax and all other forms of tax.

(2) The Authority shall have the like relief from rates as in accordance with Articles 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

Exemption from Customs Duties and Consumption Tax

8. The Authority is exempt—

- (a) from customs duties and consumption taxes on the importation of goods for its official use in Montserrat; and
- (b) from consumption taxes on the export of goods manufactured by the Authority in Montserrat.

PART III

THE ENTERPRISE

Articles 5 to 8 not to apply

9. Articles 5 to 8 of this Order shall not apply to the Enterprise.

Immunity from Suit and Legal Process

10. Except to the extent that the Enterprise shall have waived such immunity, the Enterprise shall have immunity from suit and legal process—

- (a) where the Enterprise has no office in Montserrat, has not appointed any agent in Montserrat for the purpose of accepting service or notice of process, has not entered into a contract for goods or services in Montserrat, has not issued securities in Montserrat and has not otherwise engaged in commercial activity in Montserrat;

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- (b) in respect of all forms of seizure, attachment or execution before the delivery of final judgement against the Enterprise; and
- (c) in respect of the requisition, confiscation, expropriation or any other form of seizure of property or assets of the Enterprise wherever located and by whomsoever held.

PART IV

REPRESENTATIVES

Immunity from Suit and Legal Process in Certain Cases

11. (1) Representatives shall enjoy immunity from suit and legal process with respect to acts performed by them in the exercise of their functions, except to the extent that the State which they represent expressly waives this immunity in a particular case.

(2) Part 4 of Schedule to the Act shall not operate so as to confer any privilege or immunity on—

- (a) the official staff of a representative other than alternate representatives and advisers; or
- (b) the family of a representative.

(3) Neither the preceding paragraphs of this Article nor Part 4 of Schedule to the Act shall operate so as to confer any privilege or immunity on any person as the representative of Montserrat or as a member of the official staff of such a representative or on any person who is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, or a British National (Overseas).

PART V

OFFICIALS

Immunity from Suit and Legal Process

12. (1) The Secretary-General and staff of the Authority shall enjoy immunity from suit and legal process with respect to acts performed by them in the exercise of their functions, except to the extent that the Authority expressly waives this immunity in a particular case.

(2) The Secretary General and staff of the Authority shall enjoy exemption from income tax in respect of emoluments received by them from the Authority.

(3) Part 4 of Schedule to the Act shall not operate so as to confer any privileges or immunity on any member of the family of an official to whom this Article applies.

PART VI

EXPERTS PERFORMING MISSIONS

Exemption from Income Tax

13. Experts performing missions for the Authority shall enjoy exemption from income tax in respect of emoluments received by them from the Authority.

**INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA (IMMUNITIES AND
PRIVILEGES) ORDER – SECTION 2**

(S.R.O. 58/1997)

Commencement

[5 December 1997]

Short title

1. This Order may be cited as the International Tribunal for the Law of the Sea (Immunities and Privileges) Order.

Interpretation

2. In this Order—

“**The 1961 Convention Articles**” means the Articles, (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961), which are set out in The Schedule to the Diplomatic Privileges (Vienna Convention) Act 1979;

“**Tribunal**” means the International Tribunal for the Law of the Sea established in accordance with Annex VI of the United Nations Convention on the Law of the Sea.

Privileges and Immunities

3. Except in so far as in any particular case any privilege or immunity is waived by the Tribunal, the members of the Tribunal shall enjoy, when engaged on the business of the Tribunal, the like privileges and immunities as, in accordance with the 1961 Convention Articles, are accorded to the head of a diplomatic mission.

CHAPTER 13.02

DIPLOMATIC PRIVILEGES (VIENNA CONVENTION) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
 2. Application of Vienna Convention
 3. Restriction of privileges and immunities
 4. Evidence
- Schedule: Articles of Vienna Convention
having the Force of Law in Montserrat

DIPLOMATIC PRIVILEGES (VIENNA CONVENTION) ACT

(Act 28 of 1979)

AN ACT TO AMEND THE LAW ON DIPLOMATIC PRIVILEGES AND IMMUNITIES IN ITS APPLICATION TO MONTSERRAT BY GIVING EFFECT TO THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS AND FOR PURPOSES CONNECTED THEREWITH.

Commencement

[1 July 1984]

Short title

1. This Act may be cited as the Diplomatic Privileges (Vienna Convention) Act.

Application of Vienna Convention

2. (1) Subject to section 3, the Articles set out in the Schedule (being Articles of the Vienna Convention on Diplomatic Relations signed in 1961) shall have the force of law in Montserrat, and shall for that purpose be construed in accordance with the following provisions of this section.

(2) In those Articles—

“**Ministry for Foreign Affairs or such other ministry as may be agreed**” shall be construed as meaning the department of the Secretary of State concerned;

“**national of the receiving State**” shall be construed as meaning citizen of the United Kingdom and Colonies.

(3) For the purposes of Article 32 a waiver by the head of the mission of any State or any person for the time being performing his function shall be deemed to be a waiver by that State.

(4) The exemption granted by Article 33 with respect to any services shall be deemed to except those services from any class of employment which is insurable employment, or in respect of which contributions are required to be paid, under the Social Security Act, and any enactment for the time being in force amending the same, but not so as to render any person liable to any contribution which he would not be required to pay if those services were not excepted.

(5) Articles 35, 36 and 40 shall be construed as granting any privilege or immunity which they require to be granted.

(6) The references in Articles 37 and 38 to the extent to which any privileges and immunities are admitted by the receiving State and to additional privileges and immunities that may be granted by the receiving State shall be construed as referring respectively to the extent to which any privileges and immunities may be specified by Her Majesty by Order in Council by virtue of section 2 of the Diplomatic Privileges Act, 1964 of the United Kingdom and to any additional privileges and immunities that may be so specified, and in respect of which the Governor by Order published in the *Gazette* may make a similar Order.

Restriction of privileges and immunities

3. Where Her Majesty has by Order in Council under section 3 of the Diplomatic Privileges Act, 1964 (of the U.K.), withdrawn any privileges or immunities granted under that Act, the Governor may by Order published in the *Gazette* do likewise in relation to Montserrat in respect of such of those privileges or immunities as may be applicable to Montserrat by virtue of this Act.

Evidence

4. If in any proceedings any question arises whether or not any person is entitled to any privilege or immunity under this Act a certificate issued by or under the authority of the Secretary of State stating any fact relating to that question shall be conclusive evidence of that fact.

SCHEDULE

ARTICLES OF VIENNA CONVENTION HAVING THE FORCE OF LAW IN MONTSERRAT

ARTICLE 1

For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them—

- (a) the “**head of the mission**” is the person charged by the sending State with the duty of acting in that capacity;
- (b) the “**members of the mission**” are the head of the mission and the members of the staff of the mission;
- (c) the “**members of the staff of the mission**” are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;
- (d) the “**members of the diplomatic staff**” are the members of the staff of the mission having diplomatic rank;
- (e) a “**diplomatic agent**” is the head of the mission or a member of the diplomatic staff of the mission;
- (f) the “**members of the administrative and technical staff**” are the members of the staff of the mission employed in the administrative and technical service of the mission;
- (g) the “**members of the service staff**” are the members of the staff of the mission in the domestic service of the mission;
- (h) a “**private servant**” is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;
- (i) the “**premises of the mission**” are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

ARTICLE 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

ARTICLE 27

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communication with the Government and other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or

cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The diplomatic bag shall not be opened or detained.

4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate diplomatic couriers ad hoc. In such cases the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorised port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

ARTICLE 29

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

ARTICLE 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

2. His papers, correspondence and, except as provided in paragraph 3 of Article 31, his property, shall likewise enjoy inviolability.

ARTICLE 31

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of—

- (a) a real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;

- (b) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
 - (c) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.
- 2. A diplomatic agent is not obliged to give evidence as a witness.
- 3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under sub-paragraphs (a), (b) and (c) of paragraph 1 of this Article, and provided that, the measures concerned can be taken without infringing the inviolability of his person or of his residence.
- 4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

ARTICLE 32

- 1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under Article 37 may be waived by the sending State.
- 2. The waiver must always be express.
- 3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under Article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.
- 4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

ARTICLE 33

- 1. Subject to the provisions of paragraph 3 of this Article a diplomatic agent shall with respect to services rendered for the sending State be exempted from social security provisions which may be in force in the receiving State.
- 2. The exemption provided for in paragraph 1 of this Article shall also apply to private servants who are in the sole employ of a diplomatic agent, on condition:
 - (a) that they are not nationals of or permanently resident in the receiving State; and
 - (b) that they are covered by the social security provisions which may be in force in the sending State or a third State.
- 3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State provided that, such participation is permitted by that State.

5. The provisions of this Article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

ARTICLE 34

A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal except—

- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
- (c) estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of Article 39;
- (d) dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;
- (e) charges levied for specific services rendered;
- (f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of Article 23.

ARTICLE 35

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

ARTICLE 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemptions from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on—

- (a) articles for the official use of the mission;
- (b) articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.

2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this Article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of

the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorised representative.

ARTICLE 37

1. The members of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in Articles 29 to 36.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in Articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of Article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in Article 36, paragraph 1, in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption contained in Article 33.

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

ARTICLE 38

1. Except in so far as additional privileges and immunities may be granted by the receiving State, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving state. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

ARTICLE 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other ministry as may be agreed.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his family forming part of his household, the receiving State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in that country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property the presence of which in the receiving State was due solely to the presence there of the deceased as a member of the mission or as a member of the family of a member of the mission.

ARTICLE 40

1. If a diplomatic agent passes through or is in the territory of a third State, which has granted him a passport visa if such visa was necessary, while proceeding to take up or to return to his post, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges or immunities who are accompanying the diplomatic agent, or travelling separately to join him or to return to their country.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the passage of members of the administrative and technical or service staff of a mission, and of members of their families, through their territories.

3. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as is accorded by the receiving State. They shall accord to diplomatic couriers, who have been granted a passport visa if such visa was necessary, and diplomatic bags in transit the same inviolability and protection as the receiving State is bound to accord.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and diplomatic bags, whose presence in the territory of the third State is due to *force majeure*.

