

DIPLOMATIC PRIVILEGES (INTERNATIONAL ORGANISATIONS) ACT

Principal Act

Act. No. 1948-28

Commencement 13.8.1948

Assent 13.8.1948

Amending
enactments

Relevant current
provisions

Commencement
date

Act. 1951-05 s.2(2)

English sources:

Diplomatic Privileges (Extension) Act 1944 (7 & 8 Geo.6 c.44)

Diplomatic Privileges (Extension) Act 1946 (9 & 10 Geo.6 c.66)

ARRANGEMENT OF SECTIONS.

Section

1. Short title.
2. Privileges, immunities and capacities of certain international organisations and their staffs.
3. Special provisions in regard to the United Nations.
4. Diplomatic immunities of representatives attending international conferences.
5. Reciprocal treatment.

SCHEDULE.

IMMUNITIES AND PRIVILEGES.

AN ACT TO MAKE PROVISION AS TO PRIVILEGES, IMMUNITIES AND CAPACITIES OF INTERNATIONAL ORGANISATIONS OF WHICH HER MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND FOREIGN GOVERNMENTS ARE MEMBERS; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

Short title.

1. This Act may be cited as the Diplomatic Privileges (International Organisations) Act.

Privileges, immunities and capacities of certain international Organisations and their staffs.

*(1944 c.44, s.1;
1946 c.66, s.1(1))*

2. (1) This section shall apply to any Organisation declared by order of the Governor 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.

(2) The Governor 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;

(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 II of the Schedule; and

(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 III of the Schedule,

and Part IV of the Schedule shall have effect for the purpose of extending to the staffs of such representatives and members as are mentioned in subparagraph (i) of paragraph (b) of this subsection 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 Part IV is excluded by the order conferring the immunities and privileges:

Provided that the order 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.

(3) Where immunities and privileges are conferred on any persons by an order made under subsection (2) the Governor—

- (a) shall cause a list to be compiled of the persons entitled to immunities and privileges conferred under paragraph (b) of that subsection, and may cause a list to be compiled 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.

(4) Every list or notice published under subsection (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 Gazettes, 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 such list.

Special provisions in regard to the United Nations.

(1946 c.66, s.2)

3. In the application of this Act to the United Nations—

- (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 by section 2(2) shall include power by order 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.

Diplomatic immunities of representatives attending international conferences.

(1944 c.44, s. 3)

4. (1) Where a conference is held in Gibraltar 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 representative of such foreign Powers and members of their official staffs are entitled to diplomatic immunities, he may—

- (a) cause a list to be compiled of those persons 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 so published,

and every representative of a foreign Power who is for the time being included in the list shall, for the purpose of any enactment and rule of law or custom relating to the immunities of an envoy of a foreign Power accredited to Her Majesty, and of the retinue of such an envoy, be treated as if he were such an envoy, and such of the members of his official staff as are for the time being included in the list shall be treated for such purpose as if they were his retinue.

(2) Every list or notice published under subsection (1) 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 Gazettes, 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 such 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. *(1944 c.44, s.4)*

(1944 c.44, Sch;
1946 c.66, s.1(1))

SCHEDULE.

PART I.

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 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 to a foreign sovereign Power.
4. Exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Gibraltar 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 Financial and Development Secretary may prescribe for the protection of the revenue.
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 Gibraltar, of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II.

IMMUNITIES AND PRIVILEGES OF HIGH OFFICERS, PERSONS ON MISSIONS AND GOVERNMENT REPRESENTATIVES.

1. The like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign 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 III.

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 IV.

**IMMUNITIES AND PRIVILEGES OF REPRESENTATIVE'S STAFF
AND OF HIGH OFFICER'S FAMILY.**

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as the representative of a member government, his official staff accompanying him as such a representative 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 twenty-one 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 to the immunities and privileges accorded to the envoy.