

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1968

Part One. Legal status of the United Nations and related inter-governmental
organizations

Chapter I. Legislative texts concerning the legal status of the United Nations and related
inter-governmental organizations



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Chapter I

LEGISLATIVE TEXTS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

1. Australia

REGULATIONS UNDER THE INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ACT, 1963-1966 ¹

WHEREAS it is provided by section 7 of the *International Organizations (Privileges and Immunities) Act*, 1963-1966 ² that where an international conference is, or is to be, held in Australia or in a Territory of the Commonwealth and it appears to the Governor-General that the provisions of that Act other than that section do not, or may not, apply in relation to that conference but it is desirable that diplomatic privileges and immunities should be applicable in relation to that conference, the regulations may declare the conference to be a conference to which that section applies:

AND WHEREAS it appears to me that the provisions of that Act, other than section 7 of that Act, may not apply in relation to the international conference referred to in the following Regulations but it is desirable that diplomatic privileges and immunities should be applicable in relation to that conference:

NOW THEREFORE I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *International Organizations (Privileges and Immunities) Act*, 1963-1966.

Dated this seventeenth day of April, 1968.

CASEY
Governor-General

By His Excellency's Command,

P. HASLUCK
Minister of State for External Affairs.

ECONOMIC COMMISSION FOR ASIA AND THE FAR EAST (PRIVILEGES AND IMMUNITIES) REGULATIONS

1. These Regulations may be cited as the Economic Commission for Asia and the Far East (Privileges and Immunities) Regulations.

2. The international conference that is to be held at Canberra in the Australian Capital Territory commencing on the seventeenth day of April, One thousand nine hundred and sixty-eight, being the conference known as the Twenty-fourth Session of the United Nations

¹ S.R. 1968 No. 54. Notified in the *Commonwealth Gazette* on 17 April 1968.

² See *Juridical Yearbook*, 1963, p. 6.

Economic Commission for Asia and the Far East, is declared to be a conference to which section 7 of the *International Organizations (Privileges and Immunities) Act, 1963-1966* applies.

2. Barbados

DIPLOMATIC IMMUNITIES AND PRIVILEGES (AMENDMENT) ACT, 1967

An Act ³ to amend the Diplomatic Immunities and Privileges Act, 1967 ⁴
(7th March, 1968)

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Assembly of Barbados, and by the authority of the same as follows:

1. This Act may be cited as the Diplomatic Immunities and Privileges (Amendment) Act, 1968.

2. The provisions of the Diplomatic Immunities and Privileges Act, 1967 specified in the first column of the Schedule to this Act shall have effect and shall be deemed always to have had effect as amended in the respects specified in the second column of that Schedule.

Schedule

<i>Provision</i>	<i>(Section 2) Amendment</i>
...	For subsection (1) substitute the following:
Section 6	"(1) This section shall apply to any organisation of which one or more sovereign powers or the government thereof are members,";
	... substitute a comma for the full stop appearing at the end of subsection 2(b) (iii); and for subsection 2(c) substitute the following;
	"(c) confer upon such other classes of officers and servants of the organisation as are specified in the order, to such extent as is so specified, the immunities and privileges specified in Part III of the Second Schedule."

3. Canada

(a) INTERNATIONAL POPLAR COMMISSION (FAO) PRIVILEGES AND IMMUNITIES ORDER, 1968 ⁵

His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, with the concurrence of the Minister of Finance and

³ No. 5 of 1968. Assented to on 29 February 1968.

⁴ See *Juridical Yearbook*, 1967, p. 6.

⁵ P.C. 1968-592. Dated 28 March 1968.

the Minister of Forestry and Rural Development, pursuant to section 3 of the Privileges and Immunities (International Organizations) Act, ⁶ is pleased hereby to make the annexed Order respecting privileges and immunities in Canada of the International Poplar Commission of the Food and Agriculture Organization of the United Nations.

Order respecting the privileges and immunities in Canada of the International Poplar Commission of the Food and Agriculture Organization of the United Nations

1. This Order may be cited as the *International Poplar Commission (FAO) Privileges and Immunities Order, 1968*.

2. In this Order,

(a) "Commission" means the International Poplar Commission of the United Nations Food and Agriculture Organization; and

(b) "Convention" means the Convention on the Privileges and Immunities of the United Nations. ⁷

3. During the period September 1 to September 30, 1968,

(a) the Commission shall have in Canada the legal capacities of a body corporate and shall, to such extent as it may require, have the privileges and immunities set forth in Articles II and III of the Convention for the United Nations;

(b) representatives of states and governments that are members of the Commission shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article IV of the Convention for representatives of members;

(c) all officials of the Commission in Canada shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article V of the Convention for officials of the United Nations; and

(d) all experts, performing missions for the Commission in Canada shall, to such extent as may be required for the performance of their functions, have the privileges and immunities set forth in Article VI of the Convention for experts on missions for the United Nations.

4. Nothing in this Order exempts a Canadian citizen residing or ordinarily resident in Canada from liability for any taxes or duties imposed by any law in Canada.

(b) PROVINCE OF QUEBEC ORDER-IN-COUNCIL NO. 527 OF 13 MARCH 1968 CONCERNING CERTAIN TAX CONCESSIONS TO NON-CANADIAN REPRESENTATIVES TO THE INTERNATIONAL CIVIL AVIATION ORGANIZATION ⁸

WHEREAS Order-in-Council No. 1174 of July 20, 1966 ⁹ stipulates that the regulation concerning certain tax concessions to non-Canadian representatives of the International Civil Aviation Organization appended to this Order-in-Council be enacted in its French and in its English version;

⁶ See *Juridical Yearbook*, 1965, p. 3.

⁷ United Nations, *Treaty Series*, vol. 1, p. 15.

⁸ Text kindly furnished by the International Civil Aviation Organization.

⁹ See *Juridical Yearbook*, 1966, p. 6.

WHEREAS the federal authorities grant also, subsequent to the agreement effected in 1951, a sales tax exemption to certain other officers of the International Civil Aviation Organization;

WHEREAS it is appropriate to grant tax exemptions to certain officers not mentioned in section 1 of the regulation appended to Order-in-Council No. 1174 of July 20, 1966;

WHEREFORE, IT IS ORDERED, upon the recommendation of the Minister of Revenue:

THAT paragraph (e) of section 1 of the regulation appended to Order-in-Council No. 1174 of July 20, 1966 be replaced by the following and take effect as of January 1st 1968:

“(e) exemption from the tax payable pursuant to the Retail Sales Tax Act, by way of a refund and in accordance with a procedure to be established by the Minister of Revenue; when, however, the purchase of automobile vehicles is involved, the exemption by way of a refund is also granted to certain non-Canadian officers of the International Civil Aviation Organization, namely “the professional category” class 1 (P-4) or principal (P-5) officers and the “directors” (P-0).”

4. Ireland

DIPLOMATIC RELATIONS AND IMMUNITIES ACT (SECTION 18) ORDER, 1968

WHEREAS a revised annex (which is set out in the Schedule to this Order) incorporating amendments to Annex XII to the Convention on the Privileges and Immunities of the Specialised Agencies of the United Nations adopted by the General Assembly of the United Nations on the 21st day of November, 1947¹⁰ (in this Order referred to as the Convention) was transmitted to the Secretary-General of the United Nations Organization pursuant to section 38 of that Convention on the 9th day of July, 1968;

Now, the Government, in exercise of the powers conferred on them by section 18 of the Diplomatic Relations and Immunities Act, 1967 (No. 8 of 1967),¹¹ hereby order as follows:

1. This Order may be cited as the Diplomatic Relations and Immunities Act (Section 18) Order, 1968.
2. Annex XII to the Convention shall have effect subject to the amendments thereto incorporated in the annex set out in the Schedule to this Order.

Schedule

1. The privileges and immunities, exemptions and facilities referred to in Article VI, Section 21 of the standard clauses shall be accorded to the Secretary-General of the Organization, to the Deputy Secretary-General and to the Secretary of the Maritime Safety Committee, provided that the provisions of this paragraph shall not require the Member in whose territory the Organization has its Headquarters to apply Article VI, Section 21 of the standard clauses to any person who is its national.

2. (a) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including time spent on journeys in connexion with service on such committees or missions:

- (i) immunity from personal arrest or seizure of their personal baggage;

¹⁰ United Nations, *Treaty Series*, vol. 33, p. 261.

¹¹ See *Juridical Yearbook*, 1967, p. 37.

- (ii) in respect of words spoken or written or acts done by them in the performance of their official functions, immunity from legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of or employed on missions for the Organization;
- (iii) the same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions;
- (iv) inviolability for all papers and documents relating to the work on which they are engaged for the Organization;
- (v) the right to use codes and to receive documents and correspondence by courier or in sealed dispatch bags for their communications with the Inter-Governmental Maritime Consultative Organization.

In connexion with Section 2(a) (iv) and (v) above, the principle contained in the last sentence of Section 12 of the standard clauses shall be applicable.

(b) Privileges and immunities are granted to such experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and duty to waive the immunity of any expert in any case where, in its opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organization.

Given under the Official Seal of the Government this sixth day of December 1968.

Seán Ó LOINSIGH
Taoiseach

5. New Zealand

THE WORLD METEOROLOGICAL ORGANIZATION NAME AND EMBLEM NOTICE 1968 ¹²

Arthur PORRITT, Governor-General

PURSUANT to the Police Offences Act 1927 and section 38 of the Statutes Amendment Act 1948, His Excellency the Governor-General hereby gives notice as follows.

NOTICE

1. (1) This notice may be cited as the World Meteorological Organization Name and Emblem Notice 1968.

(2) This notice shall come into force on the seventh day after the date of its notification in the *Gazette*.

2. No person shall use in connection with any trade or business—

(a) The name of the World Meteorological Organization (a specialized agency brought into relationship with the United Nations in pursuance of Article 57 of the Charter of the United Nations); or

(b) The official emblem of the World Meteorological Organization, the design whereof is reproduced in the Schedule to this notice; or

¹² Issued under the authority of the Regulations Act 1936. Date of notification in *Gazette*: 18 July 1968.

(c) Any other name, word, seal, emblem, or device having reference in any way to the World Meteorological Organization.

3. The World Meteorological Organization Name and Emblem Notice 1959¹³ is hereby revoked.

Schedule
Official Emblem
[Not reproduced]

As witness the hand of His Excellency the Governor-General this 26th day of June 1968.

Keith HOLYOAKE
Minister of External Affairs

6. Romania

(a) PENAL CODE¹⁴

General

PART I

THE PENAL LAW AND THE LIMITS OF ITS APPLICABILITY

...

Chapter II

THE LIMITS OF APPLICABILITY OF THE PENAL LAW

Section I

Territorial application of the penal law

...

Article 8

The penal law shall not apply to offences committed by diplomatic representatives of foreign States or by other persons who, under the terms of international agreements, are not subject to the jurisdiction of the Romanian State.

¹³ S.R. 1959/153.

¹⁴ Act No. 15 of 21 June 1968 (*Buletinul Oficial*, 1968, Part I, Nos. 79-79bis). Translation by the Secretariat of the United Nations.

- (b) REGULATIONS CONCERNING THE CUSTOMS TREATMENT APPLICABLE TO DIPLOMATIC MISSIONS AND CONSULAR OFFICES AND MEMBERS THEREOF AND TO OTHER PERSONS ON OFFICIAL MISSIONS ENTERING OR IN TRANSIT THROUGH THE SOCIALIST REPUBLIC OF ROMANIA ¹⁵

CHAPTER I

Customs inspection

Article 1

The following shall be exempt from customs inspection both on entering and on leaving the Socialist Republic of Romania:

- (a) Goods intended for the personal use of diplomatic agents and members of their families forming part of the same household, and household effects which they personally bring into or take out of the country;
- (b) Goods intended for the official use of diplomatic missions accompanied by a diplomatic agent;
- (c) Goods accompanied by foreign nationals, holders of diplomatic passports—including members of their families travelling with them—who enter the Socialist Republic of Romania on official missions, as tourists, on a visit or in transit.

Article 2

Unaccompanied goods intended for the official use of diplomatic missions and goods intended for the personal use of diplomatic agents, including household effects, shall likewise be exempt from customs inspection both on entering and on leaving the Socialist Republic of Romania.

Article 3

Goods intended for personal use and household effects belonging to the technical, administrative and service staff of diplomatic missions and to persons in the service of members of such missions shall be subject to customs inspection, unless exemption is authorized by the competent Romanian authorities.

Article 4

Goods and household effects which are exempt from customs inspection under articles 1-3 may nevertheless be required to undergo customs inspection in exceptional cases on the basis of a special order from the Ministry of Foreign Trade, if there is reason to presume that among them are:

- (a) Goods or effects the import or export of which is prohibited by law;
- (b) Goods or effects which are subject to quarantine regulations.

In such cases, customs inspection shall be carried out in the presence of the person to whom the goods belong or of his representative.

Article 5

Goods accompanied by or intended for the persons referred to in this chapter the export of which is prohibited by law shall be declared at the frontier customs point when they enter

¹⁵ Approved by Decision of the Council of Ministers No. 1944 of 11 September 1968. (*Buletinul Oficial*, 1968, Part I, No. 123). Translation by the Secretariat of the United Nations.

the country or when they are withdrawn from the customs, so that their re-export may be authorized. The declaration shall be drawn up in duplicate; one copy shall be retained by the owner and the other shall be sent by the customs office concerned to the Ministry of Foreign Affairs.

CHAPTER II

Customs duties

Article 6

The following shall be exempt from customs duties both on entering and on leaving the Socialist Republic of Romania;

(a) Goods and household effects which are exempt from customs inspection under articles 1 and 3, no formality being required;

(b) Goods which are exempt from customs inspection under the terms of article 2, on the basis of a permit granted by the competent Romanian authorities pursuant to an application stating the nature of the goods.

Article 7

Goods or household effects other than those referred to in article 6, belonging to diplomatic missions or members thereof, may be exempted from customs duties on entering the Socialist Republic of Romania on the basis of an import permit granted by the competent Romanian authorities.

The application for an import permit, which shall be made out in triplicate and submitted to the Romanian customs authorities through the Ministry of Foreign Affairs, shall state the quantity and nature of the goods to be imported, in accordance with the forms made available to diplomatic missions, and the applicant shall specify whether the goods are for his personal use or for the use of the mission.

If the applicant does not know the contents of the parcel (bale, case, etc.) received, the customs authorities may proceed to open it with the consent and in the presence of the applicant or his representative in order to complete the form referred to in paragraph 2 of this article. In the absence of such consent, the parcel (bale, case, etc.) may be returned to the sender.

Article 8

Goods intended for personal use and household effects belonging to the technical, administrative and service staff of diplomatic missions and to persons in the service of members of such missions shall be exempt from customs duties when they are accompanied by the persons concerned or arrive within six months of their arrival at their duty station.

In the case of goods and effects belonging to the persons referred to in the first paragraph which arrive later, within the time-limit indicated in that paragraph, exemption from customs duties shall be granted on the basis of an import permit, which may be obtained in the manner laid down in article 7, paragraph 2.

Article 9

Diplomatic missions, diplomatic agents and members of their families may import, free of customs duties, food, beverages, cigarettes and other products—for personal needs and entertainment—throughout their tour of duty in the Socialist Republic of Romania.

Imports of vegetable produce must be accompanied by phytosanitary certificates and imports of animals by veterinary health certificates.

Article 10

Goods and household effects which have served for the personal use of diplomatic agents and members of their families, and also those belonging to the foreign nationals referred to in article 1 (c) which are not accompanied on leaving the country by the persons to whom they belong, shall be exempt from customs duties on the basis of an export permit, provided that they are exported within six months following the final departure of those persons from the Socialist Republic of Romania.

Goods belonging to diplomatic agents which are sent out of the Socialist Republic of Romania on occasions other than that of final departure, provided that they are within the limits of normal quantities of personal goods, and goods intended for the official use of diplomatic missions, shall be exempt from customs duties on the basis of an export permit from the competent Romanian authorities.

Exemption from customs duties shall be granted, on the basis of a permit from the competent authorities, for effects required for initial installation belonging to the technical, administrative and service staff of diplomatic missions and to persons in the service of members of such missions, if they are accompanied by those persons when leaving the country or if they are exported within six months following the final departure of those persons from the Socialist Republic of Romania.

The application for an export permit, accompanied by an inventory in quadruplicate of the goods to be exported, which shall be addressed to the Romanian authorities through the Ministry of Foreign Affairs, shall state the name of the applicant and the customs office through which the goods will be sent out.

Article 11

Works of art and cultural, artistic or scientific objects with antiquarian value, and rare books with scientific and artistic value, bought in the Socialist Republic of Romania, may be exported with the approval of the Romanian customs authorities granted on the advice of the Bucharest Boards of Experts set up by the State Committee for Culture and Art in accordance with the instructions given pursuant to Decision No. 403/1961 of the Council of Ministers concerning the regulation of goods brought into or taken out of the country by foreign travellers.

Members of diplomatic missions wishing to buy goods of the kind mentioned in the preceding paragraph with the intention of exporting them shall first request information, through the Ministry of Foreign Affairs, as to the possibility of exporting them.

If articles the export of which is prohibited are introduced into the country by their owners when they take up residence or by subsequent importation, they may be exported by means of an export permit, which shall be granted on the basis of a declaration made to the customs authorities when they were imported into the country or an application for an import permit conforming to the provisions of article 7, paragraph 2.

Article 12

Goods imported free of customs duties in accordance with these Regulations may be transferred to persons who do not enjoy exemption from customs duties only with the prior approval of the Romanian customs authorities, which must be requested through the Ministry of Foreign Affairs, and on payment of the appropriate customs duties.

Article 13

It shall be prohibited to introduce into or remove from the country goods the import or export of which is forbidden by law, with the exception of weapons for personal use belonging to diplomatic agents, or by international agreements to which the Socialist Republic of Romania is a party. "Arms for personal use" shall be understood to include hunting and sporting weapons for personal use, and also a pistol or a revolver.

Article 14

The import and export of means of payment, precious metals and precious stones shall be subject to the provisions of Decree No. 210 of 14 June 1960, concerning the control of foreign means of payment, precious metals and precious stones, and the subsequent amendments thereto.

CHAPTER III

Motor vehicles of diplomatic missions

Article 15

Motor vehicles imported by diplomatic missions for their official use or by diplomatic agents and members of their families for their personal use shall be exempt from customs duties.

Article 16

Customs duties in respect of motor vehicles imported by the technical, administrative and service staff of diplomatic missions shall be suspended for a limited time, subject to extension, on conditions that the vehicles shall be re-exported by their owners on their final departure from the Socialist Republic of Romania.

Article 17

On the approval by the Romanian customs authorities of an application submitted through the Ministry of Foreign Affairs, motor vehicles may be imported free of customs duties or with customs duties suspended for a limited time by completion of the necessary formalities at one of the customs offices of the Socialist Republic of Romania.

Where vehicles are driven to a border-crossing point without a "customs entry permit", the customs officials of that point shall issue to their owners documents permitting them to travel to Bucharest, where they must complete the formalities laid down in the preceding paragraph.

Article 18

Motor vehicles which are imported free of customs duties may be transferred for valuable consideration or given only to other diplomatic missions or their members without payment of the customs duties due and only after approval by the Romanian customs authorities of an application submitted by the owner of the vehicle in question to the Ministry of Foreign Affairs through the respective diplomatic mission.

Article 19

Motor vehicles introduced free of customs duties or with customs duties suspended may be permanently imported into the country only by sale to the State enterprise designated

to purchase motor vehicles after approval by the Romanian customs authorities of an application by the owner of the vehicle in question submitted to the Ministry of Foreign Affairs through the respective diplomatic mission.

CHAPTER IV

The diplomatic bag

Article 20

The diplomatic bag (cases, pouches, envelopes, packages, etc.) used for communication between diplomatic missions and the Ministry of Foreign Affairs of the accrediting State shall be free of customs duties and inspection both on entering and on leaving the country.

The provisions of the foregoing paragraph shall apply also to the diplomatic missions of the same State.

Article 21

The diplomatic bag may be transported in the territory of the Socialist Republic of Romania :

(a) accompanied by diplomatic couriers designated for the purpose by the Ministry of Foreign Affairs of their respective State or by a diplomatic mission of the accrediting State; or

(b) unaccompanied.

Article 22

The diplomatic bag must bear the seals of the Ministry of Foreign Affairs or of the diplomatic mission by which it is sent; it must also bear the inscription "diplomatic correspondence" or "official dispatch", must be accompanied by a "courier's pass", and may contain only diplomatic documents or articles intended for official use.

If the diplomatic bag is accompanied by a diplomatic courier, the latter must be in possession of a "courier's pass" on which is entered the given name and surname and status of the person accompanying it and the number and destination of the packages contained therein.

If unaccompanied, the diplomatic bag must bear, in addition to the inscription "diplomatic correspondence" or "official dispatch" and the seals of the sender, as prescribed in the first paragraph, a label indicating the number of the "courier's pass".

If these requirements are not met, the diplomatic bag shall be sealed by the customs officials and forwarded in transit to one of the customs houses in Bucharest for determination of the manner in which it shall be delivered or returned to the sender.

Unaccompanied diplomatic bags shall be delivered by the customs authorities on presentation of a written authorization issued by the recipient diplomatic mission.

Article 23

A diplomatic bag may be carried by the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall have in his possession 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.

Likewise, a diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to take off from an authorized port of departure. An official document like the document referred to in the preceding paragraph shall be required for the dispatch of a diplomatic bag.

Article 24

A diplomatic bag sent in transit through the Socialist Republic of Romania may be sealed by the customs authorities on its entry into Romanian territory.

CHAPTER V

Final provisions

Article 25

The provisions of these Regulations shall apply also to the consular offices of the Socialist Republic of Romania and to their staff.

For the purpose of the application of the provisions of the preceding paragraph the members of consular offices shall be treated as follows:

Members of consulates who have consular rank shall be regarded as having the status of diplomatic agents;

The technical, administrative and service staff of consular offices shall be regarded as having the same status as the technical, administrative and service staff of diplomatic missions;

Persons in the service of consular offices shall be regarded as having the same status as persons in the service of members of diplomatic missions.

Article 26

The provisions of these Regulations shall apply, subject to reciprocity, to diplomatic missions and consular offices accredited to the Socialist Republic of Romania, to their members and to other persons holding diplomatic passports who enter the Socialist Republic of Romania on official missions, as tourists, on a visit or in transit.

The provisions of these Regulations shall not apply to employees of diplomatic missions and consular offices who are aliens permanently resident in the Socialist Republic of Romania or citizens of the Socialist Republic of Romania.

Article 27

The provisions of these Regulations shall apply also to officials of international organizations and their families who are in the Socialist Republic of Romania on an official mission and who have been granted privileges and immunities under international agreements to which the Socialist Republic of Romania is a party.

7. Singapore

INTERNATIONAL FINANCE CORPORATION ACT, 1968

An Act¹⁶ to implement the International Agreement for the establishment and operation of the International Finance Corporation and to enable Singapore to become a member thereof and for matters connected therewith.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

1. This Act may be cited as the International Finance Corporation Act, 1968, and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

2. In this Act, unless the context otherwise requires—

“Agreement” means the Articles of Agreement¹⁷ opened for signature at Washington, on 25th May, 1955 (as may be subsequently amended) providing for the establishment and operation of the international body known as the International Finance Corporation;

“Corporation” means the International Finance Corporation established under the Agreement.

3. The President is hereby authorised by instrument under his hand to empower such person as may be named in such instrument, on behalf of the Government—

(a) to sign the Agreement; and

(b) to deposit with the International Bank for Reconstruction and Development an instrument of acceptance stating that the Government has accepted without reservation in accordance with the laws of Singapore the Agreement and the terms and conditions of the Resolution by the Board of Governors of the Corporation, dated 8th March, 1968, providing for admission of Singapore to membership, and has taken all steps necessary to enable the Government to carry out all its obligations under the Agreement and the said Resolution.

4. There shall be charged and paid out of the Consolidated Fund all sums required for the purpose of making payments on behalf of the Government—

(a) under section 3 of Article II of the Agreement (which provides for the subscription of shares of stock of the Corporation); and

(b) under section 4 of Article V of the Agreement (which relates to the cessation of membership of the Corporation).

5. For the purposes of providing any sums required for making any payments to the Corporation, the Minister may, on behalf of the Government, raise loans by the creation and the issue of securities bearing such rates of interests and subject to such conditions as to repayment, redemption or otherwise as he may think fit, and the principal and interest of such securities and any expenses incurred in connection with their issue shall be charged on and paid out of the Consolidated Fund.

6. All sums received by or on behalf of the Government from the Corporation shall be paid into the Consolidated Fund.

¹⁶ No. 20 of 1968. Assented to on 6 August 1968.

¹⁷ United Nations, *Treaty Series*, vol. 264, p. 117.

7. (1) Notwithstanding anything to the contrary contained in any other written law, the provisions of the Agreement set out in the Schedule to this Act shall have the force of law:

Provided that nothing in section 9 of Article VI of the Agreement shall be construed as—

(a) entitling the Corporation to import into Singapore goods free of any duty of customs without any restriction on their subsequent sale therein;

(b) conferring on the Corporation any exemption from taxes or duties which form part of the price of goods sold; or

(c) conferring on the Corporation any exemption from taxes or duties which are no more than charges for services rendered.

(2) The Minister may, by notification in the *Gazette*, amend the Schedule to this Act in conformity with any amendments to the provisions of the Agreement set out therein which may hereafter be duly made and adopted.

8. (1) The Minister may make rules for carrying out or giving effect to the provisions of this Act.

(2) Such rules shall be presented to Parliament as soon as may be after publication

The schedule

(Section 7)

ARTICLE VI

STATUS, IMMUNITIES AND PRIVILEGES

Section 2. Status of the Corporation.

The Corporation shall possess full juridical personality and, in particular, the capacity—

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

Section 3. Position of the Corporation with Regard to Judicial Process.

Actions may be brought against the Corporation only in a court of competent jurisdiction in the territories of a member in which the Corporation has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Corporation shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Corporation.

Section 4. Immunity of Assets from Seizure.

Property and assets of the Corporation, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. Immunity of Archives.

The archives of the Corporation shall be inviolable.

Section 6. Freedom of Assets from Restrictions.

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of Article III, section 5, and the other provisions of this Agreement, all property

and assets of the Corporation shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. Privilege for Communications.

The official communications of the Corporation shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8. Immunities and Privileges of Officers and Employees.

All Governors, Directors, Alternates, officers and employees of the Corporation—

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity;
- (ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;
- (iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. Immunities from Taxation.

(a) The Corporation, its assets, property, income and its operations and transactions authorised by this Agreement, shall be immune from all taxation and from all customs duties. The Corporation shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Corporation to Directors, Alternates, officials or employees of the Corporation who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Corporation (including any dividend or interest thereon) by whomsoever held—

- (i) which discriminates against such obligation or security solely because it is issued by the Corporation; or
- (ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Corporation.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Corporation (including any dividend or interest thereon) by whomsoever held—

- (i) which discriminates against such obligation or security solely because it is guaranteed by the Corporation; or
- (ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Corporation.

Section 11. Waiver.

The Corporation in its discretion may waive any of the privileges and immunities conferred under this Article to such extent and upon such conditions as it may determine.

8. Sudan

NOTE DATED 29 JULY 1968 FROM THE PERMANENT REPRESENTATIVE OF THE
REPUBLIC OF THE SUDAN TO THE UNITED NATIONS

... the following regulations concerning the diplomatic privileges and immunities were enacted in 1967:

"Resale of Exempted Goods"

Motor-cars, motor-boats and motor-cycles imported under exemption, and all other goods imported under exemption, may not be resold in the Sudan before three years in the case of motor-cars, motor-boats and motor-cycles, and two years in the case of all other goods imported under exemption.

In case of the departure of foreign diplomats finally from the country, resale will be subject to conditions set out by the Minister of Foreign Affairs with the agreement of the Minister of Finance and Economics with reference to payment of customs duties at the time of reselling."

The United Nations Resident Representative and the four most high ranking employees are treated in the same way as foreign diplomats for the purposes of these regulations. Other United Nations personnel will be accorded privileges as agreed between the Sudan Government and the respective representatives of the United Nations agencies.

9. Sweden

- (a) PROCLAMATION ¹⁸ ISSUED IN ACCORDANCE WITH ARTICLE 4, FIRST PARAGRAPH, OF THE ACT OF 16 DECEMBER 1966 (No. 664) ON IMMUNITIES AND PRIVILEGES ¹⁹

In connexion with the United Nations Conference on Housing, Building and Planning to be held in Stockholm in 1968, representatives of such inter-governmental or other international organizations as have been invited to the Conference by the Executive Secretary of the United Nations Economic Commission for Europe shall enjoy the same privileges and immunities as are accorded to officials of the United Nations of comparable rank, in accordance with the Convention on the Privileges and Immunities of the United Nations.

- (b) PROCLAMATION ²⁰ ISSUED IN ACCORDANCE WITH ARTICLE 4, FIRST PARAGRAPH, OF THE ACT OF 16 DECEMBER 1966 (No. 664) ON IMMUNITIES AND PRIVILEGES

In connexion with the Symposium on methodology of cross-national studies in nation-building which is being organized in Gothenburg in 1968 by the United Nations Educational, Scientific and Cultural Organization (UNESCO), persons who have been nominated by the Director-General of UNESCO to take part in the Symposium shall enjoy the same privileges and immunities as are accorded to the representatives of members of the Specialized Agencies, in accordance with the Convention on the Privileges and Immunities of the Specialized Agencies.

In connexion with the Symposium, representatives of organizations other than the Specialized Agencies, who have been invited to the Symposium by the Director-General of UNESCO, shall enjoy the same privileges and immunities as are accorded to officials of the Specialized Agencies of comparable rank, in accordance with the above-mentioned Convention.

¹⁸ No. 6 of 12 January 1968. Translation kindly furnished by the Government of Sweden.

¹⁹ See *Juridical Yearbook*, 1966, p. 23.

²⁰ No. 446 of 28 June 1968. Translation kindly furnished by the Government of Sweden.

10. Trinidad and Tobago

INVESTMENT DISPUTES AWARDS (ENFORCEMENT) ACT, 1968

AN ACT ²¹ to make provisions in relation to the enforcement of awards in certain investment disputes

[Assented to 13th August, 1968]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same as follows:

1. This Act may be cited as the Investment Disputes Awards (Enforcement) Act, 1968, and shall come into operation on a day to be appointed by the Governor-General by Proclamation published in the *Gazette*.

2. In this Act—

“award” means an award made pursuant to the Convention and includes any decision interpreting, revising or annulling such an award pursuant to Article 50, 51 or 52 of the Convention;

“the Centre” means the International Centre for Settlement of Investment Disputes established by the Convention;

“the Convention” means the Convention set out in the Schedule.

3. (1) An award shall, subject to the provisions of this section, be enforceable in the High Court as if it were a final judgment of that Court.

(2) During any period in which, pursuant to Article 50, 51 or 52 of the Convention, enforcement of an award has been stayed, the award shall not be enforceable under this Act.

(3) An award which would be enforceable under this Act shall be treated as binding for all purposes on the parties as between whom it was made and may accordingly be relied on by any of those parties by way of defence, set off or otherwise in any legal proceedings in Trinidad and Tobago and any references in this Act to enforcing an award shall be construed as including references to relying on an award.

4. Subject to the provisions of the Convention, rules of court may prescribe the evidence to be furnished and the procedure to be adopted in relation to the enforcement of an award.

5. Section 6 of Chapter I of the Convention (which relates to the status, immunities and privileges of the Centre) shall have the force of law in Trinidad and Tobago, so, however, that nothing in Article 24 in that section shall be construed—

(a) as entitling the Centre to import goods free of customs duty without any restriction on their subsequent sale in Trinidad and Tobago;

(b) as conferring on the Centre any exemption from taxes or duties which form part of the price of goods sold;

(c) as conferring on the Centre any exemption from taxes or duties which are in fact no more than charges for services rendered.

²¹ No. 23 of 1968.

Schedule

CONVENTION ON THE SETTLEMENT OF INVESTMENT DISPUTES
BETWEEN STATES AND NATIONALS OF OTHER STATES
[Not reproduced]²²

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11. United Kingdom of Great Britain and Northern Ireland

(a) INTERNATIONAL ORGANISATIONS ACT 1968

An Act²³ to make new provision (in substitution for the International Organisations (Immunities and Privileges) Act 1950²⁴ and the European Coal and Steel Community Act 1955) as to privileges, immunities and facilities to be accorded in respect of certain international organisations and in respect of persons connected with such organisations and other persons; and for purposes connected with the matters aforesaid. [26th July 1968]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1) This section shall apply to any organisation declared by Order in Council to be an organisation of which—

(a) the United Kingdom, or Her Majesty's Government in the United Kingdom, and

(b) one or more foreign sovereign Powers, or the Government or Governments of one or more such Powers, are members.

(2) Subject to subsection (6) of this section, Her Majesty may by Order in Council made under this subsection specify an organisation to which this section applies and make any one or more of the following provisions in respect of the organisation so specified (in the following provisions of this section referred to as "the organisation"), that is to say—

(a) confer on the organisation the legal capacities of a body corporate;

(b) provide that the organisation shall, to such extent as may be specified in the Order, have the privileges and immunities set out in Part I of Schedule 1 to this Act;

(c) confer the privileges and immunities set out in Part II of Schedule 1 to this Act, to such extent as may be specified in the Order, on persons of any such class as is mentioned in the next following subsection;

(d) confer the privileges and immunities set out in Part III of Schedule 1 to this Act, to such extent as may be specified in the Order, on such classes of officers and servants of the organisation (not being classes mentioned in the next following subsection) as may be so specified.

(3) The classes of persons referred to in subsection (2) (c) of this section are—

(a) persons who (whether they represent Governments or not) are representatives to the organisation or representatives on, or members of, any organ, committee or

²² See *Juridical Yearbook*, 1966, p. 196.

²³ 1968 c.48.

²⁴ United Nations Legislative Series, *legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations* (ST/LEG/SER.B/10), p. 119.

other subordinate body of the organisation (including any sub-committee or other subordinate body of a subordinate body of the organisation);

(b) such number of officers of the organisation as may be specified in the Order, being the holders (whether permanent, temporary or acting) of such high offices in the organisation as may be so specified; and

(c) persons employed by or serving under the organisation as experts or as persons engaged on missions for the organisation.

(4) Where an Order in Council is made under subsection (2) of this section, the provisions of Part IV of Schedule 1 to this Act shall have effect by virtue of that Order (in those provisions, as they so have effect, referred to as “the relevant Order”), except in so far as that Order otherwise provides.

(5) Where an Order in Council is made under subsection (2) of this section, then for the purpose of giving effect to any agreement made in that behalf between the United Kingdom or Her Majesty’s Government in the United Kingdom and the organisation Her Majesty may by the same or any subsequent Order in Council make either or both of the following provisions, that is to say—

(a) confer the exemptions set out in paragraph 13 of Schedule 1 to this Act, to such extent as may be specified in the Order, in respect of officers and servants of the organisation of any class specified in the Order in accordance with subsection (2)(d) of this section and in respect of members of the family of any such officer or servant who form part of his household;

(b) confer the exemptions set out in Part V of that Schedule in respect of—

(i) members of the staff of the organisation recognised by Her Majesty’s Government in the United Kingdom as holding a rank equivalent to that of a diplomatic agent, and

(ii) members of the family of any such member of the staff of the organisation who form part of his household.

(6) Any Order in Council made under subsection (2) or subsection (5) of this section shall be so framed as to secure—

(a) that the privileges and immunities conferred by the Order are not greater in extent than those which, at the time when the Order takes effect, are required to be conferred in accordance with any agreement to which the United Kingdom or Her Majesty’s Government in the United Kingdom is then a party (whether made with one or more other foreign sovereign Powers or Governments or made with one or more organisations such as are mentioned in subsection (1) of this section), and

(b) that no privilege or immunity is conferred on any person as the representative of the United Kingdom, or of Her Majesty’s Government in the United Kingdom, or as a member of the staff of such a representative.

2. (1) Where an Order in Council under section 1(2) of this Act is made in respect of an organisation which is a specialised agency of the United Nations having its headquarters or principal office in the United Kingdom, then for the purpose of giving effect to any agreement between the United Kingdom or Her Majesty’s Government in the United Kingdom and that organisation Her Majesty may by the same or any other Order in Council confer the exemptions, privileges and reliefs specified in the next following subsection, to such extent as may be specified in the Order, on officers of the organisation who are recognised by Her Majesty’s Government in the United Kingdom as holding a rank equivalent to that of a diplomatic agent.

(2) The exemptions, privileges and reliefs referred to in the preceding subsection are—

(a) the like exemption or relief from income tax, capital gains tax and rates as, in accordance with Article 34 of the 1961 Convention Articles, is accorded to a diplomatic agent, and

(b) the exemptions, privileges and reliefs specified in paragraphs 10 to 12 of Schedule 1 to this Act.

(3) Where by virtue of subsection (1) of this section any of the exemptions, privileges and reliefs referred to in subsection (2)(b) of this section are conferred on persons as being officers of the organisation, Her Majesty may by the same or any other Order in Council confer the like exemptions, privileges and reliefs on persons who are members of the families of those persons and form part of their households.

(4) The powers conferred by the preceding provisions of this section shall be exercisable in addition to any power exercisable by virtue of subsection (2) or subsection (5) of section 1 of this Act; and any exercise of the powers conferred by those provisions shall have effect without prejudice to the operation of subsection (4) of that section.

(5) Subsection (6) of section 1 of this Act shall have effect in relation to the preceding provisions of this section as it has effect in relation to subsections (2) and (5) of that section.

(6) In this section “specialised agency” has the meaning assigned to it by Article 57 of the Charter of the United Nations.

...

4. Where an organisation other than the Commission of the European Communities, of which two or more foreign sovereign Powers, or the Governments of two or more such Powers, are members but of which neither the United Kingdom nor Her Majesty’s Government in the United Kingdom is a member, maintains or proposes to maintain an establishment in the United Kingdom, then for the purpose of giving effect to any agreement made in that behalf between the United Kingdom or Her Majesty’s Government in the United Kingdom and that organisation, Her Majesty may by Order in Council specifying the organisation make either or both of the following provisions in respect of the organisation, that is to say—

(a) confer on the organisation the legal capacities of a body corporate, and

(b) provide that the organisation shall, to such extent as may be specified in the Order, be entitled to the like exemption or relief from taxes on income and capital gains as is accorded to a foreign sovereign Power.

5. (1) Her Majesty may by Order in Council confer on any class of persons to whom this section applies such privileges, immunities and facilities as in the opinion of Her Majesty in Council are or will be required for giving effect—

(a) to any agreement to which, at the time when the Order takes effect, the United Kingdom or Her Majesty’s Government in the United Kingdom is or will be a party, or

(b) to any resolutions of the General Assembly of the United Nations.

(2) This section applies to any persons who are for the time being—

(a) judges or members of any international tribunal, or persons exercising or performing, or appointed (whether permanently or temporarily) to exercise or perform, any jurisdiction or functions of such a tribunal;

(b) registrars or other officers of any international tribunal;

- (c) parties to any proceedings before any international tribunal;
- (d) agents, advisers or advocates (by whatever name called) for any such parties;
- (e) witnesses in, or assessors for the purposes of, any proceedings before any international tribunal.

(3) For the purposes of this section any petition, complaint or other communication which, with a view to action to be taken by or before an international tribunal,—

- (a) is made to the tribunal, or
- (b) is made to a person through whom, in accordance with the constitution, rules or practice of the tribunal, such a communication can be received by the tribunal, shall be deemed to be proceedings before the tribunal, and the person making any such communication shall be deemed to be a party to such proceedings.

(4) Without prejudice to subsection (3) of this section, any reference in this section to a party to proceedings before an international tribunal shall be construed as including a reference to—

- (a) any person who, for the purposes of any such proceedings, acts as next friend, guardian or other representative (by whatever name called) of a party to the proceedings, and
- (b) any person who (not being a person to whom this section applies apart from this paragraph) is entitled or permitted, in accordance with the constitution, rules or practice of an international tribunal, to participate in proceedings before the tribunal by way of advising or assisting the tribunal in the proceedings.

(5) In this section “international tribunal” means any court (including the International Court of Justice), tribunal, commission or other body which, in pursuance of any such agreement or resolution as is mentioned in subsection (1) of this section,—

- (a) exercises, or is appointed (whether permanently or temporarily) for the purpose of exercising, any jurisdiction, or
- (b) performs, or is appointed (whether permanently or temporarily) for the purpose of performing, any functions of a judicial nature or by way of arbitration, conciliation or inquiry,

and includes any individual who, in pursuance of any such agreement or resolution, exercises or performs, or is appointed (whether permanently or temporarily) for the purpose of exercising or performing, any jurisdiction or any such functions.

6. (1) This section applies to any conference which is, or is to be, held in the United Kingdom and is, or is to be, attended by representatives—

- (a) of the United Kingdom, or of Her Majesty’s Government in the United Kingdom, and
- (b) of one or more foreign Powers, or the Government or Governments of one or more such Powers.

(2) Her Majesty may by Order in Council specify one or more classes of persons who are, or are to be, representatives of a foreign sovereign Power, or of the Government of such a Power, at a conference to which this section applies, and confer on persons of the class or classes in question, to such extent as may be specified in the Order, the privileges and immunities set out in Part II of Schedule 1 to this Act.

(3) Where an Order in Council is made under subsection (2) of this section in relation to a particular conference, then, except in so far as that Order otherwise provides, the provisions of paragraphs 19 to 22 of Schedule 1 to this Act shall have effect in relation

to members of the official staffs of persons of a class specified in the Order in accordance with that subsection as if in paragraph 19 of that Schedule “representative” were defined as a person of a class so specified in the Order.

7. So far as may be necessary for the purpose of giving effect to the International Telecommunication Convention done at Montreux on 12th November 1965²⁵ or any subsequent treaty or agreement whereby that Convention is amended or superseded, priority shall, wherever practicable, be given to messages from, and to replies to messages from, any of the following, that is to say—

- (a) the Secretary General of the United Nations;
- (b) the heads of principal organs of the United Nations; and
- (c) the International Court of Justice.

8. If in any proceedings a question arises whether a person is or is not entitled to any privilege or immunity by virtue of this Act or any Order in Council made thereunder, 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.

...

11. (1) In this Act “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 1 to the Diplomatic Privileges Act 1964, and “the International Court of Justice” means the court set up by that name under the Charter of the United Nations.

(2) Expressions used in this Act to which a meaning is assigned by Article 1 of the 1961 Convention Articles, and other expressions which are used both in this Act and in those Articles, shall, except in so far as the context otherwise requires, be construed as having the same meanings in this Act as in those Articles.

(3) For the purpose of giving effect to any arrangements made in that behalf between Her Majesty’s Government in the United Kingdom and any organisation, premises which are not premises of the organisation but are recognised by that Government as being temporarily occupied by the organisation for its official purposes shall, in respect of such period as may be determined in accordance with the arrangements, be treated for the organisation.

(4) Except in so far as the context otherwise requires, any reference in this Act to an enactment is a reference to that enactment as amended or extended by or under any other enactment.

12. ...

(3) References in any enactment to the powers conferred by the International Organisations (Immunities and Privileges) Act 1950 shall be construed as including references to the powers conferred by this Act.

(4) Subject to the following provisions of this section, the enactments specified in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(5) Any Order in Council which has been made, or has effect as if made, under an enactment repealed by subsection (4) of this section and is in force immediately before the passing of this Act shall continue to have effect notwithstanding the repeal of that enactment, and, while any such Order in Council continues to have effect in relation to an organisation,—

²⁵ See *Juridical Yearbook*, 1965, p. 178.

(a) the enactment in question shall continue to have effect in relation to that organisation as if that enactment had not been repealed, and

(b) section 8 of this Act shall have effect as if in that section any reference to this Act or an Order in Council made thereunder included a reference to that enactment or that Order in Council.

(6) Any such Order in Council as is mentioned in subsection (5) of this section—

(a) if made, or having effect as if made, under section 1 of the International Organisations (Immunities and Privileges) Act 1950, may be revoked or varied as if it had been made under section 1 of this Act;

(b) if made, or having effect as if made, under section 3 of that Act, may be revoked or varied as if it had been made under section 5 of this Act.

...

13. This Act may be cited as the International Organisations Act 1968.

SCHEDULES

Schedule 1

Sections 1, 2, 3, 6.

PRIVILEGES AND IMMUNITIES

PART I

Privileges and immunities of the organisation

1. Immunity from suit and legal process.

2. The like inviolability of official archives and premises of the organisation as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives and premises of a diplomatic mission.

3. (1) Exemption or relief from taxes, other than customs duties and taxes on the importation of goods.

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

4. Exemption from customs duties and taxes on the importation of goods imported by or on behalf of the organisation for its official use in the United Kingdom, or on the importation of any publications of the organisation imported by it or on its behalf, such exemption to be subject to compliance with such conditions as the Commissioners of Customs and Excise may prescribe for the protection of the Revenue.

5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the organisation for its official use and in the case of any publications of the organisation imported or exported by it.

6. Relief, under arrangements made either by the Secretary of State or by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oils (within the meaning of the Customs and Excise Act 1952) which are bought in the United Kingdom and used for the official purposes of the organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

7. Relief, under arrangements made by the Secretary of State, by way of refund of purchase tax paid on any goods which are used for the official purposes of the organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART II

Privileges and immunities of representatives, members of subordinate bodies, high officers, experts, and persons on missions

8. For the purpose of conferring on any person any such exemption, privilege or relief as is mentioned in any of the following paragraphs of this Part of this Schedule, any reference in that paragraph to the representative or officer shall be construed as a reference to that person.

9. The like immunity from suit and legal process, the like inviolability of residence, and the like exemption or relief from taxes and rates, other than customs duties and taxes on the importation of goods, as are accorded to or in respect of the head of a diplomatic mission.

10. The like exemption from customs duties and taxes on the importation of articles imported for the personal use of the representative or officer or of members of his family forming part of his household, including articles intended for his establishment, as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent.

11. The like exemption and privileges in respect of the personal baggage of the representative or officer as in accordance with paragraph 2 of Article 36 of those Articles are accorded to a diplomatic agent, as if in that paragraph the reference to paragraph 1 of that Article were a reference to paragraph 10 of this Schedule.

12. Relief, under arrangements made either by the Secretary of State or by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oils (within the meaning of the Customs and Excise Act 1952) which are bought in the United Kingdom by or on behalf of the representative or officer, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

13. Exemptions whereby, for the purposes of the National Insurance Acts 1965 to 1967, the National Insurance (Industrial Injuries) Acts 1965 to 1967, any enactment for the time being in force amending any of those Acts, and any enactment of the Parliament of Northern Ireland corresponding to any of those Acts or to any enactment amending any of those Acts,—

(a) services rendered for the organisation by the representative or officer shall be deemed to be excepted from any class of employment which is insurable employment, or in respect of which contributions are required to be paid, but

(b) no person shall be rendered liable to pay any contribution which he would not be required to pay if those services were not deemed to be so excepted.

PART III

Privileges and immunities of other officers and servants

14. 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.

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

16. The like exemption from customs duties and taxes on the importation of articles which—

(a) at or about the time when an officer or servant of the organisation first enters the United Kingdom as such an officer or servant are imported for his personal use or that of members of his family forming part of his household, including articles intended for his establishment, and

(b) are articles which were in his ownership or possession or that of such a member of his family, or which he or such a member of his family was under contract to purchase, immediately before he so entered the United Kingdom,

as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent.

17. Exemption from customs duties and taxes on the importation of any motor vehicle imported by way of replacement of a motor vehicle in respect of which the conditions specified in sub-paragraphs

(a) and (b) of paragraph 16 of this Schedule were fulfilled, such exemption to be subject to compliance with such conditions as the Commissioners of Customs and Excise may prescribe for the protection of the Revenue.

18. The like exemption and privileges in respect of the personal baggage of an officer or servant of the organisation as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent, as if in that paragraph the reference to paragraph 1 of that Article were a reference to paragraph 16 of this Schedule.

PART IV

Privileges and immunities of official staffs and of families of representatives, high officers and official staffs

19. In this Part of this Schedule—

(a) “representative” means a person who is such a representative to the organisation specified in the relevant Order or such a representative on, or member of, an organ, committee or other subordinate body of that organisation as is mentioned in section 1(3)(a) of this Act;

(b) “member of the official staff” means a person who accompanies a representative as part of his official staff in his capacity as a representative.

20. A member of the official staff who is recognised by Her Majesty’s Government in the United Kingdom as holding a rank equivalent to that of a diplomatic agent shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as, by virtue of the relevant Order, the representative whom he accompanies is entitled to them.

21. (1) Subject to sub-paragraph (2) of this paragraph, a member of the official staff who is not so recognised, and who is employed in the administrative or technical service of the representative whom he accompanies, shall be entitled to the privileges and immunities set out in paragraphs 9 and 13 of this Schedule to the like extent as, by virtue of the relevant Order, that representative is entitled to them.

(2) Such a member of the official staff shall not by virtue of the preceding sub-paragraph be entitled to immunity from any civil proceedings in respect of any cause of action arising otherwise than in the course of his official duties.

(3) Such a member of the official staff shall also be entitled to the exemption set out in paragraph 16 of this Schedule as if he were an officer of the organisation specified in the relevant Order.

22. A member of the official staff who is employed in the domestic service of the representative whom he accompanies shall be entitled to the following privileges and immunities, that is to say—

(a) 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, and

(b) the exemptions set out in paragraph 13 of this Schedule, to the like extent as, by virtue of the relevant Order, that representative is entitled to them, and shall be entitled to exemption from taxes on his emoluments in respect of that employment to the like extent as, by virtue of the relevant Order, that representative is entitled to exemption from taxes on his emoluments as a representative.

23. (1) Persons who are members of the family of a representative and form part of his household shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as, by virtue of the relevant Order, that representative is entitled to them.

(2) Persons who are members of the family and form part of the household of an officer of the organisation specified in the relevant Order, where that officer is the holder (whether permanent, temporary or acting) of an office specified in that Order in accordance with section 1(3)(b) of this Act, shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as, by virtue of the relevant Order, that officer is entitled to them.

(3) Persons who are members of the family and form part of the household of such a member of the official staff as is mentioned in paragraph 20 of this Schedule shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as, by virtue of that paragraph, that member of the official staff is entitled to them.

(4) Persons who are members of the family and form part of the household of such a member of the official staff as is mentioned in paragraph 21 of this Schedule shall be entitled to the privileges and immunities set out in paragraphs 9 and 13 of this Schedule to the like extent as, by virtue of paragraph 21 of this Schedule, that member of the official staff is entitled to them.

PART V

Estate duty and capital gains tax on death

24. In the event of the death of the person in respect of whom the exemptions under this paragraph are conferred, exemptions from—

(a) estate duty leviable on his death under the law of any part of the United Kingdom in respect of movable property which is in the United Kingdom immediately before his death and whose presence in the United Kingdom at that time is due solely to his presence there in the capacity by reference to which the exemptions are conferred, and

(b) capital gains tax on chargeable gains which, by virtue of the operation of section 24 of the Finance Act 1965 in relation to any such movable property, are included in the gains accruing to that person in the year of assessment in which he died.

Schedule 2 ENACTMENTS REPEALED Section 12

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
14 Geo. 6. c. 14.	The International Organisations (Immunities and Privileges) Act 1950.	The whole Act.

...

(b) THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION (IMMUNITIES AND PRIVILEGES) ORDER 1968 ²⁶

Laid before Parliament in draft

Made - - - 22nd November 1968

Coming into Operation On a date to be notified in the London Gazette

At the Court at Buckingham Palace, the 22nd day of November 1968

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 10 of the International Organisations Act 1968 ²⁷ (hereinafter referred to as the Act) and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by sections 1, 2 and 12(6) of the Act or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

PART I

THE ORGANISATION

1. The Inter-Governmental Maritime Consultative Organisation (hereinafter referred to as the Organisation) is an Organisation of which the United Kingdom and foreign sovereign Powers are members.

²⁶ *Statutory Instruments*, No. 1862, 1968.

²⁷ See section (a) above.

2. 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.

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

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

5. The Organisation shall have the like relief from rates as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

6. The Organisation shall have exemption from customs duties and taxes on the importation of goods imported by the Organisation for its official use in the United Kingdom, or on the importation of any publications of the Organisation imported by it, such exemption to be subject to compliance with such conditions as the Commissioners of Customs and Excise may prescribe for the protection of the Revenue.

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

8. The Organisation shall have relief, under arrangements made either by the Secretary of State or by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oils (within the meaning of the Customs and Excise Act 1952) * which are bought in the United Kingdom and used for the official purposes of the Organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

9. The Organisation shall have relief, under arrangements made by the Secretary of State, by way of refund of purchase tax paid on any goods which are used for the official purposes of the Organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART II

REPRESENTATIVES

10. (1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member whom they represent, representatives of members of the Organisation on any of its organs at meetings convened by it shall enjoy:

(a) in respect of words spoken or written and all acts done or omitted to be done by them in their official capacity, the like immunity from suit and legal process as is accorded to the head of a diplomatic mission;

(b) while exercising their functions and during their journeys to and from the place of meeting, the like immunity from personal arrest or detention and the like inviolability for all papers and documents as is accorded to the head of a diplomatic mission;

* 1952 c. 44.

(c) while exercising their functions and during their journeys to and from the place of meeting, the like exemptions and privileges in respect of their personal baggage as in accordance with Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent.

(2) Where the incidence of any form of taxation depends upon residence, any period during which representatives of members of the Organisation on any of its organs at meetings convened by it are present in the United Kingdom for the exercise of their functions shall, for the purpose of determining their liability to taxation, be treated as not being a period of residence in the United Kingdom.

(3) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on the official staff of representatives of members of the Organisation other than alternates, advisers, technical experts and secretaries of delegations.

(4) Neither the provisions of the preceding paragraphs of this Article nor those of Part IV of Schedule 1 to the Act shall operate so as to confer any privilege or immunity on any person as the representative of Her Majesty's Government in the United Kingdom or as a member of the official staff of such a representative or on any person who is a citizen of the United Kingdom and Colonies.

(5) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on families of representatives or on the families of members of their official staffs.

PART III

OFFICERS

High Officers

11. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, there shall be accorded to or in respect of the Secretary-General of the Organisation, the Deputy Secretary-General (or, in the absence of both, any other official specially designated to act on behalf of the Secretary-General) and the Secretary of the Maritime Safety Committee:

(a) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes and rates, other than customs duties and taxes on the importation of goods, as are accorded to or in respect of the head of a diplomatic mission;

(b) the like exemption from customs duties and taxes on the importation of articles imported for their personal use or the use of members of their families forming part of their households, including articles intended for their establishment, as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent;

(c) the like exemption and privileges in respect of their personal baggage as in accordance with paragraph 2 of Article 36 of those Articles are accorded to a diplomatic agent;

(d) relief, under arrangements made either by the Secretary of State or by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oils (within the meaning of the Customs and Excise Act 1952) which are bought in the United Kingdom by them or on their behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements;

provided that the provisions of this Article shall not apply to any person who is a citizen of the United Kingdom and Colonies or a permanent resident of the United Kingdom.

Senior Officers

12. (1) Except in so far as in any particular case any privilege or immunity is waived by the Organisation, there shall be accorded to or in respect of any officer of the Organisation (other than the officers referred to in Article 11) who is recognised by Her Majesty's Government in the United Kingdom as holding a rank equivalent to that of a diplomatic agent:

(a) the like exemption or relief from income tax, capital gains tax and rates as, in accordance with Article 34 of the 1961 Convention Articles, is accorded to a diplomatic agent;

(b) the exemptions, privileges and reliefs specified in Article 11 (b), (c) and (d) of this Order;

(c) in the event of his death, exemptions from—

(i) estate duty leviable on his death under the law of any part of the United Kingdom in respect of movable property which is in the United Kingdom immediately before his death and whose presence in the United Kingdom at that time is due solely to his presence there in the capacity by reference to which the exemptions are conferred, and

(ii) capital gains tax on chargeable gains which, by virtue of the operation of section 24 of the Finance Act 1965 * in relation to any such movable property, are included in the gains accruing to that officer in the year of assessment in which he died;

provided that the provisions of this paragraph shall not apply to any person who is a citizen of the United Kingdom and Colonies or a permanent resident of the United Kingdom.

(2) There shall be accorded in respect of a member of the family forming part of the household of such an officer as is mentioned above, unless the member is a citizen of the United Kingdom and Colonies or a permanent resident of the United Kingdom, the exemptions listed in paragraph (1)(c) of this Article.

All Officers

13. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, all officers of the Organisation with the exception of those who are recruited locally and assigned to hourly rates of pay shall enjoy:

(a) immunity from suit and legal process in respect of words spoken or written and all acts 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 of the Organisation;

(c) the like exemption from customs duties and taxes on the importation of articles which—

(i) at or about the time when the officer first enters the United Kingdom as an officer of the Organisation are imported for his personal use or that of members of his family forming part of his household, including articles intended for his establishment, and

(ii) are articles which were in his ownership or possession or that of such a member of his family, or which he or such a member of his family was under contract to purchase, immediately before he so entered the United Kingdom,

* 1965 c. 25.

as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent;

(d) unless they are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, exemption from customs duties and taxes on the importation of any motor vehicle imported by way of replacement of a motor vehicle in respect of which the conditions specified in sub-paragraph (c) of this Article were fulfilled, such exemption to be subject to compliance with such conditions as the Commissioners of Customs and Excise may prescribe for the protection of the Revenue;

(e) unless they are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, exemptions whereby, for the purposes of the National Insurance Acts 1965 to 1967, * the National Insurance (Industrial Injuries) Acts 1965 to 1967, ** any enactment for the time being in force amending any of those Acts, and any enactment of the Parliament of Northern Ireland corresponding to any of those Acts or to any enactment amending any of those Acts,—

- (i) services rendered by them for the Organisation shall be deemed to be excepted from any class of employment which is insurable employment, or in respect of which contributions are required to be paid, but
- (ii) no person shall be rendered liable to pay any contribution which he would not be required to pay if those services were not deemed to be so excepted.

PART IV

EXPERTS

14. (1) Except in so far as in any particular case any privilege or immunity is waived by the Organisation, experts (other than officers of the Organisation) serving on any committee of the Organisation or employed on missions on behalf of the Organisation shall, so far as is necessary for the effective exercise of their functions, enjoy:

(a) in respect of words spoken or written and all acts done or omitted to be done by them in the performance of their official functions, the like immunity from suit and legal process as is accorded to the head of a diplomatic mission;

(b) while exercising their functions and during their journeys in connection with service on such committees or missions, the like immunity from personal arrest or detention and the like inviolability for all papers and documents relating to the work on which they are engaged for the Organisation as is accorded to the head of a diplomatic mission;

(c) while exercising their functions and during their journeys in connection with service on such committees or missions, the like exemptions and privileges in respect of their personal baggage as in accordance with Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent.

(2) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on the official staff or on families of experts to whom the provisions of paragraph (1) of this Article apply.

* 1965 c. 51; 1966 c. 6; 1967 c. 73.

** 1965 c. 52; 1967 c. 25.

PART V

GENERAL

Interpretation

15. (1) The Interpretation Act 1889 * shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if this Order and the Order hereby revoked were Acts of Parliament.

(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 1 to the Diplomatic Privileges Act 1964. **

Revocation

16. The Inter-Governmental Maritime Consultative Organisation (Immunities and Privileges) Order 1959 ²⁸ is hereby revoked.

Citation and Entry into Force

17. This Order may be cited as the Inter-Governmental Maritime Consultative Organisation (Immunities and Privileges) Order 1968. It shall come into operation on the date on which the Agreement between the Inter-Governmental Maritime Consultative Organisation and the Government of the United Kingdom of Great Britain and Northern Ireland regarding the Headquarters of the Organisation ²⁹ enters into force. This date shall be notified in the London Gazette.

* 1889 c. 63.

** 1964 c. 81.

²⁸ United Nations Legislative Series, *Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations*, Vol. II (ST/LEG/SER.B/11), p. 81.

²⁹ Reproduced in this *Yearbook*, p. 56.