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UNITED NATIONS JURIDICAL YEARBOOK

1964

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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CONTENTS

	<i>Page</i>
FOREWORD	xxi
ABBREVIATIONS	xxii

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

1. <i>Canada</i>	
Province of Quebec Order-in-Council No. 172 of 26 January 1965 concerning certain fiscal concessions to non-Canadian representatives to the International Civil Aviation Organization	3
2. <i>Germany (Federal Republic of)</i>	
Second Act amending the Act of 22 June 1954 concerning the accession of the Federal Republic of Germany to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations dated 21 November 1947 and concerning the granting of privileges and immunities to other international organizations, of 28 February 1964	4
3. <i>Jamaica</i>	
(a) The Diplomatic Immunities and Privileges Act, 1962	5
(b) The Foreign Nationals and Commonwealth Citizens (Employment) Exemptions Regulations, 1964	11
4. <i>Malawi</i>	
Immunities and Privileges (Extension and Miscellaneous Provisions) Ordinance, 1964	12
5. <i>New Zealand</i>	
(a) The Copyright (International Organisations) Order 1964	17
(b) The Excise Duties Suspension (Inter-governmental Agreements) Order 1964	18
(c) The Beer Duty Refunds (Inter-governmental Agreements) Order 1964	18
(d) The Sales Tax Exemption Order 1961, Amendment No. 5	19
6. <i>Nigeria</i>	
The Customs Tariff (Duties and Exemptions) (No. 7) Order, 1964	20
7. <i>Romania</i>	
Decision No. 582 of the Council of Ministers establishing a Tariff of Consular Taxes	21

Chapter I

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

1. Canada

PROVINCE OF QUEBEC ORDER-IN-COUNCIL No. 172 OF 26 JANUARY 1965 CONCERNING CERTAIN FISCAL CONCESSIONS TO NON-CANADIAN REPRESENTATIVES TO THE INTERNATIONAL CIVIL AVIATION ORGANIZATION ¹

Whereas representations have been made requesting that representatives of foreign countries to the International Civil Aviation Organization benefit from fiscal concessions;

Whereas it is deemed advisable to give effect to such representations;

Wherefore, it is ordered, upon the recommendation of the Minister of Revenue:

1. *That* the International Civil Aviation Organization (ICAO), the President of the Organization, the Secretary-General, the five Directors of the Organization, as well as the Official Representatives of each nation member of the said Organization, who are career officers and not nationals of Canada and the Province of Quebec, who do not operate a business or fulfil a function or employment in the Province, other than this appointment on behalf of the nation which they represent, benefit from the hereinafter specified fiscal concessions, under condition that the country represented by such officials grants similar privileges to representatives of the Province in such country:

- (a) Exemption from Income Tax in accordance with the Provisions of sections 12 and 78 of the Provincial Income Tax Act;
- (b) Exemption from duties prescribed by the Succession Duties Act, on all transmission of assets situated in the Province which were acquired during and on the occasion of their residence in Quebec while discharging the aforesaid functions. The Government of the Province shall not impede the transfer of assets so exonerated if death of said person occurs while discharging the functions mentioned in the first paragraph, or within two years of death;
- (c) Exemption from the duties prescribed by the Succession Duties Act on any transmission of amounts shown in the bank account of a deceased employee while he was employed outside the Province of Quebec for the International Civil Aviation Organization and was not a national of Canada or the Province of Quebec, when such bank account was opened in Montreal, according to the regulations of this Organization and served to deposit the salaries received by such employee.

The amounts thus exempted should not be more than the salaries received by the deceased employee during the six-month period prior to his death;

¹ Translation kindly furnished by the International Civil Aviation Organization.

- (d) Exemption from the tax payable under the Gasoline Tax Act, by way of refund and pursuant to the procedure to be set by the Department of Revenue;
- (e) Exemption from the tax payable under the Retail Sales Tax Act, by way of refund and pursuant to the procedure to be set by the Department of Revenue;
- (f) Exemption from payment of the registration fees of a pleasure motor vehicle, as exigible under the Highway Code, pursuant to procedure to be set by the Department of Transportation and Communications concerning the issuing of registration plates and payment of the cost thereof.

2. That paragraphs *a*) and *b*) of the aforesaid section 1 also apply to international employees of ICAO, on condition that said persons are not nationals of Canada and the Province, are not operating a business and do not fulfil a function or employment other than their employment on behalf of this Organization.

3. That the second last paragraph of Order-in-Council number 2012 of September 28th, 1961, be repealed.

4. That the present Order-in-Council replaces Orders-in-Council numbers 492 of March 23rd, 1962, and 2330 of December 2nd, 1964.

2. Germany (Federal Republic of)

SECOND ACT AMENDING THE ACT OF 22 JUNE 1954 CONCERNING THE ACCESSION OF THE FEDERAL REPUBLIC OF GERMANY TO THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES OF THE UNITED NATIONS² DATED 21 NOVEMBER 1947 AND CONCERNING THE GRANTING OF PRIVILEGES AND IMMUNITIES TO OTHER INTERNATIONAL ORGANIZATIONS, OF 28 FEBRUARY 1964³

The Federal Parliament (*Bundestag*), with the approval of the Federal Council (*Bundesrat*), has enacted the following law:

Article 1

The Act of 22 June 1954 concerning the accession of the Federal Republic of Germany to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations dated 21 November 1947 and concerning the granting of privileges and immunities to other international organizations (*Bundesgesetzblatt* 1954 II, p. 639),⁴ as amended by the Act of 3 June 1957 (*Bundesgesetzblatt* II, p. 469),⁵ shall be amended as follows:

1. In article 2, paragraph (2), the second sentence shall be deleted.

2. Article 3 shall read as follows:

“(1) In order to promote international relations, the Federal Government shall be empowered, by statutory order with the approval of the Federal Council, to extend the provisions of the Convention, in whole or in part,

² United Nations, *Treaty Series*, vol. 33, p. 261.

³ Translation by the Secretariat of the United Nations.

⁴ 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. 25.

⁵ *Ibid.*, p. 26.

“(a) To the United Nations and its specialized agencies,

“(b) To official international organizations which are not specialized agencies of the United Nations, and to establishments of foreign States, or to grant to the organizations and establishments referred to in (a) and (b) above such diplomatic privileges and immunities as it considers necessary. The granting of privileges and immunities to establishments of foreign States may be made subject to the exercise of reciprocity from those States. The Federal Government shall further be empowered to grant to foreign welfare organizations and their foreign representatives in Federal territory, by special agreement, tax and customs exemptions within the framework of the above-mentioned provisions.

“(2) These powers shall extend also to the implementation of international agreements.”

3. Article 4 shall read as follows:

“Article 4

“This Act shall apply also in the *Land* Berlin, if the *Land* Berlin confirms its application. Statutory orders promulgated under this Act shall apply in the *Land* Berlin in accordance with article 14 of the Third Transitional Act of 4 January 1952 (*Bundesgesetzblatt* I, p. 1).”

Article 2

This Act shall apply also in the *Land* Berlin, if the *Land* Berlin confirms its application.

Article 3

This Act shall enter into force on the day after its promulgation.

The foregoing Act is hereby promulgated.

Bonn, 28 February 1964

LÜBKE
President of the Federal Republic

MENDE
Federal Vice-Chancellor

For the Federal Minister for Foreign Affairs:
SCHEEL
Federal Minister for Economic Co-operation

3. Jamaica

(a) THE DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT 1964

AN ACT⁶ to Confer immunities, powers and privileges on diplomatic and consular representatives and representatives of international organisations and certain other persons; and for purposes ancillary to or connected with the matters aforesaid.

(6th August, 1962)

⁶ No. 29 of 1964. Assented to on 6 July 1964.

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 Jamaica, and by the authority of the same, as follows:—

PART I—*Preliminary*

1. This Act may be cited as the Diplomatic Immunities and Privileges Act, 1964, and shall be deemed to have come into operation on the 6th day of August, 1962.

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

...

“head of mission” means an Ambassador, High Commissioner or other person, by whatever title called, accredited by a sovereign Power and recognised as a head of mission in Jamaica by the Government of Jamaica;

“member of the family” in relation to any person to whom this Act applies, means—

(a) the spouse or any dependent child of that person; and

(b) any other person deemed by the Minister to be a member of the family in question;

“Minister” means the Minister for the time being responsible for External Affairs;

“personal immunities” means immunity from suit or legal process (except in respect of things done or omitted to be done in the course of the performance of official duties) and inviolability of residence, and any exemption in respect of taxes, duties, rates or fees;

“Vienna Convention” means the international convention on diplomatic relations set forth in the First Schedule.

(2) It is hereby declared that for the purposes of this Act the expression “sovereign Power” includes any member of the Commonwealth which is sovereign.

PART II—*Diplomatic Immunities and Privileges*

3. Subject to the provisions of this Act, a head of mission shall be entitled to such immunities and privileges, and inviolability of residence, official premises, and official archives as are by customary international law and usage accorded to a duly accredited representative of a sovereign Power or as may be necessary to comply with the terms of—

(a) the Vienna Convention; or

(b) any other international agreement,

in the event that the country of the head of mission and Jamaica are parties to such Convention or agreement.

4. (1) Subject to the provisions of this Act, a member of mission of any head of mission shall be entitled to such immunities and privileges as are by customary international law and usage accorded to the member of mission of a duly accredited representative of a sovereign Power or as may be necessary to comply with the terms of—

(a) the Vienna Convention; or

(b) any other international agreement,

in the event that the country of the head of mission and Jamaica are parties to such Convention or agreement.

(2) For the purposes of subsection (1) the expression “member of mission” in relation to any head of mission includes—

(a) a member of the official or domestic staff of the head of mission;

(b) a member of the family of the head of mission;

- (c) a member of the family or of the domestic staff of a member of the official staff of the head of mission.

...

PART III—*International Organisations and Persons connected therewith*

6. (1) This section shall apply to any organisation declared by the Minister by order to be an organisation the members of which are sovereign Powers or the government or governments thereof.

(2) Subject to subsection (3), the Minister may from time to time 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 Second 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 any organ thereof;
 - (ii) such officers or classes of officers of the organisation as are specified in the order, being the holders of such high offices in the organisation as are so specified;
 - (iii) such persons employed on missions on behalf of the organisation as are specified in the order,to such extent as are specified in the order, the immunities and privileges specified in Part II of the Second Schedule;
- (c) confer upon such other classes of officers and servants of the organisation as specified in the order, to such extent as are so specified, the immunities and privileges specified in Part III of the Second Schedule,

and Part IV of the Second Schedule shall have effect for the purpose of extending to the staffs of such representatives and members as are mentioned in sub-paragraph (i) of paragraph (b) of this subsection and to the families of officers of the organisation any immunities and privileges conferred upon the representatives, members, or officers under that paragraph, except in so far as the operation of the said Part IV is excluded by the order conferring the immunities and privileges.

(3) Any order made by the Minister pursuant to subsection (2)—

- (a) may, notwithstanding any thing contained in subsection (2), confer on the organisation or on such persons or classes of persons as are referred to in that subsection such immunities and privileges as are required to give effect to any international agreement in that behalf to which Jamaica is a party;
- (b) shall be so framed as to secure that there are not conferred on the organisation or on any such person or class of persons as aforesaid any immunities and privileges greater in extent than those which, at the time of the making of the order, are required to be conferred on the organisation or on such person or class of persons as aforesaid in order to give effect to any such international agreement in that behalf.

(4) Nothing in this section shall authorise the making of any order to confer immunity or privilege upon any person as a representative of the Government of Jamaica or a member of the staff of such a representative.

7. The Minister may from time to time, by order confer on the judges and registrars of the International Court of Justice established by the Charter of the United Nations, and of any other international judicial institution approved by the Minister, and on suitors to that Court or to any such institutions 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 or, in the case of any such institution as aforesaid, as the Minister may deem necessary for the proper discharge of its functions.

8. (1) Where—

- (a) a conference is held in Jamaica and is attended by representatives of the governments of one or more sovereign Powers or of any of the territories for whose international relations any of those governments is responsible; and
- (b) it appears to the Minister that doubts may arise as to the extent to which the representatives of those governments (other than the Government of Jamaica) and members of their official staffs are entitled to immunities and privileges,

the Minister may, by notice in the *Gazette* direct that every representative of any such government (other than the Government of Jamaica) shall for the purposes of any enactment or rule of law or custom relating to diplomatic immunities and privileges, be treated as if he were a head of mission, and that such of the members of his official staff as the Minister may from time to time direct shall be treated for the purpose aforesaid as if they were members of the official staff of a head of mission.

(2) For the purpose of subsection (1) the Minister may compile a list of the representatives of the governments aforesaid (other than the Government of Jamaica) and members of their official staffs as he thinks proper, and shall cause such list and any amendment of that list or amended list to be published in the *Gazette* and such publication shall include a statement of the date from which the list or amendment, as the case may be, takes or took effect.

PART IV—General

9. (1) The Minister responsible for Finance may by order published in the *Gazette*, or by directions in writing—

- (a) make such provisions as he thinks fit in order to facilitate any exemption from taxes, duties, rates or fees to which any person is entitled consequent on the diplomatic immunities and privileges to which this Act relates and may in the order or directions declare the extent of such exemption in respect of any person or class of persons and as to whether or not any particular tax, duty, rate or fee is included therein or excluded therefrom; and where any such declaration is made it shall, subject to the provisions of the Second Schedule (in the case of any person to whom an order made under subsection (1) or subsection (2) of section 6 refers), be conclusive;

...

(2) No order published or directions given by the Minister responsible for Finance pursuant to subsection (1) shall be construed as exempting any person from compliance with the formalities in respect of importation of goods which are prescribed in any law relating to customs.

(3) Any exemption from taxes, duties, rates or fees to which this section relates shall be subject to compliance with such conditions as the Collector General may prescribe for the protection of the Revenue.

10. (1) The Minister shall compile a list of the persons appearing to him to be entitled to immunities or privileges in accordance with the principles of customary international law and usage or by or under the provisions of this Act, except—

(a) children under the age of eighteen years of a person so entitled;

(b) any person whose name appears on a list published under the provisions of subsection (2) of section 8,

and he shall from time to time amend the list and shall cause the list and any amendment of the list or any amended list to be published in the *Gazette*.

(2) If in any proceedings any question arises whether or not any person or any organisation is entitled to immunities or privileges in accordance with the principles of customary international law and usage or by or under the provisions of this Act, or by reason of being included in a list compiled under the provisions of subsection (2) of section 8, a certificate issued by or under the authority of the Minister stating any fact relevant to that question shall be conclusive evidence of that fact.

11. Any immunities or privileges conferred on any person by or under the provisions of this Act or any regulations made thereunder may be waived in accordance with the principles of customary international law and usage or in compliance with the terms of any Convention or agreement in that behalf to which Jamaica is a party.

12. If any goods which have been imported or taken out of bond without payment of customs duty by a person in pursuance of any diplomatic immunity or privilege, or other immunity or privilege conferred or granted by or under this Act, are sold or disposed of within three years of importation or of being taken out of bond to a person who is not entitled to customs franchise privileges, the person who sells or disposes of such goods may be called upon to pay duty thereon at the rate required according to the law relating to the payment of customs duty.

13. (1) Nothing in this Act shall be construed as precluding the Minister from withdrawing—

...

(ii) any immunities or privileges referred to in Part III or in the Second Schedule from any representatives or nationals of any sovereign Power on the grounds that such Power is failing to accord corresponding immunities or privileges in respect of Jamaica,

or from declining to accord any such immunity or privilege as may be conferred by order or direction under the provisions of this Act on any such grounds as aforesaid.

...

14. No person being exclusively a citizen of Jamaica shall in Jamaica be entitled to any personal immunities and the members of such person's family shall not, as such, be entitled to any personal immunities unless his name is included in a list compiled under the provisions of section 10 and published in the *Gazette* and still in force.

15. No person shall be entitled to any immunities or privileges in accordance with customary international law or usage or by or under any of the provisions of this Act, on account of his being a domestic servant of a head of mission or any other person, unless his name is included in a list compiled under the provisions of section 10 and published in the *Gazette* and still in force.

PART V—*Miscellaneous Provisions, Repeal and Saving*

17. The Minister may from time to time make regulations for carrying into effect the purposes of this Act, and regulations so made shall be subject to negative resolution.

18. This Act shall not affect any legal proceedings begun before the enactment thereof.
19. (1) The Laws specified in Part I of the Third Schedule are hereby repealed.

...

20. Every order made and list compiled under the provisions of the Diplomatic Privileges (Extension) Law which is still in force immediately before the commencement of this Act shall be deemed to have been made or compiled under the corresponding provisions of this Act and shall continue in force accordingly until amended, varied, revoked or replaced under this Act.

First Schedule

(Sections 2, 3 and 4)

VIENNA CONVENTION ON DIPLOMATIC RELATIONS

[Not reproduced]⁷

Second Schedule

(Section 6)

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 the head of mission.
3. The like exemption or relief from taxes, duties, rates and fees, other than duties on the importation of goods, as is accorded to a sovereign Power.
4. Exemption from duties on the importation of goods directly imported by the organisation for its official use in Jamaica 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 Collector General 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 Jamaica), of any reduced rates applicable for the corresponding service in the case of Press telegrams.

PART II

Immunities and Privileges of High Officers, Representatives, Members of Committees and Persons on Missions

1. The like immunity from suit and legal process as is accorded to a head of mission.
2. The like inviolability of residence as is accorded to such a head of mission.
3. The like exemption or relief from taxes, duties, rates and fees as is accorded to such a head of mission.

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.

⁷ See United Nations, *Treaty Series*, vol. 500, p. 95.

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

PART IV

Immunities and Privileges of Official 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 a representative on any organ of the organisation or a member of any committee of the organisation or of an organ thereof his official staff accompanying him as such a representative or member shall also be entitled to those immunities and privileges to the same extent as the retinue of a head of mission is entitled to the immunities and privileges accorded to the head of mission.

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 a head of mission are entitled to the immunities and privileges accorded to the head of mission.

Third Schedule

(Section 19)

PART I

(Laws repealed)

The Diplomatic Privileges (Extension) Law (Cap. 98).

The Diplomatic Immunities (Commonwealth Countries and the Republic of Ireland) Law, 1958 (Law 48 of 1958).

...

(b) THE FOREIGN NATIONALS AND COMMONWEALTH CITIZENS (EMPLOYMENT) EXEMPTIONS REGULATIONS, 1964

In exercise of the powers conferred on the Minister by section 8 of the Foreign Nationals and Commonwealth Citizens (Employment) Act, 1964, and all other powers thereunto enabling, the following Regulations are hereby made:

1. These Regulations may be cited as the Foreign Nationals and Commonwealth Citizens (Employment) Exemptions Regulations, 1964, and shall come into operation on the date of commencement of the Act.⁸

2. In these Regulations "the Act" means the Foreign Nationals and Commonwealth Citizens (Employment) Act, 1964.

3. Notwithstanding anything to the contrary—

...

(b) subject to the qualification stated in regulation 5, any foreign national or Commonwealth citizen who is a member of a class described in Part II of the Schedule, shall be exempt from the provisions of subsection (1) of section 3⁹ of the Act.

⁸ The Act came into operation on 1 December 1964.

⁹ "3—(1) Subject to the provisions of this Act, a foreign national or a Commonwealth citizen shall not—

“(a) engage in any occupation in Jamaica for reward or profit; or

“(b) be employed in Jamaica,

unless there is in force in relation to him a valid work permit and he so engages or is so employed in accordance with the terms and conditions which may be specified in the permit.”

4. Notwithstanding anything to the contrary—

...

(b) subject to the qualification stated in regulation 5, any person who has in his employment any foreign national or Commonwealth citizen who is a member of a class described in Part II of the Schedule,

shall be exempt from the provisions of subsection (3) of section 3¹⁰ of the Act in respect of such employment.

5. The qualification referred to in paragraph (b) of regulation 3 and in paragraph (b) of regulation 4 is that the exemption granted by those provisions shall apply only in respect of such occupation or employment, as the case may be, as is directly referable to membership of the class of which the foreign national or Commonwealth citizen in respect of whose occupation or employment exemption is alleged to apply is a member.

Schedule

(Regulations 3, 4)

...

PART II

...

6. Persons in the employment in Jamaica of the United Nations Organization or of any other international organization of which Jamaica or the Government of Jamaica is a member.

...

Made this 25th day of November, 1964.

ROY A. MCNEILL,
Minister of Home Affairs.

4. Malawi

IMMUNITIES AND PRIVILEGES (EXTENSION AND MISCELLANEOUS PROVISIONS) ORDINANCE, 1964

An Ordinance¹¹ to confer certain Immunities and Privileges on the representatives in Nyasaland of Commonwealth Countries, on members of the Official Staff of such representatives, on the families of such representatives and of members of the Official Staff, on Consular Officers of foreign sovereign powers, and on certain other persons: to make provision as to the Immunities, Privileges and Capacities of certain International Organizations and to confer Immunities and Privileges on the Staffs of such organizations and representatives of the member Governments: to make provision for the withdrawal of Personal Diplomatic Immunities: to amend the Consular Conventions Ordinance: and to provide for matters incidental thereto.

ENACTED by the Legislature of Nyasaland.

PART I—PRELIMINARY

1. This Ordinance may be cited as the Immunities and Privileges (Extension and Miscellaneous Provisions) Ordinance, 1964, and shall be deemed to have come into operation on 1st January, 1964.

¹⁰ "(3) Subject to the provisions of this Act, no person shall have in his employment in Jamaica a foreign national or a Commonwealth citizen without there being in force a valid work permit in relation to that employment."

¹¹ No. 10 of 1964. Assented to on 28 January 1964.

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

...

“personal immunities” means immunity from suit or legal process (except in respect of things done or omitted to be done in the course of performance of official duties) and inviolability of residence, and any immunity in respect of taxes, duties, rates or fees.

...

PART IV—INTERNATIONAL ORGANIZATIONS AND STAFFS

6. (1) The Minister may, by order published in the *Gazette*—

- (a) provide that any organization specified in the Third Schedule (hereinafter referred to as the organization) shall, to such extent as may be specified in the order, have the immunities and privileges set out in Part I of the Fourth Schedule, and shall also have the legal capacities of a body corporate;
- (b) confer upon such number of officers of the organization as may be specified in the order, being the holders of such high offices in the organization as may be specified in the order, and upon such persons employed on missions on behalf of the organization as may be so specified, and upon any person who is a representative (whether of a government or not) on, or a member of the organization or any committee of the organization or any organ thereof to such extent as may be so specified, the immunities and privileges set out in Part II of the Fourth Schedule;
- (c) confer upon such other classes of officers and servants of the organization 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 Fourth Schedule, and Part IV of the Fourth Schedule shall have effect for the purpose of extending to the staffs of representatives upon whom any immunities or privileges are conferred under paragraph (b) of this subsection and to the families of such officers upon whom any immunities and privileges are conferred under paragraph (b) of this subsection the immunities and privileges referred to therein, except in so far as the operation of the said Part IV is excluded by the order conferring the immunities and privileges:

Provided that such order shall not confer any immunity or privilege upon any person as the representative of the Government of Nyasaland or as a member of the staff of such a representative.

(2) The Minister may, by order published in the *Gazette*, add to the Third Schedule the name of any organization of which the Government of Nyasaland and the government or governments of one or more foreign sovereign powers are members, and may delete the name of any organization of which the Government of Nyasaland ceases to be a member.

7. This Part of this Ordinance shall, in its application to the United Nations, have effect subject to the following modifications—

- (a) any reference to the governing body or any committee of the organization 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 6 of this Ordinance shall include power by the Minister 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.

PART V—GENERAL

8. (1) The Minister may, by order published in the *Gazette*, or by directions—

- (a) make such provisions as he thinks fit in order to facilitate any immunity from taxes,

duties, rates or fees to which any person is entitled by reason of his being the envoy of a foreign sovereign power accredited to Nyasaland, or his being a member of the family or a servant of such envoy or a member of the official staff of such envoy or of such member's family, or by reason of the provisions of subsection (1) of section 3 or of an order made under subsection (1) of section 6, and may in such order or direction declare the extent of such immunity in respect of any person or class of persons and as to whether or not any particular tax, duty, rate or fee is included therein or excluded therefrom: and where any such declaration is made it shall (in the case of any person to whom an order made under subsection (1) of section 6 refers), subject to the provisions of the Fourth Schedule, be conclusive;

...
(2) It is hereby declared that no immunity to which paragraph (a) of subsection (1) refers... shall be construed as exempting any person from compliance with the formalities in respect of the importation of goods which are prescribed in any law relating to customs; and every such immunity shall be subject to compliance with such conditions as the Commissioner of Customs and Excise may prescribe for the protection of the revenue.

9. (1) The Minister shall compile a list of the persons appearing to him to be entitled to immunities or privileges in accordance with the principles of customary international law and usage or by or under the provisions of this Ordinance except—

(a) children under the age of eighteen years of a person so entitled;

(b) any person whose name appears on a list published under the provisions of section 11; and

(c) persons whose immunity is limited by section 16,

and he shall from time to time amend the list, and shall cause the list and any amendment of the list or any amended list to be published in the *Gazette*.

(2) If in any proceedings any question arises whether or not any person is entitled to immunities or privileges in accordance with the principles of customary international law and usage or by or under the provisions of this Ordinance, or by reason of being included in a list compiled under the provisions of section 11, a certificate issued by or under the authority of the Minister stating any fact relevant to that question shall be conclusive evidence of that fact.

10. (1) Where a conference is held in Nyasaland and is attended by the representatives of the Government of Nyasaland and the government or governments of one or more foreign sovereign powers or of one or more countries specified in the First Schedule, the Minister may compile such list of the representatives of such powers and countries and shall cause such list and any amendment of that list or amended list to be published in the *Gazette*, and, subject to the provisions of this Ordinance, every representative of a power or country who is for the time being included in the list shall, for the purpose of any enactment of sovereign power or of a chief representative, as the case may be, and of the retinue of such an envoy or representative, be treated as if he were such an envoy or representative, and such of the members of his official staff as are for the time being included in the list shall be treated for the purpose aforesaid as if they were his retinue.

(2) Every list 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 entitled to diplomatic or other immunities as representatives attending the conference or as members of the official staff of any such representative may, if a list of those persons has been so published, be conclusively proved by producing the *Gazette* containing the list or, as the case may be, the last list taking effect before that time, together with the *Gazette* containing the list or, as the case may be, the last list taking effect before that time, together with the *Gazette* (if any) containing notices of the amendments taking effect

before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

(3) The name of any person referred to in this section whose immunity is limited by section 16 shall be published in a separate part of any list compiled under this section.

...

12. If any goods which have been imported or taken out of bond without payment of customs duty by a person in pursuance of any diplomatic immunity or privilege, or other immunity or privilege conferred or granted by or under this Ordinance, are sold or disposed of within two years of importation or of being taken out of bond to a person who is not entitled to customs franchise privileges, the person who sells or disposes of such goods may be called upon to pay duty thereon at the rate required according to the law relating to the payment of customs duty.

PART VI—WITHDRAWAL AND RESTRICTION OF DIPLOMATIC AND OTHER IMMUNITIES AND PRIVILEGES

13. Nothing in this Ordinance shall be construed as precluding the Minister from withdrawing—

- (a) any immunities or privileges conferred by or under the provisions of section 9, in respect of any foreign sovereign power or Commonwealth country or any class of persons employed by such power or country on the grounds that such power or country, as the case may be, is failing to accord corresponding immunities or privileges to Nyasaland; or
- (b) any immunities or privileges referred to in Part IV of the Fourth Schedule from any representatives or nationals of any foreign sovereign power or Commonwealth country on the grounds that such power or country is failing to accord corresponding immunities and privileges to Nyasaland, or from declining to accord any such immunity or privilege as may be conferred by order or direction under the foregoing provisions of this Ordinance on any such grounds as aforesaid.

...

15. No person being a person ordinarily resident or locally recruited in Nyasaland to the service of a government or organization to which the provisions of this Ordinance apply shall be entitled to any personal immunities or privileges and the members of such person's family shall not, as such, be entitled to any personal immunities or privileges.

16. No person shall be entitled to any immunities or privileges in accordance with customary international law or usage or by or under any of the provisions of this Ordinance, on account of his being a domestic servant of an envoy of a foreign sovereign power or a chief representative, unless his name is included in a list compiled under the provisions of section 9 and published in the *Gazette* and still in force.

...

First Schedule

(Section 3)

COMMONWEALTH COUNTRIES

1. The United Kingdom of Great Britain and Northern Ireland
2. Canada
3. Australia
4. New Zealand
5. India

6. Pakistan
7. Ceylon
8. Ghana
9. The Federation of Malaysia
10. The Federation of Nigeria
11. The Republic of Cyprus
12. Sierra Leone
13. The Republic of Tanganyika
14. Uganda
15. Kenya
16. Zanzibar

...

Third Schedule

(Section 7)

ORGANIZATIONS

1. The United Nations
2. The International Court of Justice
3. The International Labour Organization
4. The Food and Agriculture Organization
5. The International Civil Aviation Organization
6. The United Nations Educational, Scientific and Cultural Organization
7. The World Health Organization
8. The United Nations International Children's Emergency Fund.

Fourth Schedule

(Section 7)

PART I—IMMUNITIES AND PRIVILEGES OF THE ORGANIZATION

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 Nyasaland.
3. The like exemption or relief from taxes, duties, rates and fees, other than duties on the importation of goods, as is accorded to a foreign sovereign power.
4. Exemptions from duties on the importation of goods directly imported by the organization for its official use in Nyasaland or for exportation, or on the importation of any publications of the organization directly imported by it, such exemption to be subject to compliance with such conditions as the Commissioner 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 directly imported or exported by the organization for its official use and in the case of any publications of the organization 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 dispatched from places outside Nyasaland), of any reduced rates applicable for the corresponding service in the case of Press telegrams.

PART II—IMMUNITIES AND PRIVILEGES OF HIGH OFFICERS, REPRESENTATIVES, MEMBERS OF COMMITTEES AND PERSONS ON MISSIONS

1. The like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Nyasaland.
2. The like inviolability of residence as is accorded to such an envoy.
3. The like exemption or relief from taxes, duties, rates and fees 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 personal tax and income tax in respect of emoluments received as an officer or servant of the organization.

PART IV—IMMUNITIES AND PRIVILEGES OF REPRESENTATIVES' STAFF
OR 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 a representative, 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 Nyasaland 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 organization, 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 Nyasaland are entitled to the immunities and privileges accorded to the envoy.

Passed in Legislative Assembly, this tenth day of January, one thousand nine hundred and sixty-four.

5. New Zealand

(a) THE COPYRIGHT (INTERNATIONAL ORGANISATIONS) ORDER 1964

PURSUANT to the Copyright Act 1962, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

1. (1) This order may be cited as the Copyright (International Organisations) Order 1964.

(2) This order shall come into force on the day four months after the date of its notification in the *Gazette*.¹²

2. It is hereby declared that each of the organisations mentioned in the Schedule hereto is an organisation to which section 50 of the Copyright Act 1962 applies.

Schedule

United Nations.
Specialised Agencies of the United Nations.
Organisation of American States.

¹² Date of notification in *Gazette*: 23 April 1964.

(b) THE EXCISE DUTIES SUSPENSION (INTER-GOVERNMENTAL AGREEMENTS) ORDER 1964

PURSUANT to section 141A of the Customs Act 1913, His Excellency the Governor General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

1. (1) This order may be cited as the Excise Duties Suspension (Inter-governmental Agreements) Order 1964.

(2) This order shall come into force on the day after the date of its notification in the *Gazette*.¹³

2. This order applies to all duties of excise (other than beer duty) imposed by the Customs Acts, or by any Order in Council made under any of the Customs Acts.

3. All duties of excise relating to the goods set out in the Schedule hereto are hereby suspended.

4. Every suspension of duty hereby effected shall be subject to the provisions of section 143 of the Customs Act 1913, so far as that section is applicable.

5. All duties of excise that have become due and payable and all penalties and forfeitures that have been incurred before the commencement of this order shall be recovered and enforced as if this order had not been made.

Schedule

GOODS ON WHICH EXCISE DUTIES SUSPENDED

ALL goods, except beer, manufactured in New Zealand, subject to such conditions as the Comptroller of Customs may at any time impose, in respect of which he is satisfied that they are, at the time of entry for home consumption,—

(a) Intended solely for the use of such organisations, expeditions, and other bodies as may be approved by the Minister of Customs for the purposes of this order and as may from time to time be established or temporarily based in New Zealand consequent on any agreement or arrangement entered into by or on behalf of the Government of New Zealand with the Government of any other country (whether a part of the Commonwealth of Nations or not) or with the United Nations; or

(b) The property of and intended for the use of persons approved by the Comptroller who are temporarily resident in New Zealand for the purpose of serving as members of any such approved organisation, expedition, or other body.

(c) THE BEER DUTY REFUNDS (INTER-GOVERNMENTAL AGREEMENTS) ORDER 1964

PURSUANT to section 49A of the Finance Act 1915 (as enacted by section 16 of the Customs Acts Amendment Act 1964), His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

1. (1) This order may be cited as the Beer Duty Refunds (Inter-governmental Agreements) Order 1964.

(2) This order shall come into force on the day after the date of its notification in the *Gazette*.¹⁴

2. This order applies to beer duty for the time being payable under Part III of the Finance Act 1915.

¹³ Date of notification in *Gazette*: 10 December 1964.

¹⁴ Date of notification in *Gazette*: 10 December 1964.

3. Subject to the provisions of this order, refunds are hereby authorised of beer duty paid on all beer manufactured in New Zealand in respect of which the Collector is satisfied that it has been delivered solely for the use of any organisation, expedition, body, or person to whom section 49A of the Finance Act 1915 applies.

4. For the purposes of this order, the following provisions shall apply:

- (a) Every application for a refund shall be made, in such form as the Collector approves, within twenty-eight days after the delivery of the beer to the approved organisation, expedition, body, or person, or within such further time as the Comptroller may in the special circumstances of any case allow;
- (b) The applicant shall produce such reasonable evidence as the Collector requires as to the delivery of the beer, the quantity delivered, and the rate of beer duty paid or payable thereon;
- (c) If satisfactory evidence as to the rate of beer duty paid or payable on any beer so delivered is not produced, the Collector shall refund beer duty at the minimum rate imposed under Part III of the Finance Act 1915, as amended by Part II of the Customs Acts Amendment Act 1947 and Part II of the Customs Acts Amendment Act 1958.

(d) THE SALES TAX EXEMPTION ORDER 1961, AMENDMENT No. 5

PURSUANT to section 12 of the Sales Tax Act 1932-33, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

1. (1) This order may be cited as the Sales Tax Exemption Order 1961, Amendment No. 5, and shall be read together with and deemed part of the Sales Tax Exemption Order 1961* (hereinafter referred to as the principal order).

(2) This order shall come into force on the day after the date of its notification in the *Gazette*.¹⁵

2. (1) Goods of the classes or kinds specified in the Schedule hereto are hereby exempted from sales tax.

(2) The Second Schedule to the principal order is hereby consequentially amended by revoking item 339 (as substituted by the Sales Tax Amendment Order 1961, Amendment No. 3), and substituting the new item 339 set out in the Schedule hereto.

(3) The Sales Tax Exemption Order 1961, Amendment No. 3†, is hereby consequentially revoked.

*S.R. 1961/171

Amendment No. 1: S.R. 1962/100

Amendment No. 2: S.R. 1962/205

Amendment No. 3: S.R. 1963/152

Amendment No. 4: S.R. 1963/190

†S.R. 1963/152

¹⁵ Date of notification in *Gazette*: 10 December 1964.

Schedule

EXEMPTIONS FROM SALES TAX

Item No.	Goods
339	<p>All goods, whether made in New Zealand or imported, and subject to such conditions as the Comptroller of Customs may at any time impose, in respect of which he is satisfied that they are, at the time of sale by a licensed wholesaler or a licensed manufacturing retailer, or, as the case may be, at the time of importation or entry for home consumption,—</p> <p>(a) Intended solely for the use of such organisations, expeditions, and other bodies as may be approved by the Minister of Customs for the purposes of this order and as may from time to time be established or temporarily based in New Zealand consequent on any agreement or arrangement entered into by or on behalf of the Government of New Zealand with the Government of any other country (whether a part of the Commonwealth of Nations or not) or with the United Nations; or</p> <p>(b) The property of and intended for the use of persons approved by the Comptroller who are temporarily resident in New Zealand for the purpose of serving as members of any such approved organisation, expedition, or other body.</p>

6. Nigeria

THE CUSTOMS TARIFF (DUTIES AND EXEMPTIONS) (No. 7) ORDER, 1964¹⁶

In exercise of the powers conferred by subsection (1) of section 6 of the Customs Tariff Act, 1958, the President hereby makes the following Order—

1. This Order may be cited as the Customs Tariff (Duties and Exemptions) (No. 7) Order, 1964, and shall apply throughout the Federation.

...

3. The First, Second and Third Schedules to the Customs Tariff Act, 1958, as amended from time to time are revoked and replaced by the following Schedules.

...

Second Schedule

EXEMPTION FROM IMPORT DUTIES OF CUSTOMS

...

16. FILMS, film strips, microfilms, slides, sound recordings, newsreels, and similar visual and auditory material, passed by the Board of Censors appointed under section 6 of the Cinematograph Ordinance, Cap. 32, as being of educational, scientific or cultural character, if (a) produced by the United Nations or any of its Specialised Agencies or (b) imported by broadcasting, educational or science organisations approved by the Minister.

...

(3) DIPLOMATIC PRIVILEGED IMPORTATIONS, namely, the furniture and effects (which expression shall include a motor vehicle) of any person, not being a native of Nigeria, who is an official of an organisation declared by notice in the *Federal Official Gazette* to be an organisation of which Her Majesty's Government in the United Kingdom and the Governments of one or more sovereign Powers are members, at the time that such person first takes up his post in Nigeria.

¹⁶ Date of commencement: 3 August 1964.

(4) TECHNICAL ASSISTANCE IMPORTATIONS:—

- (a) All goods imported for the purpose of directly implementing any project arising within any scheme of technical assistance approved by the Government of the Federation by notice in the *Federal Official Gazette*; and
- (b) The furniture and effects (which expression shall include a motor vehicle and an air conditioner) of any person, at the time such person first takes up his post in Nigeria, who is in Nigeria under any such scheme of technical assistance.

...

7. Romania

DECISION NO. 582 OF THE COUNCIL OF MINISTERS ESTABLISHING A TARIFF OF CONSULAR TAXES¹⁷

...

Diplomatic visas and official visas for the personnel of diplomatic and consular offices and of commercial organizations, for the officials and representatives of inter-governmental organs and organizations, and for members of their families, affixed on documents for foreign travel, are free of taxes.

Note. The tax exemption mentioned above refers to entry, exit and transit visas. It is equally applicable to persons entrusted with official missions in Romania by the United Nations or by specialized agencies, including the International Atomic Energy Agency, as well as those who, in order to accomplish their mission, enter the territory of the People's Republic of Romania whilst in transit.

¹⁷ Published in the Report of Decisions of the Council of Ministers of the People's Republic of Romania, No. 40, of 13 August 1964. Translation by the Secretariat of the United Nations.