

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1974

Part One. Legal status of the United Nations and related intergovernmental organizations

Chapter I. Legislative texts concerning the legal status of the United Nations and related intergovernmental organizations



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Chapter I

LEGISLATIVE TEXTS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

I. Ireland

INTERNATIONAL ATOMIC ENERGY AGENCY (DESIGNATION AND IMMUNITIES) ORDER, 1972¹

WHEREAS it is enacted by subsection (1) of section 40 of the Diplomatic Relations and Immunities Act, 1967 (No. 8 of 1967),² that the Government may by order designate an international organisation, community or body of which the State or the Government is or intends to become a member to be an organisation to which Part VIII of that Act applies and may, by the order, make provision for the purposes of section 42 of that Act, as respects certain matters specified in that subsection:

AND WHEREAS the State is a member of the International Atomic Energy Agency:

NOW the Government, in exercise of the powers conferred on them by section 40 of the Diplomatic Relations and Immunities Act, 1967, hereby order as follows:

1. This order may be cited as the International Atomic Energy Agency (Designation and Immunities) Order, 1972.

2. In this Order—

“the Act” means the Diplomatic Relations and Immunities Act, 1967;

“the scheduled agreement” means the agreement on the privileges and immunities of the International Atomic Energy Agency of which a copy is set out in the Schedule hereto;

“the proposed provision” means the provision as respects matters specified in subsection (1) of section 40 of the Act which is proposed for acceptance in the scheduled agreement.

3. The International Atomic Energy Agency is hereby designated to be an organisation to which Part VIII of the Act applies.

4. The proposed revision is hereby made for the purposes of section 42 of the Act.

SCHEDULE

AGREEMENT ON THE PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

[*Not reproduced*]³

¹S.I. No. 26 of 1972. Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 21 January 1972.

²See *Juridical Yearbook*, 1967, p. 37.

³See United Nations, *Treaty Series*, vol. 374, p. 147.

2. United Kingdom of Great Britain and Northern Ireland

(a) THE INTERNATIONAL ATOMIC ENERGY AGENCY (IMMUNITIES AND PRIVILEGES) ORDER 1974⁴

Laid before Parliament in draft

Made..... 25th July 1974

Coming into Operation 1st August 1974

At the Court at Buckingham Palace, the 25th day of July 1974

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^{*5} (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 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

GENERAL

1. This Order may be cited as the International Atomic Energy Agency (Immunities and Privileges) Order 1974 and shall come into operation on 1st August 1974.

2.—(1) 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.**

(2) 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.

3. The International Atomic Energy Agency (Immunities and Privileges) Order 1961**** is hereby revoked.

PART II

THE AGENCY

4. The International Atomic Energy Agency (hereinafter referred to as the Agency) is an organisation of which the United Kingdom and foreign sovereign Powers are members.

5. The Agency shall have the legal capacities of a body corporate.

6. Except in so far as in any particular case it has expressly waived its immunity, the Agency shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

7. The Agency 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 *Statutory Instruments*, No. 1256, 1974.

*1968 c. 48.

⁵See *Juridical Yearbook*, 1968, p. 20.

**1964 c. 81.

***1889 c. 63.

****S.I. 1961/65 (1961 I p. 132).

8. The Agency 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.

9. The Agency 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.

10. The Agency shall have exemption from customs duties and taxes on the importation of goods imported by the Agency for its official use in the United Kingdom and on the importation of publications of the Agency 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.

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

12. The Agency shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs and Excise) Act 1971* which is bought in the United Kingdom and used for the official purposes of the Agency, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

13. The Agency shall have relief, under arrangements made by the Secretary of State, by way of refund of car tax paid on any vehicles and value added tax paid on the supply of any goods which are used for the official purposes of the Agency, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART III

REPRESENTATIVES

14.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which they represent, representatives of members on the Board of Governors and at meetings of the General Conference and on any organ, committee or other subordinate body of the Agency (including any sub-committee or other subordinate body of a subordinate body) shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in their official capacity;
- (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 from seizure of their personal baggage and the like inviolability for all papers and documents as is accorded to a diplomatic agent; and
- (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, a representative shall not be deemed to be resident in the United Kingdom during any period when he is present in the United Kingdom for the discharge of his duties.

(3) Part IV of Schedule I to the Act shall not operate so as to confer any privilege or immunity on:—

- (a) the official staff of a representative other than alternates, advisers, technical experts and secretaries of delegations, or
- (b) the family of a representative or of a member of the official staff of a representative.

(4) Neither this Article nor Part IV of Schedule I to the Act shall operate so as to confer any privilege or immunity on any person as the representative of the United Kingdom or as a

*1971 c. 12.

member of the official staff of such a representative or on any person who is a citizen of the United Kingdom and Colonies.

PART IV
OFFICERS

High Officers

15.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Agency, and subject to the provisions of paragraph (2) of this Article, the Director-General of the Agency, including any officer acting on his behalf during his absence from duty, and any Deputy Director-General or officer of equivalent rank shall enjoy:

- (a) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, and rates as are accorded to or in respect of a diplomatic agent;
- (b) the like exemption from customs duties and taxes on the importation of articles imported for his personal use or the use 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;
- (c) the like exemption and privileges in respect of his personal baggage as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent;
- (d) relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of customs duty paid on any hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs & Excise) Act 1971) which is bought in the United Kingdom by him or on his behalf, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements; and
- (e) exemptions whereby, for the purposes of the enactments relating to national insurance and social security, including enactments in force in Northern Ireland,—
 - (i) services rendered for the Agency by the officer shall be deemed to be excepted from any class of employment in respect of which contributions of premiums under those enactments are payable, but
 - (ii) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted; provided that until the day appointed for the coming into force of section 2 of the Social Security Act 1973* the following shall apply in substitution for the foregoing provisions of this sub-paragraph—

“exemptions whereby for the purposes of the National Insurance Acts 1965 to 1973, the National Insurance (Industrial Injuries) Acts 1965 to 1973, 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 for the Agency by the 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
 - (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.”

(2) 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.

*1973 c. 38.

(3) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on any member of the family of any officer to whom this Article applies other than his spouse and minor children.

All Officers

16. Except in so far as in any particular case any privilege or immunity is waived by the Agency, officers of the Agency (other than those who are locally recruited and assigned to hourly rates of pay) shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in their official capacity;
- (b) exemption from income tax in respect of emoluments received by them as officers of the Agency; and
- (c) the like exemption from customs duties and taxes on the importation of articles which—
 - (i) at or about the time when they first enter the United Kingdom to take up their posts as officers of the Agency are imported for their personal use or that of members of their families forming part of their households, including articles intended for their establishment, and
 - (ii) are articles which were in their ownership or possession or that of such members of their families or which they or such members of their families were under contract to purchase, immediately before they 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.

PART V

EXPERTS

17. Except in so far as in any particular case any immunity or privilege is waived by the Agency, experts (other than officers of the Agency) serving on committees of the Agency or performing missions for the Agency, including missions as inspectors under Article XII of the Statute of the Agency*⁶ or as project examiners under Article XI thereof shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the performance of their official functions;
- (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 from seizure of their personal baggage and the like inviolability for all papers and documents as is accorded to a diplomatic agent; and
- (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.

(b) THE SPECIALIZED AGENCIES OF THE UNITED NATIONS (IMMUNITIES AND PRIVILEGES) ORDER 1974

Laid before Parliament in draft

Made 25th July 1974

Coming into Operation 1st August 1974

*Cmnd. 450.

⁶United Nations, *Treaty Series*, vol. 276, p. 3.

At the Court at Buckingham Palace, the 25th day of July 1974

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* (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 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

GENERAL

1. This Order may be cited as the Specialized Agencies of the United Nations (Immunities and Privileges) Order 1974 and shall come into operation on 1st August 1974.

2.—(1) 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.**

(2) 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 Orders hereby revoked were Acts of Parliament.

3. The Orders listed in Schedule 3 to this Order are hereby revoked.

PART II

THE ORGANISATION

4. The organisations listed in Schedule 1 to this Order (each of which is hereinafter referred to as the Organisation) are organisations of which the United Kingdom and foreign sovereign Powers are members.

[Paragraphs 5 to 13 are identical, *mutatis mutandis*, to paragraphs 5 to 13 of the International Atomic Energy Agency (Immunities and Privileges) Order 1974 reproduced above under (a).]

PART III

REPRESENTATIVES AND OTHER PERSONS

14.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which they represent, representatives of members of the Organisation (and representatives of Associate Members of the Food and Agriculture Organization and of the World Health Organization) at the meetings of any organ, committee or other subordinate body of the Organisation (including any sub-committee or other subordinate body of a subordinate body) shall enjoy:—

(a) immunity from suit and legal process in respect of things done or omitted to be done by them in their official capacity;

(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 from seizure of their personal baggage and the like inviolability for all papers and documents as is accorded to a diplomatic agent; and

*1968 c. 48.

**1964 c. 81.

***1889 c. 63.

- (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.

[Subparagraphs 2, 3 and 4 are identical to subparagraphs 2, 3 and 4 of paragraph 14 of the International Atomic Energy Agency (Immunities and Privileges) Order 1974, reproduced above under (a).]

(5) Except in so far as in any particular case any privilege or immunity is waived by the organ indicated in Schedule 2 to this Order, the additional persons specified in that Schedule shall, unless they are representatives of the United Kingdom or citizens of the United Kingdom and Colonies, enjoy the privileges and immunities provided for in paragraphs (1) and (2) of this Article.

(6) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on the official staffs or families of any person to whom paragraph (5) of this Article applies.

PART IV

OFFICERS

High Officers

15.—(1) Except in so far as in any particular case any privilege or immunity is waived by or on behalf of the Organisation, and subject to the provisions of paragraph (2) of this Article, any person mentioned in Schedule 1 to this Order shall enjoy:—

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

[The remainder of paragraph 15 is identical, *mutatis mutandis*, to the corresponding provisions in paragraph 15 of the International Atomic Energy Agency (Immunities and Privileges) Order 1974, reproduced above under (a).]

All Officers

16. Except in so far as in any particular case any privilege or immunity is waived by or on behalf of the Organisation, officers of the Organisation (other than those who are locally recruited and assigned to hourly rates of pay) shall enjoy:—

[The remainder of paragraph 16 is identical, *mutatis mutandis*, to the corresponding provisions in paragraph 16 of the International Atomic Energy Agency (Immunities and Privileges) Order 1974, reproduced above under (a).]

PART V

EXPERTS

17. Except in so far as in any particular case any privilege or immunity is waived by or on behalf of the Organisation, experts (other than officers of the Organisation) serving on committees of, or performing missions for, the Organisation shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the exercise of their functions;
- (b) during the period of their service on committees or missions, including the time spent on journeys in connection with service on such committees or missions, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents as is accorded to a diplomatic agent; and

(c) during the period of their service on committees or missions, including the time spent on 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.

Provided that this Article shall not apply to experts serving on committees of, or performing missions for, the Universal Postal Union, the International Telecommunication Union or the World Meteorological Organization.

SCHEDULE I

INTERNATIONAL ORGANISATIONS TO WHICH THIS ORDER APPLIES, AND HIGH OFFICERS OF SUCH ORGANISATIONS ENJOYING PRIVILEGES AND IMMUNITIES UNDER ARTICLE 15 OF THIS ORDER

Food and Agriculture Organization

The Director-General

The Deputy Director-General

Any Assistant Director-General

Any official acting on behalf of the Director-General during his absence from duty

International Civil Aviation Organization

The Secretary-General

The President of the Council

Any official acting on behalf of the Secretary-General during his absence from duty

International Labour Organisation

The Director-General

Any Deputy Director-General

Any Assistant Director-General

Any official acting on behalf of the Director-General during his absence from duty

International Telecommunication Union

The Secretary-General

Any official acting on behalf of the Secretary-General during his absence from duty

United Nations Educational, Scientific and Cultural Organization

The Director-General

The Deputy Director-General

Any official acting on behalf of the Director-General during his absence from duty

Universal Postal Union

The Director of the International Bureau

Any official acting on behalf of the Director during his absence from duty

World Health Organization

The Director-General

Any Deputy Director-General

Any Assistant Director-General

Any Regional Director

Any official acting on behalf of the Director-General during his absence from duty

World Meteorological Organization

The Secretary-General

Any official acting on behalf of the Secretary-General during his absence from duty

SCHEDULE 2

ADDITIONAL PERSONS ENJOYING PRIVILEGES AND IMMUNITIES
UNDER ARTICLE 14 OF THIS ORDER

<i>Organisation</i>	<i>Additional Persons</i>	<i>Organ with power to waive</i>
International Labour Organisation	The employers' and workers' members and deputy members of the Governing Body and their substitutes	The Governing Body
Food and Agriculture Organization	The Chairman of the Council	The Council
United Nations Educational, Scientific and Cultural Organization	The President of the Conference and members of the Executive Board, their substitutes and advisers	The Executive Board
World Health Organization	Persons designated to serve on the Executive Board, their alternates and advisers	The Executive Board

SCHEDULE 3

Orders Revoked

[*Not reproduced*]

(c) THE UNITED NATIONS AND INTERNATIONAL COURT OF JUSTICE (IMMUNITIES AND PRIVILEGES) ORDER 1974

Laid before Parliament in draft

Made..... 25th July 1974

Coming into Operation 1st August 1974

At the Court at Buckingham Palace, the 25th day of July 1974

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* (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, 5 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:—

*1968 c. 48.

PART I

GENERAL

1. This Order may be cited as the United Nations and International Court of Justice (Immunities and Privileges) Order 1974 and shall come into operation on 1st August 1974.

2.—(1) 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.**

(2) 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 Orders hereby revoked were Acts of Parliament.

3. The Diplomatic Privileges (United Nations and International Court of Justice) Order in Council 1947**** the Diplomatic Privileges (United Nations and International Court of Justice) (Amendment) Order in Council 1949***** and the Diplomatic Privileges (General Amendment) Order in Council 1950***** are hereby revoked.

PART II

THE UNITED NATIONS

The United Nations

[Paragraphs 4 to 13 are identical, *mutatis mutandis*, to paragraphs 4 to 13 of the International Atomic Energy Agency Act (Immunities and Privileges) Order 1974 reproduced above under (a).]

Representatives

14.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which they represent, representatives of members to any organ, committee or other subordinate body of the United Nations (including any sub-committee or other subordinate body of a subordinate body of the United Nations) shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in their capacity as representatives;
- (b) while exercising their functions and during their journeys to and from the place of meeting, the like inviolability of residence, the like immunity from personal arrest or detention and from seizure of their personal baggage, the like inviolability of all papers and documents and the like exemption or relief from taxes (other than customs and excise duties, car tax and value added tax) and rates as is accorded to the head of a diplomatic mission;
- (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; and
- (d) while exercising their functions and during their journeys to and from the place of meeting, exemptions whereby, for the purposes of the enactments relating to national insurance and social security, including enactments in force in Northern Ireland,—

**1964 c. 81.

***1889 c. 63.

****S.R. & O. 1947/1772 (Rev. V, p. 882: 1947-I, p. 520).

*****S.I. 1949/1428 (1949-I, p. 1488).

*****S.E. 1950/515 (1950-I, p. 541).

- (i) services rendered for the United Nations by them shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but
- (ii) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted; provided that until the day appointed for the coming into force of section 2 of the Social Security Act 1973* the following shall apply in substitution for the foregoing provisions of this subparagraph—

“while exercising their functions and during their journeys to and from the place of meeting, exemptions whereby for the purposes of the National Insurance Acts 1965 to 1973, the National Insurance (Industrial Injuries) Acts 1965 to 1973, 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 for the United Nations by them 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.”

[Subparagraphs 2, 3 and 4 are identical to subparagraphs 2, 3 and 4 of paragraph 14 of the International Atomic Energy Agency (Immunities and Privileges) Order 1974, reproduced above under (a).]

High Officers

15.—(1) Except in so far as in any particular case any privilege or immunity is waived in the case of the Secretary-General by the Security Council and in the case of an Assistant Secretary-General by the Secretary-General, and subject to the provisions of paragraph (2) of this Article, the Secretary-General of the United Nations and any Assistant Secretary-General shall enjoy:—

[The remainder of the paragraph is identical, *mutatis mutandis*, to the corresponding provisions in paragraph 15 of the International Atomic Energy Agency (Immunities and Privileges) Order 1974, reproduced above under (a).]

All Officers

16. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General, officers of the United Nations (other than those who are locally recruited and assigned to hourly rates of pay) shall enjoy:—

[The remainder of the paragraph is identical, *mutatis mutandis*, to the corresponding provisions in paragraph 16 of the International Atomic Energy Agency (Immunities and Privileges) Order 1974, reproduced above under (a).]

Experts

17. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General, experts (other than officers of the United Nations) performing missions on behalf of the United Nations shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the course of the performance of their missions;

*1973 c. 38.

- (b) during the period of their missions, including the time spent on journeys in connection with service on such missions, the like immunity from personal arrest or detention and the like inviolability for all papers and documents as is accorded to a diplomatic agent; and
- (c) during the period of their missions, including the time spent on journeys in connection with service on such 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.

PART III

THE INTERNATIONAL COURT OF JUSTICE

Judges and Registrar

18. Except in so far as in any particular case any privilege or immunity is waived by the Court, the judges and Registrar of the Court and any officer of the Court acting as Registrar shall enjoy, when engaged on the business of the Court and on journeys in connection with the exercise of their functions and, in the case of judges who are not citizens of the United Kingdom and Colonies, when residing in the United Kingdom for the purpose of holding themselves permanently at the disposal of the Court, the like privileges and immunities as in accordance with the 1961 Convention Articles are accorded to the head of a diplomatic mission.

19. The judges and Registrar shall have exemption from income tax in respect of emoluments received by them as judges or Registrar.

All Officers

20. Except in so far as in any particular case any privilege or immunity is waived by the Registrar of the Court with the approval of the President of the Court, officers of the Court shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the exercise of their functions; and
- (b) exemption from income tax in respect of emoluments received by them as officers of the Court.

Agents, counsel and advocates

21.—(1) Except in so far as in any particular case any privilege or immunity is waived, in the case of persons representing States by the government of the State which they represent and in the case of persons representing international organisations by the organisation which they represent, the agents, counsel and advocates appearing before the Court shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in their capacity as agents, counsel or advocates;
- (b) during the period of their missions, including the time spent on journeys in connection with their missions, the like inviolability of residence, the like immunity from personal arrest or detention, the like inviolability for all papers and documents and the like exemption or relief from taxes (other than customs and excise duties, car tax and value added tax) and rates as are accorded to the head of a diplomatic mission; and
- (c) during the period of their missions, including the time spent on journeys in connection with their 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) Where the incidence of any form of taxation depends upon residence, an agent, counsel or advocate shall not be deemed to be resident in the United Kingdom during any period when he is present in the United Kingdom for the discharge of his duties.

(3) This Article shall not apply to any agent, counsel or advocate representing the United Kingdom or to any person who is a citizen of the United Kingdom and Colonies.

Assessors, witnesses, experts and persons performing missions

22. Except in so far as in any particular case any privilege or immunity is waived by the Court or, when the Court is not sitting, by the President of the Court, assessors, witnesses, experts and persons performing missions by order of the Court shall enjoy:—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the course of the performance of their missions;
 - (b) during the period of their missions, including the time spent on journeys in connection with their missions, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents as are accorded to a diplomatic agent; and
 - (c) during the period of their missions, including the time spent on journeys in connection with their 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.
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