

Orders made under s.2.

**DIPLOMATIC PRIVILEGES (INTER-GOVERNMENTAL
MARITIME CONSULTATIVE ORGANISATION) ORDER**

(1960.08.30)

2.9.1960

1. This Order may be cited as the Diplomatic Privileges (Inter-Governmental Maritime Consultative Organisation) Order.

A. The Organisation.

2. 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.

3. The Organisation shall have the legal capacities of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

4. The Organisation shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty.

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

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

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

8. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting, including communications addressed to or despatched from places outside Gibraltar, of any reduced rates applicable for the corresponding service in the case of press telegrams.

B. Representatives.

9. (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 by them in their official capacity, the like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty;
- (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 of all papers and documents as is accorded to an envoy of a foreign sovereign Power accredited to her Majesty.

(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 Gibraltar 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 Gibraltar.

(3) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege 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 sub-paragraphs of this paragraph nor those of Part IV of the Schedule to the Act shall operate so as to confer any immunity or privilege 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 British citizen, a British Dependent Territories citizen or a British Overseas citizen.

*C. Officers.
High Officers.*

10. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, the Secretary-General of the Organisation and the Secretary of the Maritime Safety Committee shall be accorded the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than income tax, as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, and exemption from income tax in respect of emoluments received by them as officers of the Organisation :

Provided that, so long as the Headquarters of the Organisation are located in the territory of the United Kingdom or Colonies, the provisions of this paragraph shall not apply to any person who is a British citizen, a British Dependent Territories citizen or a British Overseas citizen.

Other Officers.

11. 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 shall enjoy—

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

D. Experts.

12. (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, who are members of any committee of the Organisation or who are 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 by them in their official capacity, the like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty;

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**Subsidiary
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- (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 of all papers and documents relating to the work on which they are engaged for the Organisation as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

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