

1948-28

**Diplomatic Privileges (International
Organisations)**

Subsidiary Legislation made under s.2.

**Diplomatic Privileges (North Atlantic Treaty
Organisation) Order**

1955.10.13-2

Commencement **14.10.1955**

Amending
enactments

Relevant current
provisions

Commencement
date

Act. 2007-17 Para. 6

14.6.2007

1948-28

Diplomatic Privileges (International Organisations)

1955.10.13-2

Diplomatic Privileges (North Atlantic Treaty Organisation) Order

1. This Order may be cited as the Diplomatic Privileges (North Atlantic Treaty Organisation) Order.

A. The Organisation.

2. The North Atlantic Treaty 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 the Secretary-General of the Organisation or in his absence his deputy or such other person as the Council of the Organisation may decide, acting on behalf of the Organisation, has expressly authorized the waiver of its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution or detention of property.

4. The Organisation shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of 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 publication of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Minister responsible for finance may prescribe for the protection of the revenue.

7. The Organisation shall have exemption from quantitative 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 publication of the Organisation directly imported or exported by it.

B. Representatives on Organs or Committees of the Organisation.

8. Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which they represent, every person designated by a member of the Organisation to be its principal permanent representative to the Organisation in Gibraltar and such members of his official staff resident in Gibraltar as may be agreed between Her Majesty's

Diplomatic Privileges (International Organisations)

1948-28

Diplomatic Privileges (North Atlantic Treaty Organisation) Order

1955.10.13-2

Government in the United Kingdom and the Organisation shall enjoy the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to a diplomatic representative accredited to Her Majesty, and to his official staff, of comparable rank.

9.(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member which he represents, every representative of a member of the Organisation to the Council of the Organisation or to any of its subsidiary bodies shall, while present in Gibraltar for the discharge of his duties, enjoy—

- (a) immunity from personal arrest or detention and from seizure of his personal baggage and inviolability of all papers and documents;
- (b) immunity from legal process in respect of words spoken or written and of things done or omitted to be done by him in his capacity as representative.

(2) Where the incidence of any form of taxation depends upon residence, any representative to whom this paragraph applies shall not be deemed to be resident in Gibraltar during any period when he is present in Gibraltar for the discharge of his duties.

(3) For the purpose of the application of this paragraph, the expression “representative” shall be deemed to include, in addition to the representative, the following members of his official staff accompanying him as such representative—

alternate representatives,
advisers,
technical experts.

10.(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, the official clerical staff, other than persons referred to in paragraph 8 or 9, of a representative of a member of the Organisation to the Council of the Organisation or to any of its subsidiary bodies shall, while accompanying the representative and present in Gibraltar for the discharge of their duties, enjoy—

- (a) immunity from legal process in respect of words spoken or written and of thing done or omitted to be done by them in their official capacity;
- (b) inviolability of all papers and documents.

1948-28

Diplomatic Privileges (International Organisations)

1955.10.13-2

Diplomatic Privileges (North Atlantic Treaty Organisation) Order

(2) Where the incidence of any form of taxation depends upon residence, official clerical staff to which this paragraph applies, if accompanying such a representative as aforesaid, shall not be deemed to be resident in Gibraltar during any period when they are present in Gibraltar for the discharge of their duties.

11. Part IV of the Schedule to the Act shall not operate so as to confer privileges or immunities on the staffs of representatives other than on those persons referred to in paragraphs 8, 9 and 10.

12. The expression “subsidiary bodies” in paragraph 9 and 10 means any organ, committee or service established by the Council of the Organisation or under its authority, except any military headquarters established pursuant to the North Atlantic Treaty and other military bodies to which the agreement does not apply.

C. High Officials of the Organisation.

13. Except in so far as in any particular case any privilege or immunity is waived on behalf of the Organisation, the Secretary-General of the Organisation, the Co-ordinator of North Atlantic Defence Production and such other permanent officials of similar rank as may be agreed between the Secretary-General of the Organisation and Her Majesty’s Government in the United Kingdom 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 a diplomatic representative of comparable rank accredited to Her Majesty, and, exemption from income tax in respect of emoluments received by them as officers of the Organisation.

D. Persons employed on Missions on behalf of the Organisation.

14. Except in so far as in any particular case any privilege or immunity is waived on behalf of the Organisation, experts other than any person referred to in paragraph 13 or 15, employed on missions on behalf of the Organisation shall so far as is necessary for the effective exercise of their functions while present in Gibraltar for the discharge of their duties, enjoy—

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) immunity from suit and legal process in respect of words spoken or written and things done or omitted to be done by them in the course of the performance of their official duties;

Diplomatic Privileges (International
Organisations)

1948-28

**Diplomatic Privileges (North Atlantic Treaty
Organisation) Order**

1955.10.13-2

- (c) inviolability of all papers and documents relating to the work on which they are engaged for the Organisation.

E. Other Officials of the Organisation.

15. Except in so far as in any particular case any privilege or immunity is waived on behalf of the Organisation, all officials of the Organisation of categories agreed between Her Majesty's Government in the United Kingdom and the Secretary-General of the Organisation, shall enjoy—

- (a) immunity from suit and legal process in respect of words spoken or written and things done or omitted to be done by them in their official capacity and within the limits of their authority;
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation.

F. General.

16. The names of the persons to whom the provisions of paragraphs 8, 9, 10, 13 and 14 apply shall be set forth in a list compiled and published from time to time by the Governor under section 2(3) of the Act and such list shall show in regard to each person the date as from which, for the purposes of this Order, he first held the office or employment in question and the date when he ceased to hold that office or employment.