

1948-28

**Diplomatic Privileges (International
Organisations)**

Subsidiary Legislation made under s.2.

**Diplomatic Privileges (Organisation for Economic
Cooperation and Development) Order, 1990**

LN.1990/123

Commencement **13.9.1990**

Amending enactments	Relevant current provisions	Commencement date
Act. 2007-17	Para. 3(4)&(6)	14.6.2007

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Title.

1. This Order may be cited as the Diplomatic Privileges (Organisation for Economic Cooperation and Development) Order, 1990.

The Organisation.

2.(1) The Organisation for Economic Cooperation and Development (hereinafter referred to as “the Organisation”) is an Organisation of which Her Majesty’s Government in the United Kingdom and the Government or Governments of one or more foreign sovereign powers are members.

(2) The Organisation shall have the legal capacities of a body corporate.

Immunities and privileges of the Organisation.

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

(2) The Organisation shall have the like inviolability of official archives and premises as is accorded in respect of official archives and premises of an envoy of a foreign sovereign power accredited to Her Majesty.

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

(4) The Organisation shall have exemption from taxes on the importation of goods imported by the Organisation for its official use in Gibraltar or for exportation or on the importation of any of the publications of the Organisation 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.

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

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(6) The Organisation shall have exemption from the payment of car tax on any vehicles which are necessary for the exercise of the official activities of the Organisation subject to compliance with such conditions as may be imposed by the Minister responsible for finance.

Privileges and immunities of representatives.

4.(1) Except in so far as any privilege or immunity is waived by the Governments whom they represent, representatives of member governments shall enjoy while exercising their functions as such, and during their journey to and from the place of meeting, the like immunity from legal process, the like immunity from personal arrest or detention and from seizure of their personal baggage and inviolability of all papers and documents and the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign power accredited to Her Majesty, save that the relief allowed shall not include relief from import duties except in regard to goods imported as part of their personal baggage. They shall not where the instance of any form of taxation depends upon residence be deemed to be resident in Gibraltar during any period when they are present in Gibraltar whilst exercising their functions and during their journey to and from the place of meeting.

(2) For the purpose of the application of this Order the expression “representatives of member governments” shall be deemed to include their official staff accompanying them as such representatives, as delegates, alternates, advisors, technical experts or secretaries of delegations.

(3) Nothing in this paragraph shall operate so as to confer any privilege or immunity on any person as the representative of the United Kingdom or as a member of the official staff of such representative or on any person who is a British citizen or British Dependant Territories citizen and whose usual place of abode is in Gibraltar.

Privileges and immunities of high officials.

5.(1) Except in so far as in any particular case, any privilege or immunity is waived by the Organisation, officers of the Organisation holding the offices of Secretary General or deputy Secretary General shall be accorded in respect of themselves and in the case of the Secretary General his spouse and children under the age of 21, 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 an envoy of a foreign sovereign power accredited to Her Majesty, her spouse and children.

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(2) Nothing in this paragraph shall operate so as to confer any privilege or immunity on any person who is a British citizen or British Dependant Territories citizen and whose usual place of abode is in Gibraltar.

Privileges and immunities of officers.

6. Except in so far as in any particular case any privilege or immunity is waived by the Secretary General, the established members of the staff of the Organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of personal baggage and inviolability of all papers and documents relating to the work of the Organisation;
- (b) immunity from legal process of every kind in respect of words spoken or written and to all acts done by them in the exercise of their functions. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on behalf of the Organisation;
- (c) while exercising their functions and during their journey to and from the place of meeting, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign power accredited to Her Majesty, save that the relief allowed shall not exclude relief from import duties except in regard of goods imported as part of their personal baggage. They shall not, where the instance of any form of taxation depend upon residence, be deemed to be resident in Gibraltar during any period when they are present in Gibraltar whilst exercising their functions and during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to any person who is a British citizen or British Dependant Territories citizen whose usual place of abode is in Gibraltar.

Privileges and immunities of experts.

7. Except and so far as in any particular case any privilege or immunity is waived by the Secretary General, experts, other than officers of the Organisation, performing missions for the Organisation shall enjoy—

- (a) while exercising their function as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of personal baggage and inviolability of all papers and documents relating to the work of the Organisation;

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- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on mission on behalf of the Organisation.

Publication of names.

8. The names of persons to whom the provisions of paragraphs 4 and 5 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 lists shall show in regard to each person the date as from which, for the purpose of this Order, he first held the office or employment in question, and the date when he ceased to hold that office or employment.