

1948-28

Diplomatic Privileges (International Organisations)

Subsidiary Legislation made under s.2.

Diplomatic Privileges (United Nations and International Court of Justice) Order

1949.04.28

Commencement **29.4.1949**

Amending
enactments

Relevant current
provisions

Commencement
date

Act. 2007-17 Part 1, para. 6

14.6.2007

1.This Order may be cited as the Diplomatic Privileges (United Nations and International Court of Justice) Order.

PART I. **THE UNITED NATIONS.**

A. The Organisation.

2.The United Nations set up by the Charter signed at San Francisco on the 26th day of June, 1945 is an organisation of which Her Majesty's Government in the United Kingdom and the governments of foreign sovereign Powers are members.

3.The United Nations shall have the legal capacity 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 United Nations 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 United Nations 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.

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6.The United Nations 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 Minister responsible for finance may prescribe for the protection of the revenue.

7.The United Nations shall have exemption from prohibitions and restrictions on importation and 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 United Nations 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 of Members.

9.Except in so far as in any particular case any privilege or immunity is waived by the member governments whom they represent, representatives of member governments to the General Assembly or to any Council or other organ of the United Nations 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 their personal baggage and inviolability of all papers and documents;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as representatives;
- (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 include relief from customs and excise duties except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in Gibraltar during any period when they are present in Gibraltar while exercising their functions or during their journey to and from the place of meeting. The provisions of this subparagraph shall not apply to British subjects whose usual place of abode is in Gibraltar.

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10. For the purposes of the application of this Order, the expression “representatives of member governments” shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers technical experts or secretaries of delegations.

C. High Officials of the United Nations.

11. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General or the Security Council of the United Nations, the Secretary-General and Assistant Secretaries General of the United Nations, and not exceeding at one time 6 in number, shall be accorded in respect of themselves, their spouses and children under the age of twenty-one 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, his spouse and children.

D. Persons employed on missions on behalf of the United Nations.

12. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General of the United Nations, persons employed on missions on behalf of the United Nations 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 their personal baggage and inviolability of all papers and documents;
- (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.

E. Other officials of the United Nations.

13. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General of the United Nations, officials of the United Nations (other than those referred to in paragraph 11 and officials engaged locally and remunerated by payment calculated by the number of hours worked) shall enjoy 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.

PART II. **INTERNATIONAL COURT OF JUSTICE.**

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14. Except in so far as in any particular case any privilege or immunity is waived by the Court, the judges and Registrar of the International Court of Justice, including any officer of the court acting as Registrar, shall, when engaged on the business of the court and during any journey to and from the place where the court is sitting in connection with such business, enjoy the like immunity from suit and legal process, the like inviolability of residence and also unless they are British subjects whose usual place of abode is in Gibraltar the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

15. Except in so far as in any particular case any privilege or immunity is waived by the government whom they represent before the court the agents, counsel and advocates of parties before the court shall enjoy—

- (a) when engaged on their missions before the court and during their journeys to and from the place where the court is sitting in connection with such missions, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability of all papers and documents;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in this capacity;
- (c) when engaged on their missions before the court and during their journeys to and from the place where the court is sitting in connection with such mission, 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 customs or excise duties except in respect of goods imported as part of their personal baggage. They shall not, where incidence of any form of tax depends upon residence, be deemed to be resident in Gibraltar during any period when they are present in Gibraltar while exercising their functions or during their journey to and from the place of meeting. The provisions of this sub-paragraph shall not apply to British subjects whose usual place of abode is in Gibraltar.

The provisions of this paragraph do not apply to any British subject acting on behalf of any other Government except a Government of Her Majesty other than Her Majesty's Government in Gibraltar.

PART III. GENERAL.

16. The names of the persons to whom the provisions of paragraphs 9, 10, 11, 12, 14 and 15 apply shall be set forth in a list compiled and published from time to time by the Governor

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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.