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**Diplomatic Privileges (International
Organisations)**

Subsidiary Legislation made under s.2.

**Diplomatic Privileges (International Sea-Bed Authority)
Order, 1997**

LN.1997/089

Commencement **4.9.1997**

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Title.

1. This Order may be cited as the Diplomatic Privileges (International Sea-Bed Authority) Order, 1997.

Interpretation.

2. 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 the Schedule to the Diplomatic Privileges Act;

“Authority” means the International Sea-Bed Authority established by the Convention;

“Enterprise” means the organ of the Authority referred to in Article 158(2) and Article 170 of the Convention; and

“representatives” means a representative of a member of the Authority attending meetings of the Assembly, the Council or organs of the Assembly or Council.

The Authority.

3.(1) The Authority is an organisation of which the United Kingdom is a member on behalf of Gibraltar.

(2) The Authority (including the Enterprise) shall have the legal capacities of a body corporate.

(3) The Authority and its property and assets shall enjoy immunity from suit and legal process, except to the extent that the Authority expressly waives this immunity in a particular case.

(4) The Authority shall have the like inviolability in respect of its premises and archives as, in accordance with the 1961 Convention Articles, is accorded in respect of the official premises and archives of a diplomatic mission.

(5) Within the scope of its official activities, the Authority, its assets and property, its income, and its operations and transactions, authorised by the Convention, shall have exemption from income tax and corporation tax.

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(6) The Authority 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.

(7) The Authority shall have exemption from customs duties and taxes on the importation of goods for its official use in Gibraltar.

(8) The Authority shall have relief, under arrangements made by the Collector of Customs, by way of a refund of import duty paid on imported hydrocarbon oil which is bought in Gibraltar and used for the official purposes of the Authority, such relief to be subject to compliance with the conditions as may be imposed in accordance with the arrangements.

The Enterprise.

4.(1) Paragraph 3 shall not apply to the Enterprise.

(2) Except to the extent that the Enterprise shall have waived such immunity, the Enterprise shall have immunity from suit and legal process—

- (a) where the Enterprise has no office in Gibraltar, has not appointed any agent in Gibraltar for the purpose of accepting service or notice of process, has not entered into a contract for goods or services in Gibraltar, has not issued securities in Gibraltar and has not otherwise engaged in commercial activity in Gibraltar;
- (b) in respect of all forms of seizure, attachment or execution before the delivery of final judgment against the Enterprise; and
- (c) in respect of the requisition, confiscation, expropriation or any other form of seizure of property or assets of the Enterprise wherever located and by whomsoever held.

Representatives.

5.(1) Representatives shall enjoy immunity from suit and legal process with respect to acts, performed by them in the exercise of their functions, except to the extent that the State which they represent expressly waives this immunity in a particular case.

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

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- (a) the official staff of a representative other than alternate representatives and advisers, or
- (b) the family of a representative.

(3) Neither the preceding provisions of this paragraph nor Part IV of the Schedule to the Act shall operate so as to confer any privilege or immunity on any person as the representative of the United Kingdom on behalf of Gibraltar 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, a British Overseas citizen, or a British National (Overseas).

Officials.

6.(1) The Secretary-General and staff of the Authority shall enjoy immunity from suit and legal process with respect to acts performed by them in the exercise of their functions, except to the extent that the Authority expressly waives this immunity in a particular case.

(2) The Secretary-General and staff of the Authority, who are not British citizens, British Dependent Territories citizens, British Overseas citizens, or British Nationals (Overseas) shall enjoy exemption from income tax in respect of emoluments received by them from the Authority.

(3) Part IV of the Schedule to the Act shall not operate so as to confer any privilege or immunity on any member of the family of an official to whom this paragraph applies.

(4) Subparagraph (2) shall not apply to pensions and annuities paid by the Authority.

Experts performing missions.

7. Experts performing missions for the Authority who are not British citizens, British Dependent Territories citizens, British Overseas citizens, or British Nationals (Overseas) shall enjoy exemption from income tax in respect of emoluments received by them from the Authority.