

No. 342.

THE DIPLOMATIC PRIVILEGES (EXTENSION) LAWS,  
1947 AND 1948.

ORDER IN COUNCIL No. 2373

MADE UNDER SECTION 2.

A. B. WRIGHT,  
*Governor.*

Whereas in accordance with section 37 of the International Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations (which Convention is set forth in the Schedule to the Diplomatic Privileges (International Labour Organization) Order, 1949), the International Civil Aviation Organization, on the 11th day of August, 1948, deposited with the Secretary-General of the United Nations the final text of the Annex to the said Convention which concerns the said Organization ;

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And whereas His Majesty's Government in the United Kingdom has, in accordance with section 41 of the said Convention, acceded to the said Convention in respect of the International Civil Aviation Organization, by depositing with the Secretary-General of the United Nations an instrument of accession ;

And whereas by an Order of His Majesty made with the advice of His Privy Council dated the 28th day of January, 1949, the International Civil Aviation Organization was declared to be an organization of which His Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members and provision was made for the privileges and immunities hereafter set out in this Order in respect of the said Organization ;

Now, therefore, I, the Governor, in exercise of the powers vested in me by section 2 of the Diplomatic Privileges (Extension) Laws, 1947 and 1948, (hereinafter referred to as "the Law"), with the advice of the Executive Council, do hereby order as follows :—

1. This Order may be cited as the Diplomatic Privileges (International Civil Aviation Organization) Order, 1949.

A. THE ORGANIZATION.

2. The International Civil Aviation Organization set up under Article 43 of the Convention on International Civil Aviation signed at Chicago on 7th December, 1944 (hereinafter referred to as "the Organization") is an organization of which His Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

3. The Organization 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 process. No waiver of immunity shall be deemed to extend to any measure of execution.

4. The Organization 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 His Majesty.

5. The Organization 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 Organization shall have exemption from taxes on the importation of goods directly imported by the Organization for its official use in the Colony or for exportation, or on the importation of any publications of the Organization directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs and Excise may prescribe for the protection of the revenue.

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

8. The Organization 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 the Colony), of any reduced rates applicable for the corresponding service in the case of press telegrams.

#### B. REPRESENTATIVES OF MEMBERS.

9.—(1) 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 Council of the Organization 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 for 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 His 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 the Colony during any period when they are present in the Colony whilst exercising their functions or during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to British subjects whose usual place of abode is in the Colony.

(2) For the purpose 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.

(3) The provisions of the preceding paragraphs of this clause shall not confer any immunity or privilege upon any person as the representative of His Majesty's Government in the Colony or as a member of the staff of such a representative, or any person who is a British subject and who is not the representative of a Government of His Majesty other than His Majesty's Government in the Colony or the member of the staff of and accompanying any such representative.

#### C. HIGH OFFICIALS.

10. Except in so far as in any particular case any privilege or immunity is waived by the Organization, the Secretary-General or the Deputy Secretary-General of the Organization and the President of the Council of the Organization 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 His Majesty, his spouse and children, including exemption from income tax in respect of emoluments received by them as officers of the Organization.

D. PERSONS SERVING ON COMMITTEES OF OR EMPLOYED ON MISSIONS ON BEHALF OF THE ORGANIZATION.

11. Except in so far as in any particular case any privilege or immunity is waived by the Organization, persons (other than officials of the Organization) serving on Committees of, or employed on missions on behalf of the Organization 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 relating to the work of the Organization.
- (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 these functions. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the Organization.

E. OTHER OFFICIALS OF THE ORGANIZATION.

12. Except in so far as in any particular case any privilege or immunity is waived by the Organization, officials of the Organization (other than those referred to in clause 10 above) 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, and
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the Organization.

F. GENERAL.

13. The names of the persons to whom the provisions of clauses 9, 10, 11 and 12 of this Order apply shall be set forth in a list compiled and published from time to time by the Governor under section 2 (3) of the Law, 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.

Ordered in Council, this 6th day of September, 1949.

(M.P. 668/46/2.)

I. LL. PHILLIPS,  
*Clerk of the Executive Council.*

No. 343.

THE DIPLOMATIC PRIVILEGES (EXTENSION) LAWS,  
1947 AND 1948.

ORDER IN COUNCIL No. 2374

MADE UNDER SECTION 2.

A. B. WRIGHT,  
*Governor.*

Whereas in accordance with section 37 of the International Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations (which Convention is set forth in the Schedule to the Diplomatic Privileges (International Labour Organization) Order, 1949), the United Nations Educational, Scientific and Cultural Organization, on the 7th day of February, 1949, deposited with the Secretary-General of the United Nations the final text of the Annex to the said Convention which concerns the said Organization ;

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