

(Note. -- In the enactments set out in the Second Schedule to the Bill words to be inserted by the First Schedule are printed in heavy type.)

(NOTE.-- The words enclosed in brackets and underlined were inserted by the Lords to avoid questions of privilege.)

A

B I L L

INTITULED

An Act to amend the Diplomatic Privileges (Extension Act, 1944, A.D. 1946, in connection with the general convention on privileges and immunities of the United Nations approved at the First General Assembly thereof and in connection with certain resolutions taken at the said Assembly.

WHEREAS, at the first General Assembly of the United Nations, a general convention on the privileges and immunities of the United Nations was approved by the Assembly and proposed for accession by each member of the United Nations;

And whereas it was also resolved by the said Assembly --

- (a) that provision should be made (apart from the said convention) as to the immunities, privileges and facilities to be enjoyed by the International Court of Justice set up under the Charter of the United Nations (in this Act referred to as "the International Court"); and
- (b) that negotiations should be opened with a view to the unification of the immunities and privileges enjoyed by the United Nations and certain other international organisations;

And whereas a copy of the said convention and resolutions (together with other resolutions of the said Assembly) was laid before Parliament by command of His Majesty on the thirteenth day of February, nineteen hundred and forty-six;

And whereas, in connection with the said convention and 7 & 8 resolutions, it is expedient to amend the Diplomatic Privileges Geo. 6. (Extension) Act, 1944, (in this Act referred to as "the principal c.44. Act");

(Bill 129)

Now, therefore, be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: --

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1.--(1) In subsection (2) of section one of and in the Schedule to the principal Act there shall be made the amendments specified in the First Schedule to this Act, being amendments which either --

General
Amend-
ments.

- (a) extend the immunities and privileges which may be conferred on an organisation to which that section applies; or
- (b) relate to the classes of persons on whom, by virtue of a connection with such an organisation, any immunities and privileges may be conferred;

and accordingly, subject to the provisions of the next following section of this Act, the said subsection (2) of section one of the principal Act and the Schedule to that Act shall have effect as set out in the Second Schedule to this Act.

(2) The foregoing subsection shall not affect the operation of any Order in Council under section one of the principal Act made before the commencement of this Act.

(3) Subsection (6) of the said section one (which limits the duration of that section and of the supplemental provisions as to Orders in Council contained in section two of the principal Act) is hereby repealed.

((4) This Act shall not alter or add to the powers to make Orders in Council conferred by the principal Act so far as relates to taxes or rates or to charges payable to a government department.)

2. The principal Act (as amended by the foregoing section) shall in its application to the United Nations have effect subject to the following further modifications: --

Appli-
cation
to
United
Nations

- (a) any reference to the governing body or any committee of the organisation shall be construed as referring to the General Assembly or any council or other organ of the United Nations; and
- (b) the powers conferred by subsection (2) of section one of that Act shall include power by Order in Council to confer on the judges and registrars of the International Court, and on suitors to that Court and their agents,

counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of or convention approved by the General Assembly of the United Nations.

3. This Act may be cited as the Diplomatic Privileges (Extension) Act, 1946, and this Act and the principal Act may be cited together as the Diplomatic Privileges (Extension) Acts, 1944 and 1946.

Short
Title and
Citation

SCHEDULES.

A.D. 1946

FIRST SCHEDULE.

Section 1

AMENDMENTS OF PRINCIPAL ACT.

Amendments of s. 1(2).

In paragraph (b) the words "other than British subjects" shall be omitted; after the word "Order" in the second place where it occurs there shall be inserted the words "and upon such persons employed on missions on behalf of the organisation as may be so specified".

In paragraph (c) the words "(including British subjects holding such high offices as aforesaid or representing any member government as aforesaid)" shall be omitted.

After the said paragraph (c) there shall be inserted the words "and Part IV of the Schedule to this Act shall have effect for the purpose of extending to the staffs of representatives of member governments and to the families of officers of the organisation any immunities and privileges conferred on the representatives or officers under paragraph (b) of this subsection, except in so far as the operation of the said Part IV is excluded by the Order conferring the immunities and privileges".

In the proviso, for the words "any exemption from taxes or rates upon any person who is a British subject and whose usual place of abode is in the United Kingdom" there shall be substituted the words "any immunity or privilege upon any person as the representative of His Majesty's Government in the United Kingdom or as a member of the staff of such a representative".

Amendments of Schedule.

In paragraph 4 of Part I after the word "exportation" there shall be inserted the words "or on the importation of any publications of the organisation directly imported by it."

At the end of the said Part I there shall be added the following paragraphs: --

"5. Exemption from prohibitions and 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 publications of the organisation directly imported or exported by it.

6. 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 United Kingdom), of any reduced rates applicable for the corresponding service in the case of press telegrams."

In Part III the words from the beginning of paragraph 2 to "case" in sub-paragraph (b) of that paragraph shall be omitted. A.D. 1946.

At the end of the Schedule there shall be added the following Part: -- 1st Sch. - cent.

"PART IV.

Immunities and privileges of representative's staff and of high officer's family.

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as the representative of a member government, his official staff accompanying him as such a representative shall also be entitled to those immunities and privileges to the same extent as the retinue of an envoy of a foreign sovereign Power accredited to His Majesty is entitled to the immunities and privileges accorded to the envoy.

2. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as an officer of the organisation, that person's wife or husband and children shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of an envoy of a foreign sovereign Power accredited to His Majesty is entitled to the immunities and privileges accorded to the envoy."

SECOND SCHEDULE.

Section 1

S. 1(2) OF AND THE SCHEDULE TO THE PRINCIPAL ACT AS AMENDED BY THIS ACT.

A. --S.1(2) AS AMENDED.

His Majesty may by Order in Council--

(a) provide that any organisation to which this section applies (hereinafter referred to as "the organisation") shall, to such extent as may be specified in the Order, have the immunities and privileges set out in Part I of the Schedule to this Act, and shall also have the legal capacities of a body corporate;

(b) confer upon such number of officers of the organisation as may be specified in the Order, being the holders of such high offices in the organisation as may be specified in the Order, and upon such persons employed on missions on behalf of the organisation as may be so specified, and upon any person who is the representative of a member government on the governing body or any committee of the organisation, to such extent as may be so specified, the immunities and privileges set out in Part II of the Schedule to this Act;

(c) confer upon such other classes of officers and servants of the organisation as may be specified in the Order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Schedule to this Act;

A.D. 1946.

End Sch.
-- cont.

and Part IV of the Schedule to this Act shall have effect for the purpose of extending to the staffs of representatives of member governments and to the families of officers of the organisation any immunities and privileges conferred on the representatives or officers under paragraph (b) of this subsection, except in so far as the operation of the said Part IV is excluded by the Order conferring the immunities and privileges:

Provided that the Order in Council shall not confer any immunity or privilege upon any person as the representative of His Majesty's Government in the United Kingdom or as a member of the staff of such a representative.

B.--THE SCHEDULE, AS AMENDED.

PART I.

Immunities and privileges of the organisation.

1. Immunity from suit and legal process.

2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to His Majesty.

A.D. 1946.

3. 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.

End Sch.
-- cont.

4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in the United Kingdom 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 Commissioners of Customs and Excise may prescribe for the protection of the Revenue.

5. Exemption from prohibitions and 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 publications of the organisation directly imported or exported by it.

6. 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 United Kingdom), of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II.

Immunities and privileges of high officers, persons on missions and government representatives.

1. The like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty.

2. The like inviolability of residence as is accorded to such an envoy.

3. The like exemption or relief from taxes and rates as is accorded to such an envoy.

PART III.

Immunities and privileges of other officers and servants.

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.

2. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

PART IV.

Immunities and privileges of representative's staff
and of high officer's family.

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as the representative of a member government, his official staff accompanying him as such a representative shall also be entitled to those immunities and privileges to the same extent as the retinue of an envoy of a foreign sovereign Power accredited to His Majesty is entitled to the immunities and privileges accorded to the envoy.

2. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as an officer of the organisation, that person's wife or husband and children shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of an envoy of a foreign sovereign Power accredited to His Majesty is entitled to the immunities and privileges accorded to the envoy.

INTERNATIONAL MONETARY FUND



A. S. Gerstein