

Diplomatic Immunities and Privileges

Cap. 18.

**DIPLOMATIC IMMUNITIES AND PRIVILEGES
(INTERNATIONAL LABOUR ORGANISATION)
ORDER, 1949**

Made by the Minister under section 6 of the Diplomatic Immunities and Privileges Act.

Cap. 18.

1. This Order may be cited as the Diplomatic Immunities and Privileges (International Labour Organisation) Order, 1949.

A. The Organisation

2. The International Labour Organisation is an organisation of which Her Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

3. The International Labour Organisation 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 legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

4. The International Labour Organisation shall have the like inviolability of official archives and premises occupied as offices as is accorded by the law of England in respect of official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty.

5. The International Labour Organisation 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 International Labour Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in this Island or for

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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 Comptroller of Customs may prescribe for the protection of the revenue.

7. The International Labour Organisation shall have 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.

8. The International Labour Organisation 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 this Island), of any reduced rates applicable for the corresponding service in the case of press telegrams.

B. Representatives of Members: Members of the Governing Body of the International Labour Office

9. (1) Except in so far as in any particular case any privilege or immunity is waived, in the case of representatives of member Governments, by the Governments whom they represent; and in the case of members and deputy members of the Governing Body of the International Labour Office and their substitutes, by the Governing Body, representatives of member Governments and the employers' and workers' members and deputy members of the Governing Body of the International Labour Office and their substitutes 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 or as members of the

Governing Body of the International Labour Office, as the case may be;

- (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 by the law of England 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 this Island during any period when they are present in this Island 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 this Island.

(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 and secretaries of delegations.

(3) The provisions of the preceding paragraphs of this Article shall not confer any immunity or privilege upon any person as the representative of Her Majesty's Government in this Island or 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 Her Majesty other than Her Majesty's Government in this Island or a 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 Organisation, officers of the International Labour Organisation holding the offices of Director-General, Deputy Director-General, and Assistant Director-General 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

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accorded by the law of England to an envoy of a foreign sovereign Power accredited to Her Majesty, his spouse and children, including exemption from income tax in respect of emoluments received by them as officers of the Organisation.

D. Persons Serving on Committees of or Employed on Missions on Behalf of the Organisation

11. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons (other than officials of the Organisation) serving on Committees of, or employed on missions on behalf of, the International Labour 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 their 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 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 missions on behalf of the International Labour Organisation.

E. Other Officials of the Organisation

12. Except in so far as in any particular case any privilege or immunity is waived by the International Labour Organisation, all officials of the Organisation (other than those referred to in Article 9 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;
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the International Labour Organisation.

F. General

13. The names of the persons to whom the provisions of paragraphs 9, 10, and 11 of this order apply shall be set forth in a list compiled and published from time to time by the Minister under section 8 or 10, as the case may be, of the Act, and such list 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.

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