

1959/53



THE DIPLOMATIC PRIVILEGES (ICAO) ORDER 1959

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 1st day of April 1959

Present:

THE RIGHT HON. W. NASH PRESIDING IN COUNCIL

PURSUANT to the Diplomatic Immunities and Privileges Act 1957, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. This order may be cited as the Diplomatic Privileges (ICAO) Order 1959.

2. The International Civil Aviation Organisation (hereinafter called the organisation) is hereby declared to be an organisation the members of which are the Governments of sovereign Powers.

Immunities and Privileges of the Organisation

3. The organisation shall have the legal capacities of a body corporate.

4. Except in so far as in any particular case it has expressly waived its immunity, the organisation shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

5. The organisation shall have the like inviolability of official premises and official archives as is accorded in respect of the official premises and official archives of a foreign envoy.

6. The organisation shall have immunity in relation to its property and assets, wherever located and by whomsoever held, from search, requisition, confiscation, expropriation, or any other form of interference.

7. The organisation shall have the like exemption from taxes and rates, other than taxes on the importation of goods, as is accorded to the Government of any foreign country.

8. The organisation shall have exemption from taxes on the importation of goods directly imported by the organisation for its official use in New Zealand or for exportation, or on the importation of any publications of the organisation directly imported by it, subject to compliance with such conditions as the Minister of Customs may prescribe for the protection of the revenue.

9. The 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, subject to compliance with such conditions as the Minister of Customs may prescribe for the protection of the public health, the prevention of diseases in plants and animals, and otherwise in the public interest.

10. The 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 dispatched from places outside New Zealand), of any reduced rates applicable for the corresponding service in the case of press telegrams.

Immunities and Privileges of Representatives of Members

11. (1) Except in so far as in any particular case any immunity or privilege is waived by the member Government concerned, representatives of member Governments on any organ of the organisation or at any conference convened by the organisation shall enjoy—

(a) While exercising their functions as such, and during their journey to and from the place of meeting, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents as are accorded to a foreign envoy:

(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 such:

(c) While exercising their functions as such, and during their journey to and from the place of meeting, the like exemption from taxes as is accorded to a foreign envoy, save that the relief allowed shall not include relief from Customs and excise duties or sales tax except in respect of goods imported as part of their personal baggage.

(2) This clause shall not confer any immunity or privilege upon any person as the representative of the Government of New Zealand or as a member of the staff of such a representative.

Immunities and Privileges of High Officers

12. Except in so far as in any particular case any immunity or privilege is waived by the organisation, the Secretary-General, the Deputy Secretary-General, and any Assistant Secretary-General of the organisation and the President of the Council of the organisation shall be accorded the like immunity from suit and legal process, the like inviolability of residence, official premises, and official archives, and the like exemption from taxes and rates as are accorded to a foreign envoy.

Immunities and Privileges of Persons Serving on Committees of the Organisation or Employed on Missions

13. Except in so far as in any particular case any immunity or privilege is waived by the organisation, persons (other than officials of the organisation) serving on committees of, or employed on missions on behalf of, the organisation shall enjoy—

- (a) While performing their missions and during time spent on journeys in connection therewith, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for 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:
- (c) Exemption from ordinary income tax and social security income tax in respect of emoluments received by them for services while performing their duties.

Immunities and Privileges of Other Officials

14. Except in so far as in any particular case any immunity or privilege is waived by the organisation, all officials of the organisation (other than those referred to in clause 12 hereof) shall enjoy—

- (a) Immunity from suit and legal process in respect of words spoken or written and all things done or omitted to be done by them in the course of the performance of their official duties:
- (b) Exemption from ordinary income tax and social security income tax in respect of emoluments received by them as officers or servants of the organisation:
- (c) Exemption from taxes on the importation of furniture and effects imported at the time of first taking up post in New Zealand, that exemption to be subject to compliance with such conditions as the Minister of Customs may prescribe for the protection of the revenue.

Miscellaneous

15. This order shall be in force in the Cook Islands, the Tokelau Islands, and Western Samoa.

16. This order is hereby declared to be a reserved enactment for the purposes of sections 39 and 70 of the Cook Islands Amendment Act 1957 and of section 32 of the Samoa Amendment Act 1957.

17. The Diplomatic Privileges (International Civil Aviation Organisation) Order 1948* is hereby revoked.

T. J. SHERRARD,
Cerk of the Executive Council.

*S.R. 1948/158

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order specifies the immunities and privileges that are conferred on the International Civil Aviation Organisation and on representatives to and officials of that organisation.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 2 April 1959.

These regulations are administered in the Department of External Affairs.