

**1959/55**

## THE DIPLOMATIC PRIVILEGES (ITU) 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 (ITU) Order 1959.

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

#### *Immunities and Privileges of the Union*

3. The Union 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 Union shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

5. The Union 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 Union 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 Union 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 Union shall have exemption from taxes on the importation of goods directly imported by the Union for its official use in New Zealand or for exportation, or on the importation of any publications of the Union 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 Union shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Union for its official use and in the case of any publications of the Union 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.

*Immunities and Privileges of Representatives of Members*

10. (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 Union or at any conference convened by the Union 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*

11. Except in so far as in any particular case any immunity or privilege is waived by the Union, the Secretary-General of the Union (or any officer acting for him during his absence from duty) 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 Other Officials*

12. Except in so far as in any particular case any immunity or privilege is waived by the Union, all officials of the Union (other than those referred to in clause 11 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 Union:
- (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.

*Application to Island Territories*

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

14. 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.

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

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**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 Telecommunication Union and on representatives to and officials of that Union.

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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.