



Diplomatic Privileges (CTBTO PrepCom) Order 2000

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 20th day of November 2000

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 9 of the Diplomatic Privileges and Immunities Act 1968, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

Contents

1	Title	7	Inviolability of premises and archives
2	Commencement	8	Immunity of property
	<i>Meaning of CTBTO PrepCom</i>	9	Exemption from taxes and rates
3	Meaning of CTBTO PrepCom	10	Exemption from taxes on importation of goods for official use
	<i>Declaration as to CTBTO PrepCom</i>	11	Exemption from restrictions on importation or exportation of goods for official use
4	Declaration as to CTBTO PrepCom	12	Facilities in respect of telegraphic communications
	<i>Body corporate</i>		<i>Privileges and immunities of representatives of member governments</i>
5	Body corporate	13	Privileges and immunities of representatives of member governments
	<i>CTBTO PrepCom's privileges and immunities</i>		
6	Immunity from suit		

	<i>Officials' privileges and immunities</i>		<i>Privileges and immunities of experts on missions</i>
14	Officials' privileges and immunities		
	<i>Privileges and immunities of Executive Secretary</i>	16	Privileges and immunities of experts on missions
15	Privileges and immunities of Executive Secretary	17	<i>Order not in force in Tokelau</i>
			Order not in force in Tokelau

Order

1 Title

This order is the Diplomatic Privileges (CTBTO PrepCom) Order 2000.

2 Commencement

This order comes into force on 1 December 2000.

Meaning of CTBTO PrepCom

3 Meaning of CTBTO PrepCom

In this order, **CTBTO PrepCom** means the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, established by the Resolution establishing the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization adopted at New York on 19 November 1996.

Declaration as to CTBTO PrepCom

4 Declaration as to CTBTO PrepCom

The CTBTO PrepCom is an organisation of which the Governments of 2 or more States are members.

Body corporate

5 Body corporate

The CTBTO PrepCom has the legal capacities of a body corporate.

CTBTO PrepCom's privileges and immunities

6 Immunity from suit

The CTBTO PrepCom has immunity from suit and legal process, except in so far as in any particular case it has expressly waived its immunity.

7 Inviolability of premises and archives

The CTBTO PrepCom has the like inviolability of official premises and archives as is accorded in respect of official premises and archives of a diplomatic mission.

8 Immunity of property

The CTBTO PrepCom has immunity in relation to its property and assets from search, requisition, confiscation, expropriation, or any other form of interference.

9 Exemption from taxes and rates

The CTBTO PrepCom is exempt from taxes and rates (other than taxes on the importation of goods), except for taxes and rates that are charges for public utility services.

10 Exemption from taxes on importation of goods for official use

- (1) The CTBTO PrepCom is exempt from taxes on the importation of goods directly imported by the CTBTO PrepCom for its official use in New Zealand or for exportation, or on the importation of any publications of the CTBTO PrepCom directly imported by it.
- (2) The exemption is subject to compliance with any conditions the Minister of Customs determines for the protection of the revenue.

11 Exemption from restrictions on importation or exportation of goods for official use

- (1) The CTBTO PrepCom is exempt from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the CTBTO PrepCom for its official use, and in the case of any publications of the CTBTO PrepCom directly imported or exported by it.
- (2) The exemption is subject to compliance with any conditions the Minister of Customs determines for the protection of public health, the prevention of diseases in plants and animals, and otherwise in the public interest.

12 Facilities in respect of telegraphic communications

The CTBTO PrepCom has 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.

Privileges and immunities of representatives of member governments

13 Privileges and immunities of representatives of member governments

- (1) All representatives of member governments, being representatives accredited to the CTBTO PrepCom or at any conference convened by the CTBTO PrepCom, enjoy, in the exercise of their functions and during their journey to and from the places of meeting—
 - (a) the like immunity from suit and legal process as is accorded to a diplomatic agent;
 - (b) the like inviolability of official archives as is accorded to a diplomatic agent;
 - (c) the like exemption from taxes and rates as is accorded to a diplomatic agent.
- (2) In this clause, **representatives of member governments**—
 - (a) includes all delegates, alternates, advisers, technical experts, and secretaries, of delegations; but
 - (b) does not include any representatives of the Government of New Zealand, or any member of staff of any such representatives, or any New Zealand citizens.
- (3) The privileges and immunities conferred by this clause do not apply in so far as in any particular case any privilege or immunity is waived by the member government concerned.

Officials' privileges and immunities

14 Officials' privileges and immunities

- (1) Officials of the CTBTO PrepCom enjoy—
 - (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the course of the performance of their official duties:

- (b) exemption from taxes in respect of salaries and emoluments received by them as officials of the CTBTO PrepCom:
 - (c) exemption from taxes on the importation of furniture and effects imported at the time of first taking up post in New Zealand.
- (2) The exemption conferred by subclause (1)(c)—
 - (a) does not apply in relation to the importation of furniture and effects by members of staff of the CTBTO PrepCom who are New Zealand citizens:
 - (b) is subject to compliance with any conditions the Minister of Customs determines for the protection of the revenue.
 - (3) The privileges and immunities conferred by subclause (1) do not apply in so far as in any particular case any privilege or immunity is waived by the Executive Secretary of the CTBTO PrepCom.

Privileges and immunities of Executive Secretary

15 Privileges and immunities of Executive Secretary

- (1) The Executive Secretary of the CTBTO PrepCom enjoys—
 - (a) the like immunity from suit and legal process as is accorded to a diplomatic agent:
 - (b) the like inviolability of residence, official premises, and official archives as is accorded to a diplomatic agent:
 - (c) the like exemption from taxes and rates as is accorded to a diplomatic agent.
- (2) The privileges and immunities conferred by this clause do not apply in so far as in any particular case any privilege or immunity is waived by the CTBTO PrepCom.

Privileges and immunities of experts on missions

16 Privileges and immunities of experts on missions

- (1) Experts (other than officials) employed on missions on behalf of the CTBTO PrepCom enjoy, in the exercise of their functions and while travelling to a place for the purpose of performing the mission or while returning from a place after performing the mission—

- (a) the like immunity from suit and legal process in respect of acts done or omitted to be done by them in the course of the performance of their mission as is accorded to a diplomatic agent:
 - (b) the like inviolability of official archives as is accorded to a diplomatic agent.
- (2) The privileges and immunities conferred by this clause do not apply in so far as in any particular case any privilege or immunity is waived by the Executive Secretary of the CTBTO PrepCom.

Order not in force in Tokelau

17 Order not in force in Tokelau

This order is not in force in Tokelau.

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

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

This order relates to the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (the **CTBTO PrepCom**). The CTBTO PrepCom was established at a meeting at New York on 19 November 1996 of States Signatories to the Comprehensive Nuclear-Test-Ban Treaty (the **Treaty**). The CTBTO PrepCom was established to carry out the necessary preparations for implementing the Treaty, and establishing the Organization, after the Treaty enters into force. The CTBTO PrepCom is financed by the States Signatories to the Treaty, and has 2 organs: a plenary body (also called the Preparatory Commission) made up of all States Signatories, and a Provisional Technical Secretariat (the **PTS**). The PTS is responsible for assisting the CTBTO PrepCom. That responsibility includes establishing a global network of stations to monitor fulfilment of obligations to be assumed by States Parties under the Treaty. Some of these monitoring stations are hosted by New Zealand.

The order—

- declares the CTBTO PrepCom to be an organisation of which the Governments of 2 or more States are members:
- provides that the CTBTO PrepCom has the legal capacities of a body corporate:
- confers certain privileges and immunities on the CTBTO PrepCom, on certain representatives of governments that are members of it, on its officials and Executive Secretary, and on experts employed on missions on its behalf.

The order comes into force on 1 December 2000, and is not in force in Tokelau.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 23 November 2000.
This order is administered in the Ministry of Foreign Affairs and Trade.
