
STATUTORY INSTRUMENTS

2021 No. 1090

**INTERNATIONAL IMMUNITIES
AND PRIVILEGES**

The Conference of the Parties to the United
Nations Framework Convention on Climate
Change (Immunities and Privileges) Order 2021

Made - - - - 29th September 2021

Coming into force in accordance with article 1

At the Court at Balmoral, the 29th day of September 2021

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 10(1) of the International Organisations Act 1968⁽¹⁾, a draft of this Order was laid before, and approved by a resolution of, each House of Parliament.

Accordingly, Her Majesty, in exercise of the powers conferred on Her by sections 1 and 5A of that Act, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Conference of the Parties to the United Nations Framework Convention on Climate Change (Immunities and Privileges) Order 2021.

(2) This Order comes into force on—

- (a) the day after the day on which it is made; or
- (b) if later, the day after the day on which the Host Country Agreement⁽²⁾ between the United Kingdom of Great Britain and Northern Ireland and the UNFCCC secretariat enters into force for the United Kingdom.

(3) This Order extends to England and Wales, Scotland and Northern Ireland.

⁽¹⁾ 1968 c. 48. Section 5A was inserted by section 3 of the International Organisations Act 1981 (c. 9). Section 6 was amended by section 1(3) of that Act.

⁽²⁾ The text of the draft Host Country Agreement is published as CP 454.

(4) This Order applies in relation to the whole of the United Kingdom, subject to paragraphs (5) and (6).

(5) This Order applies only to the extent that the privileges and immunities conferred by it are not conferred by any other enactment.

(6) In Scotland, articles 4 to 10 do not apply in so far as they would, if included in an Act of the Scottish Parliament, be within the legislative competence of that Parliament.

Interpretation

2.—(1) In this Order, “the Conference” means the conference convened by the COP comprising—

- (a) the 26th session of the COP;
- (b) the 16th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol;
- (c) the third session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement; and
- (d) all related pre-sessional meetings, sessions of subsidiary bodies and additional meetings, convened in the United Kingdom.

(2) In this Order—

“the COP” is to be construed in accordance with article 3;

“the Kyoto Protocol” means the protocol to the UNFCCC signed in Kyoto on 11th December 1997⁽³⁾;

“the Paris Agreement” means the agreement adopted at the 21st Conference of the Parties of the United Nations Framework Convention on Climate Change, signed in Paris on 12th December 2015⁽⁴⁾;

“the UNFCCC” means the United Nations Framework Convention on Climate Change, adopted in New York on 9th May 1992⁽⁵⁾;

“the UNFCCC secretariat” means the secretariat of the UNFCCC, the Kyoto Protocol and the Paris Agreement established under Article 8 of the UNFCCC.

The Conference of the Parties to the United Nations Framework Convention on Climate Change

3. The Conference of the Parties to the UNFCCC (“the COP”) is an organisation of which the United Kingdom and another sovereign Power are members.

Immunities and privileges for representatives of parties to the UNFCCC, Kyoto Protocol and Paris Agreement

4.—(1) Except in so far as in any particular case any privilege or immunity is expressly waived by the respective party, representatives of parties to the UNFCCC, parties to the Kyoto Protocol and parties to the Paris Agreement who are, or are to be, representatives at the Conference enjoy—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them while exercising their official functions in connection with the Conference;

⁽³⁾ Cm. 6485.

⁽⁴⁾ Cm. 9338.

⁽⁵⁾ Cm. 2833.

- (b) while exercising their official functions in connection with the Conference and during their journeys to and from the Conference, the like inviolability of any private residence used by the representative, the like immunity from personal arrest or detention and the like exemption or relief from taxes (other than customs and excise duties, car tax and value added tax) and rates as are accorded to the head of a diplomatic mission;
 - (c) while exercising their official functions in connection with the Conference and during their journeys to and from the Conference, the like exemptions and privileges in respect of their personal baggage as, in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles, are accorded to a diplomatic agent; and
 - (d) while exercising their official functions in connection with the Conference and during their journeys to and from the Conference, exemptions whereby, for the purposes of the requirements of any enactment relating to social security, including enactments in force in Northern Ireland or Scotland—
 - (i) services rendered for the party by the representative are deemed excepted from any class of employment in respect of which contributions or premiums under those enactments are payable; but
 - (ii) the representative may not be rendered liable to pay any contribution or premium which the person would not be required to pay if those services were not deemed to be so excepted.
- (2) Where the incidence of any form of taxation depends upon residence, a representative referred to in paragraph (1) is deemed not to be resident in the United Kingdom during any period when the representative is present in the United Kingdom for the exercise of their official functions in connection with the Conference.

Immunities and privileges for representatives of observer states

- 5.—(1) Except in so far as in any particular case any privilege or immunity is expressly waived by the respective observer state, representatives of observer states, who are, or are to be, representatives at the Conference, enjoy—
- (a) immunity from suit and legal process in respect of things done or omitted to be done by them while exercising their official functions in connection with the Conference;
 - (b) while exercising their official functions in connection with the Conference and during their journeys to and from the Conference, the like inviolability of any private residence used by the representative, the like immunity from personal arrest or detention and the like exemption or relief from taxes (other than customs and excise duties, car tax and value added tax) and rates as are accorded to the head of a diplomatic mission;
 - (c) while exercising their official functions in connection with the Conference and during their journeys to and from the Conference, the like exemptions and privileges in respect of their personal baggage as, in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles, are accorded to a diplomatic agent; and
 - (d) while exercising their official functions in connection with the Conference and during their journeys to and from the Conference, exemptions whereby, for the purposes of the requirements of any enactment relating to social security, including enactments in force in Northern Ireland or Scotland—
 - (i) services rendered for the observer state by the representative are deemed excepted from any class of employment in respect of which contributions or premiums under those enactments are payable; but