Draft Order in Council laid before Parliament under section 10 (1) of the International Organisations Act 1968, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No. 0000

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The International Organization for Migration (Immunities and Privileges) Order 2008

Made - - - -	*2008*
Coming into force - -	*2008*

At the Court at Buckingham Palace, the ** day of ** 2008

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by section 1 of the International Organisations Act 1968 ("the Act") (**1**).

A draft of this Order has been approved by a resolution of each House of Parliament pursuant to section 10 of that Act.

Accordingly, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is ordered, as follows: —

PART I

GENERAL

1. This Order may be cited as the International Organization for Migration (Immunities and Privileges) Order 2008. It shall come into force on the day after the day on which it is made.

2. In this Order—

"the Act" means the International Organisations Act 1968;

(**1**) 1968 c.48; section 1 was amended by the International Organisations Act 1981 (c.9), section 1, and SI 2005/3542, article 2(1).

"the 1961 Convention Articles" means the Articles (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961) which are set out in Schedule 1 to the Diplomatic Privileges Act 1964 (**2**);

"Member" means a State which is a member of the International Organization for Migration;

"the Organisation" means the International Organization for Migration.

PART II

THE ORGANISATION

3. The Organisation is an organisation of which the United Kingdom and other sovereign Powers are members.

4. The 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, shall enjoy immunity from suit and legal process.

5. The Organisation shall have the like inviolability of official archives and premises as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives and premises of a diplomatic mission.

6. Within the scope of its official activities the Organisation, its property, income and assets shall be exempt from Income Tax, Corporation Tax and Capital Gains Tax.

7.—(1) The Organisation shall have—

(a) relief, under arrangements made either by the Secretary of State or by the Commissioners for Her Majesty's Revenue and Customs, by way of refund of duty (whether of customs or excise) paid on imported hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979 (**3**)) or value added tax paid on the importation of such oil which is bought in the United Kingdom and used for the official purposes of the Organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements;

(b) relief, under arrangements made by the Secretary of State, by way of refund of value added tax paid on the supply of any goods and services of substantial value which are necessary for the official purposes of the Organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements;

(c) exemption from duties (whether of customs or excise) and taxes on the importation of goods by the Organisation for its official use in the United Kingdom, such exemption to be subject to compliance with such conditions as the Commissioners for Her Majesty's Revenue and Customs may prescribe for the protection of the Revenue;

(d) exemption from prohibitions and restrictions on importation or exportation of goods by the Organisation for its official use, except where the prohibitions or restrictions arise from European Community law.

(2) No exemption or relief shall be granted for duties, taxes or other charges of any kind which only constitute remuneration for services rendered.

(**2**) 1964 c.81.
(**3**) 1979 c.5.