Draft Order laid before Parliament under paragraph 4 of Schedule 1 to the International Criminal Court Act 2001, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The International Criminal Court (Immunities and Privileges) Order 2005

Made - - - -

Laid before Parliament

Coming into force in accordance with Article 1

At the Court at Buckingham Palace, the XX day of XX

Present,

The Queen's Most Excellent Majesty in Council

In accordance with paragraph 4 of Schedule 1 to the International Criminal Court Act 2001 (**1**) ("the Act") a draft of this Order was laid before Parliament and the Scottish Parliament and has been approved by a resolution of each House of Parliament and of the Scottish Parliament:

Her Majesty in exercise of the powers conferred on Her by paragraph 1 of Schedule 1 to the Act is pleased, by and with the advice of Her Privy Council, to order, and it is ordered as follows—

Citation and commencement

1.—(1) This Order may be cited as the International Criminal Court (Immunities and Privileges) Order 2005.

(2) It shall come into force on the date, to be notified in the London, Edinburgh and Belfast Gazettes, on which the Agreement on the Privileges and Immunities of the International Criminal Court done at New York on 9th September 2002 (**2**) enters into force in respect of the United Kingdom.

(**1**) 2001 c.17 as amended by the International Organisations Act 2005 (c.20.)
(**2**) Cm. 5839.

Interpretation

2. In this Order—

"Assembly" means the Assembly of States Parties to the Rome Statute and its subsidiary organs;

"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 (**3**);

"the Court" means the International Criminal Court established by the Rome Statute;

"representatives"—

(a) in relation to intergovernmental organisations, means the executive heads of those organisations and any officials acting on their behalf, and

(b) in relation to States, means all delegates, deputy delegates, advisers, technical experts and secretaries of delegations;

"Rome Statute" means the Statute of the International Criminal Court done at Rome on 17th July 1998 (**4**);

"States Parties" means States Parties to the Rome Statute.

Representatives of States participating in the Assembly and its subsidiary organs and representatives of intergovernmental organisations

3.—(1) Except in so far as in any particular case any privilege or immunity is waived by the State or intergovernmental organisation which they represent, representatives of States Parties attending meetings of the Assembly, representatives of other States attending meetings of the Assembly as observers in accordance with article 112, paragraph 1, of the Rome Statute, and representatives of States and of intergovernmental organisations invited to meetings of the Assembly shall, while exercising their official functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities —

(a) the like immunity from personal arrest or detention and the like inviolability for all papers and documents as is accorded to a diplomatic agent;

(b) immunity from suit and legal process (even after they have ceased to exercise their functions as representatives) in respect of acts, including words written or spoken, performed by them in the exercise of their official functions;

(c) 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;

(d) exemption from income tax in respect of salaries and emoluments paid to them as representatives;

(e) exemptions whereby, for the purposes of the enactments relating to national insurance and social security, including enactments in force in Northern Ireland,—

(i) services rendered for the Court by the representative shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but

(ii) no person shall be rendered liable to pay any contribution or premium which he would not be required to pay if those services were not deemed to be so excepted.

(**3**) 1964 c.81; as amended by section 2(2) and paragraph 4 of the Schedule to the Hong Kong Act 1985 (c.15.) and by section 1(1) of the Arms Control and Disarmament (Privileges and Immunities) Act 1988 (c. 2.).
(**4**) Cm. 4555.