

1963/69



THE DIPLOMATIC PRIVILEGES (CUSTOMS CO-OPERATION
COUNCIL) ORDER 1963

BERNARD FERGUSSON, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 15th day of May 1963

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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 (Customs Co-operation Council) Order 1963.
2. The Customs Co-operation Council (hereinafter called the Council) is hereby declared to be an organisation the members of which are the Governments of sovereign Powers.

Immunities and Privileges of the Council

3. The Council 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 Council shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.
5. The Council 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 Council 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 Council 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 Council shall have exemption from taxes on the importation of goods directly imported by the Council for its official use in New Zealand or for exportation, or on the importation of any publications

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

10. The Council shall have 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.

Immunities and Privileges of Representatives of Members

11. (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 at meetings of the Council, the Permanent Technical Committee, and committees of the Council 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.

(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

12. (1) Except in so far as in any particular case any immunity or privilege is waived by the Council, the Secretary-General of the Council 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.

(2) Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General of the Council, the Deputy Secretary-General 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 diplomatic representative of comparable rank on the staff of a foreign envoy.

Immunities and Privileges of Officials of the Council

13. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General of the Council, all officials of the Council (other than those referred to in clause 12 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 Council;
- (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.

Immunities and Privileges of Experts on Missions for the Council

14. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General of the Council, persons serving on any committee of the agency or of any organ thereof or employed on missions on behalf of the organisation shall enjoy—

- (a) While performing their missions and during time spent on journeys in connection therewith, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents relating to the work of the Council;
- (b) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions.

Application to Island Territories

15. This order shall be in force in the Cook Islands and the Tokelau Islands.

16. 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.

T. J. SHERRARD,
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 specifies the immunities and privileges that are conferred on the Customs Co-operation Council and on representatives to and officials of that Council. The Council was set up pursuant to the Convention establishing a Customs Co-operation Council signed at Brussels on 15 December 1950.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 May 1963.

These regulations are administered in the Department of External Affairs.