

1960/162**THE DIPLOMATIC PRIVILEGES (IAEA) ORDER 1960**

COBHAM, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 26th day of October 1960

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 (IAEA) Order 1960.

2. The International Atomic Energy Agency (hereinafter called the agency) is hereby declared to be an organisation the members of which are the Governments of sovereign Powers.

Immunities and Privileges of the Agency

3. The agency 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 agency shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

5. The agency 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 agency 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 agency 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 agency shall have exemption from taxes on the importation of goods directly imported by the agency for its official use in New Zealand or for exportation, or on the importation of any publications of the agency 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 agency shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the agency for its official use and, in the case of any publications of the agency 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 agency 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 on any organ of the agency or at any conference convened by the agency 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;
- (c) While exercising their functions as such, and during their journey to and from the place of meeting, the like exemption from taxes as is accorded to a foreign envoy, save that the relief allowed shall not include relief from Customs and excise duties or sales tax except in respect of goods imported as part of their personal baggage.

(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. Except in so far as in any particular case any immunity or privilege is waived by the agency, the Director-General of the agency (or any officer acting for him during his absence from duty) and the Deputy Director-General (or officer of equivalent rank of the agency) 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.

Immunities and Privileges of Persons Serving on Committees of the Agency or Employed on Missions

13. Except in so far as in any particular case any immunity or privilege is waived by the agency, persons serving on any committee of the agency or of any organ thereof or employed on missions on behalf of the agency 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 agency:
- (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:
- (c) Exemption from ordinary income tax and social security income tax in respect of emoluments received by them for services while performing their duties.

Immunities and Privileges of Other Officials

14. Except in so far as in any particular case any immunity or privilege is waived by the agency, all officials of the agency (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 agency:
- (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.

Application to Island Territories

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

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 and of section 32 of the Samoa 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 International Atomic Energy Agency and on representatives to and officials of that agency.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 27 October 1960.

These regulations are administered in the Department of External Affairs.