

BRITISH GUIANA

ORDER

MADE UNDER

THE DIPLOMATIC PRIVILEGES (EXTENSION) ORDINANCE,
(Chapter 350)

UNDER SECTIONS 2 AND 3 OF THE DIPLOMATIC PRIVILEGES (EXTENSION) ORDINANCE, AND BY VIRTUE AND IN EXERCISE OF ALL OTHER POWERS ENABLING HIM IN THAT BEHALF, IT IS HEREBY ORDERED BY THE GOVERNOR AS FOLLOWS:—

1. This Order may be cited as the International Atomic Energy Agency (Immunities and Privileges) Order, 1963.

2. The International Atomic Energy Agency (hereinafter referred to as “the Agency”) is an organisation of which Her Majesty’s Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

3.(1) Subject to the provisions of sub-paragraph (2) of this article, the Agency shall have all the immunities and privileges set out in Part I of the schedule to the Diplomatic Privileges (Extension) Ordinance (hereinafter referred to as “the Ordinance”).

(2) Except in so far as the Agency has in any particular case 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.

(3) The Agency shall have all the legal capacities of a body corporate.

4.(1) Except in so far as in any particular case any immunity or privilege is waived by the Government of the member State whom he represents, a representative of a member Government of the Agency on any of its organs at meetings convened by it shall enjoy —

- (a) in respect of words spoken or written and all acts done by him in his official capacity, the like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.
- (b) while exercising his functions and during his journeys to and from the place of meeting, the like immunity from personal arrest or detention and from seizure of his personal baggage and the like inviolability for all papers and documents as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(2) Where the incidence of any form of taxation depends upon residence, any period during which a representative to whom this article applies is present in British Guiana for the exercise of his functions shall, for the purpose of determining his liability to taxation, be treated as not being a period of residence in British Guiana. The provisions of this paragraph shall not apply to citizens of the United Kingdom and Colonies whose usual place of residence is in British Guiana.

(3) Part IV of the schedule to the Ordinance shall not operate so as to confer any immunity or privilege on members of the official staff of a representative to whom this article applies other than alternates, advisers, technical experts and secretaries of delegations.

(4) Neither the provisions of the preceding paragraphs of this article nor those of Part IV of the schedule to the Ordinance shall operate so as to confer immunity or privilege on any person as the representative of Her Majesty's Government in British Guiana or as a member of the official staff of such a representative or on any person who is a citizen of the United Kingdom and Colonies.

5. Except in so far as in any particular case any immunity or privilege is waived by the Agency, the Director General of the Agency and four Deputy Directors General of the Agency shall enjoy the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than income tax, as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, and exemption from income tax in respect of emoluments received by them as Officers of the Agency:

Provided that the provisions of this article shall not apply to any person who is a citizen of the United Kingdom and Colonies.

6. Except in so far as in any particular case any immunity or privilege is waived by the Agency, all members of the staff of the Agency except those who are locally recruited and assigned to hourly rates shall enjoy —

- (a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties;
- (b) exemption from income tax in respect of emoluments received by them as officers of the Agency.

7.(1) Except in so far as in any particular case any immunity or privilege is waived by the Agency, experts (other than officers of the Agency) who are members of any committee of the Agency or who are employed on missions on behalf of the Agency, and officers of the Agency who are employed on missions as inspectors or project examiners on behalf of the Agency shall, so far as is necessary for the effective exercise of their functions, enjoy —

- (a) in respect of words spoken or written or acts done by them in the performance of their official duties the like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty;

- (b) while exercising their functions and during their journeys in connection with service on such committees or missions, the like inviolability for all papers and documents as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty;
- (c) while exercising their functions and during their journeys in connection with service on such committees or missions, the like immunity from personal arrest or detention and from seizure of their personal baggage as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty:

Provided that the provisions of this sub-paragraph shall not apply to any person who is a citizen of the United Kingdom and Colonies.

(2) Part IV of the schedule to the Ordinance shall not operate so as to confer any immunity or privilege on the official staff of persons to whom the provisions of paragraph (1) of this article apply.

Ordered this 18th day of July, 1963.

R. F. A. GREY,
Governor.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order provides for the immunities and privileges of the International Atomic Energy Agency, representatives on any of its organs, its officers, and persons employed on missions on its behalf, in accordance with the Agreement on the Privileges and Immunities of the Agency which has been accepted by the Government of the United Kingdom and which applies to British Guiana by virtue of the United Kingdom Government being responsible for the external affairs of this territory.

(M.P.M. 126/41).