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PRIVILEGES
AND
IMMUNITIES



Treaty Series No. 30 (1982)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Inter-Governmental Maritime Consultative
Organization

further amending the Agreement
regarding the Headquarters of the
Organization, signed at London on
28 November 1968

London, 20 January 1982

[The Agreement entered into force on 19 May 1982]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
August 1982*

LONDON

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**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
INTER-GOVERNMENTAL MARITIME CONSULTATIVE
ORGANIZATION FURTHER AMENDING THE AGREEMENT
REGARDING THE HEADQUARTERS OF THE ORGANIZATION
SIGNED AT LONDON ON 28 NOVEMBER 1968**

No. 1

*The Secretary of State for Foreign and Commonwealth Affairs to the
Secretary-General of the Inter-Governmental Maritime Consultative
Organization*

*Foreign and Commonwealth Office
London S.W.1*

Sir,

20 January 1982

I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Inter-Governmental Maritime Consultative Organization regarding the headquarters of the Organization, signed at London on 28 November 1968⁽¹⁾, (hereinafter referred to as "the Agreement") and to discussions between officials of the Government and the Organization regarding the establishment of permanent missions to the Organization.

2. I now have the honour to propose that a new Article be inserted in the Agreement after Article 13 as follows:

PART IV *bis*

Permanent Representatives

ARTICLE 13 *bis*

(1) Every person designated by a Member of the Organization as its Permanent Representative and the resident members of its mission of diplomatic rank shall enjoy, for the term of their business with the Organization, the privileges and immunities set out in Article V, Section 13 of the Convention⁽²⁾.

(2) In addition they shall enjoy, for the term of their business with the Organization:

- (a) the same exemption or relief from taxes and municipal rates and the same exemption from duties and taxes on the importation of goods imported for their personal use or for that of members of their families forming part of their household, including articles intended for their establishment, as are accorded to a diplomatic agent;

⁽¹⁾ Treaty Series No. 18 (1969), Cmnd. 3964, as amended by Treaty Series No. 25 (1972), Cmnd. 4917 and Treaty Series No. 133 (1975), Cmnd. 6340.

⁽²⁾ The Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations: Treaty Series No. 69 (1959), Cmnd. 855.

- (b) a refund of duty and value added tax on the importation of hydro-carbon oils purchased by them or on their behalf for their personal use or for that of members of their families forming part of their household;
- (c) exemption from the provisions of any social security scheme established by the law of the United Kingdom; and
- (d) in respect of members of their families forming part of their respective households, exemption from registration formalities for the purpose of immigration control, and exemption from any national service obligations which may be imposed.

(3) The provisions of Article V, Sections 14 and 16, and of Article VII, Section 25 of the Convention shall apply to the persons mentioned in paragraph (1) of this Article. Following completion of the procedures laid down by Section 25 in respect of any person, the privileges and immunities of that person shall cease on expiry of a reasonable time in which to leave the United Kingdom.

(4) The Government shall be notified by the Secretary-General, in accordance with the procedure established by the Council, of the appointment of a Permanent Representative and of each member of the mission. Paragraphs (1) to (3) of this Article shall not apply to any person unless and until his name and status are duly notified to the Government.

(5) Paragraphs (1) to (3) of this Article shall not apply to any representative of the United Kingdom or to any citizen of the United Kingdom and Colonies. Paragraph (2) shall not apply to any person who is permanently resident in the United Kingdom; paragraph (1) shall only apply to a person so resident while exercising his official functions.

(6) This Article shall not prejudice the privileges and immunities to which representatives of Members may be entitled otherwise than under the provisions of this Article.

3. I have the honour to propose that the procedure for notification referred to in paragraph (4) of Article 13 *bis* above, shall be that adopted by the Council on 17 June 1981^(*).

4. If the foregoing proposal is acceptable to the Inter-Governmental Maritime Consultative Organization, I have the honour to propose that this Note, together with your reply in that sense, shall constitute an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Inter-Governmental Maritime Consultative Organization which shall enter into force on the date on which the United Kingdom legislation giving effect to the provisions of the new Article comes into operation.

I have the honour to convey to you Sir the assurance of my high consideration

(For the Secretary of State)

R. W. H. DU BOULAY

(*) For text see Annex.

No. 2

*The Secretary-General of the Inter-Governmental Maritime Consultative
Organization to the Secretary of State for Foreign and Commonwealth Affairs
Inter-Governmental Maritime
Consultative Organization
London W.1
20 January 1982*

Sir,

I have the honour to refer to your Note of 20 January 1982 which reads as follows :

[As in No. 1]

I have the honour to inform you that the foregoing proposal is acceptable to the Inter-Governmental Maritime Consultative Organization, who therefore agree that your Note and the present reply shall constitute an Agreement between the Organization and your Government which shall enter into force on the date on which the United Kingdom legislation giving effect to the amendment comes into operation^(*).

I have the honour to convey to you Sir the assurance of my highest consideration.

C. P. SRIVASTAVA
Secretary-General

(*) The Agreement entered into force on 19 May 1982.

ANNEX

PROCEDURE FOR THE ACCREDITATION TO IMCO OF PERMANENT REPRESENTATIVES AND MEMBERS OF THE PERMANENT MISSIONS OF MEMBER GOVERNMENTS

1. For the accreditation of a Permanent Representative to IMCO the Member Government concerned shall make known in writing to the Secretary-General the name and rank of the person designated for that purpose.

2. (a) Where a Member Government wishes to accredit as Permanent Representative a person who is not already or will not be accredited to the Government of the United Kingdom, it shall inform the Secretary-General of the name and rank of such person before accreditation. The Secretary-General shall also be informed if the person nominated is a citizen of the United Kingdom and Colonies or permanently resident in the United Kingdom.

(b) The Secretary-General shall inform the Government of the United Kingdom of the nomination and the Government may express its views thereon to the Secretary-General.

(c) Where the Government of the United Kingdom raises an objection to a person so nominated, consultations shall take place between the Secretary-General and the Government of the United Kingdom.

3. The credentials of a Permanent Representative must be issued either by the Head of State or the Head of Government or the Minister for Foreign Affairs and be addressed to the Secretary-General.

4. As soon as a Permanent Representative assumes functions, the Permanent Mission or diplomatic mission of the Member Government concerned will consult the Office of the Secretary-General in order to make the necessary arrangements for the presentation of credentials of the Permanent Representative to the Secretary-General. The Secretary-General will inform the Government of the United Kingdom of the presentation of credentials as soon as possible after such presentation.

5. For the accreditation of other members of the Permanent Mission, it is sufficient to address a letter to the Secretary-General signed by the Permanent Representative, referring to the instructions received from the Government to this effect. In the case of persons who are not or will not be accredited to the Government of the United Kingdom and persons who are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, the procedure described in paragraph 2 above shall be followed.

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