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PRIVILEGES
AND
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Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Commonwealth Agricultural Bureaux

London, 5 August 1982

[The Agreement entered into force on 5 August 1982]

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

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**HEADQUARTERS AGREEMENT
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND
THE COMMONWEALTH AGRICULTURAL BUREAUX**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Commonwealth Agricultural Bureaux;

Desiring to define the status, privileges and immunities of the Bureaux and persons connected therewith;

Have agreed as follows :

ARTICLE 1

Use of terms

For the purpose of this Agreement :

- (a) " Organisation " means the Commonwealth Agricultural Bureaux;
- (b) " Government " means the Government of the United Kingdom of Great Britain and Northern Ireland;
- (c) " representatives " means representatives of members of the Organisation and in each case means heads of delegations and alternates;
- (d) " official activities of the Organisation " includes its administrative activities and those undertaken pursuant to the Memorandum on the Commonwealth Agricultural Bureaux;
- (e) " staff member " means the Executive Director and all persons appointed or recruited for employment with the Organisation and subject to its staff regulations, other than persons in the domestic service of the Organisation and persons recruited locally and assigned to hourly rates of pay.

ARTICLE 2

Interpretation

This Agreement shall be interpreted in the light of the primary objective of enabling the Organisation at its Headquarters in the United Kingdom fully and efficiently to discharge its responsibilities and fulfil its purposes and functions.

ARTICLE 3

Legal personality

The Organisation shall have legal personality. It shall in particular have the capacity to contract, to acquire and dispose of movable and immovable property and to institute legal proceedings.

ARTICLE 4

Exemption from taxes

(1) Within the scope of its official activities, the Organisation and its property and income shall be exempt from income tax, capital gains tax, and corporation tax.

(2) The Organisation shall be accorded a refund of car tax and value added tax paid on the purchase of new motor cars of United Kingdom manufacture necessary for the official activities of the Organisation.

ARTICLE 5

Exemption from customs duties

(1) Goods whose import or export by or on behalf of the Organisation is necessary for the exercise of its official activities shall be exempt from all duties (whether of customs or excise) and other such charges imposed upon or by reason of importation or exportation (except mere payments for services).

(2) The Organisation shall be accorded a refund of the customs and excise duties and value added tax paid on imported hydrocarbon oils purchased by it and necessary for the exercise of its official activities.

ARTICLE 6

Exemption from taxes and duties

Exemption in respect of taxes or duties under Article 4 or Article 5 of this Agreement shall not be granted in respect of goods or services which may be purchased or imported for the personal benefit of a staff member of the Organisation.

ARTICLE 7

Re-Sale

Goods which have been acquired under Article 4 or imported under Article 5 of this Agreement shall not be given away, sold, hired out or otherwise disposed of unless the appropriate authorities have been notified in advance and any necessary duties and taxes paid.

ARTICLE 8

Funds, currency and securities

The Organisation may receive, acquire, hold and dispose of freely any kinds of funds, currencies or securities.

ARTICLE 9

Circulation of publications

The circulation of publications and other information material sent by or to the Organisation within the scope of its official activities shall not be restricted in any way.

ARTICLE 10

Representatives

(1) Representatives shall enjoy, while exercising their functions and in the course of their journeys to and from the place of meeting, the following privileges and immunities:

- (a) immunity from jurisdiction (even after the termination of their mission) in respect of acts, including words written or spoken, done by them in the exercise of their functions; this immunity shall not however apply in the case of a motor traffic offence committed by a representative nor in the case of damage caused by a motor vehicle belonging to or driven by him;
- (b) inviolability for all their official papers and documents;
- (c) exemption for themselves and their spouses from all measures restricting entry, from charges for visas and from registration formalities for the purpose of immigration control;
- (d) unless they are residents of the United Kingdom for the purpose of exchange control, the same exchange control treatment as is accorded to diplomatic agents.

(2) The provisions of the preceding paragraph shall be applicable irrespective of the relations existing between the Governments which the persons referred to represent and the Government of the United Kingdom and are without prejudice to any special immunities to which such persons may be entitled.

(3) The privileges and immunities described in paragraph (1) of this Article shall not be accorded to any representative of the Government or to any citizen of the United Kingdom and Colonies.

(4) Privileges and immunities are accorded to representatives in order to ensure complete independence in the exercise of their functions in connection with the Organisation. A Member State shall waive the immunity of its representative where the immunity would impede the course of justice and where it can be waived without prejudicing the purposes for which it was accorded.

(5) In order to assist the Government to implement the provisions of this Article, the Organisation shall as far as possible inform the Government of the names of representatives in advance of their arrival in the United Kingdom.

ARTICLE 11

Staff members

(1) Staff members of the Organisation :

- (a) shall enjoy exemption from all measures restricting immigration, from charges for visas and from registration formalities for the purpose of immigration control; and members of their families forming part of their households shall enjoy the same facilities;
- (b) unless they are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom shall be accorded the treatment in matters of exchange control which is accorded to a diplomatic agent in the United Kingdom of the State in which they were resident for exchange control purposes when appointed to their posts with the Organisation; and
- (c) unless they are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, shall, at the time of first taking up their post in the United Kingdom, be exempt from duties (whether of customs or excise) and other such charges (except mere payments for services) in respect of import of their furniture and personal effects (including one motor car each) in their ownership or possession or already ordered by them and intended for their personal use or for their establishment. Such goods shall normally be imported within three months of their first entry into the United Kingdom, but in exceptional circumstances an extension of this period may be granted. The privilege shall be subject to the conditions governing the disposal of goods imported into the United Kingdom free of duty and to the general restrictions applied in the United Kingdom to all imports.

ARTICLE 12

Income Tax

(1) Persons employed by the Organisation and subject to its staff regulations, other than persons in the domestic service of the Organisation and persons recruited locally and assigned to hourly rates of pay, shall be subject to a tax imposed by the Organisation for its benefit on salaries and emoluments paid by the Organisation. From the date on which this tax is applied such salaries and emoluments shall be exempt from United Kingdom income tax, but the Government shall retain the right to take these salaries and emoluments into account for the purpose of assessing the amount of taxation to be applied to income from other sources.

(2) In the event that the Organisation operates a system for the payment of pensions and annuities to persons formerly employed by it, the provisions of sub-paragraph (1) shall not apply to such pensions and annuities.

ARTICLE 13

Social Security

If the Organisation establishes its own social security scheme or joins that of another international organisation under conditions laid down in

the staff regulations of the Organisation, those staff members of the Organisation who are not citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, shall with respect to services rendered for the Organisation be exempt from the provisions of any social security scheme established by the law of the United Kingdom.

ARTICLE 14

Co-operation

The Organisation shall co-operate at all times with the appropriate authorities in order to prevent any abuse of the privileges and immunities and facilities provided for in this Agreement. The right of the Government to take all precautionary measures in the interests of its security shall not be prejudiced by any provision in this Agreement.

ARTICLE 15

Notification of appointment

The Organisation shall inform the Government when a staff member takes up or relinquishes his post, and shall from time to time send to the Government a list of all staff members. In each case the Organisation shall indicate whether a staff member is a citizen of the United Kingdom and Colonies or permanently resident in the United Kingdom.

ARTICLE 16

Modification

At the request either of the Government or of the Organisation consultations shall take place respecting the implementation, modification or extension of this Agreement. Any understanding, modification or extension may be given effect by an Exchange of Letters between a representative of the Government and the Executive Director (after approval by the Organisation).

ARTICLE 17

Disputes

Any dispute between the Government and the Organisation concerning the interpretation or application of this Agreement or any question affecting the relations between the Government and the Organisation which is not settled by negotiation or by some other agreed method shall be referred for final decision to a panel of three arbitrators. One of those arbitrators shall be chosen by Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, one shall be chosen by the Executive Director and the third, who shall be the Chairman of the Tribunal, shall be chosen by

the first two arbitrators. Should the first two arbitrators fail to agree upon the third within one year of their own appointment, the third arbitrator, at the request of the Government or of the Organisation, shall be chosen by the President of the International Court of Justice.

ARTICLE 18

Entry into force and termination

(1) This Agreement shall enter into force on signature.

(2) This Agreement may be terminated by agreement between the Government and the Organisation. In the event of the Headquarters of the Organisation being moved from the territory of the United Kingdom, or in the event of the Organisation ceasing to exist, this Agreement shall cease to be in force after the period reasonably required for any such transfer or the settlement of the affairs of the Organisation, and the disposal of its property in the United Kingdom.

In witness whereof the respective representatives have signed this Agreement.

Done in duplicate at London this 5th day of August 1982.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

MALCOLM RIFKIND

For the Commonwealth Agricultural Bureaux:

N. G. JONES