

Commonwealth Parliamentary Association and International Committee of the Red Cross (Status) Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Foreign, Commonwealth and Development Office, have been ordered to be published as HL Bill 3—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Lord Collins of Highbury has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Commonwealth Parliamentary Association and International Committee of the Red Cross (Status) Bill [HL] are compatible with the Convention rights.

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[AS INTRODUCED]

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[AS INTRODUCED]

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Make provision about the status of, and privileges and immunities in connection with, the Commonwealth Parliamentary Association and the International Committee of the Red Cross; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 The Commonwealth Parliamentary Association

- (1) His Majesty may by Order in Council specify an organisation named the Commonwealth Parliamentary Association (whether established before or after this Act is passed) and do one or more of the following—
- (a) confer on the organisation the legal capacities of a body corporate; 5
 - (b) provide that the organisation has the privileges and immunities set out in Part 1 of the Schedule, to such extent as may be specified in the Order;
 - (c) confer the privileges and immunities set out in Part 2 of the Schedule, to such extent as may be specified in the Order, on— 10
 - (i) the Secretary-General of the organisation, or
 - (ii) if there is no office of Secretary-General of the organisation, the holder of the office in the organisation that most nearly corresponds to that of Secretary-General;
 - (d) provide for any statutory provision specified in the Order that applies 15in relation to an international organisation (however defined or described) to apply in relation to the organisation with such modifications (if any) as may be so specified.
- (2) An Order in Council under this section may provide for the Order, or any provision of it, not to apply in relation to branches or other subordinate bodies 20of the organisation.

2 The International Committee of the Red Cross

- (1) His Majesty may by Order in Council do one or more of the following—
- (a) confer on the International Committee of the Red Cross (“the ICRC”) 25the legal capacities of a body corporate;

- (b) provide that the ICRC has the privileges and immunities set out in Part 1 of the Schedule, to such extent as may be specified in the Order;
- (c) confer the privileges and immunities set out in Part 2 of the Schedule, to such extent as may be specified in the Order, on—
- (i) such number of officers of the ICRC as may be so specified, being the holders (whether permanent, temporary or acting) of such high offices in the ICRC as may be so specified, and 5
- (ii) such other classes of officers and servants of the ICRC as may be so specified;
- (d) provide for any statutory provision specified in the Order that applies in relation to an international organisation (however defined or described) to apply in relation to the ICRC with such modifications (if any) as may be so specified; 10
- (e) provide for protected ICRC information to be exempt from any disclosure requirement imposed by— 15
- (i) an order of a court or tribunal in proceedings other than criminal proceedings, or
- (ii) a statutory provision or rule of law.
- (2) In subsection (1)(e), “protected ICRC information” means information—
- (a) that is held by the government of the United Kingdom, 20
- (b) that was obtained by the government from the ICRC, and
- (c) that is confidential.
- (3) For the purposes of subsection (2)(c), information is “confidential” while the terms on which it was obtained require it to be held in confidence or while the circumstances in which it was obtained make it reasonable for the ICRC to expect that it will be so held. 25
- (4) An exemption conferred by virtue of subsection (1)(e) does not apply to information if the ICRC—
- (a) has published it, or
- (b) has agreed to its disclosure for the purpose of the disclosure requirement in question. 30
- (5) Nothing in this section or in an Order in Council made under it affects the common law rules about the withholding of information on the grounds of public interest immunity.

3 Evidence 35

If in any proceedings a question arises whether a person is or is not entitled to any privilege or immunity by virtue of an Order in Council made under section 1 or 2, a certificate issued by or under the authority of the Secretary of State stating any fact relating to that question is conclusive evidence of that fact. 40

4 Orders in Council

- (1) No recommendation is to be made to His Majesty in Council to make an Order in Council under section 1 or 2 unless a draft of the statutory instrument containing the Order has been laid before, and approved by a resolution of, each House of Parliament. 5
- (2) An Order in Council under section 1 or 2—
- (a) may allow for the waiver of immunities and privileges;
 - (b) may provide for exceptions to an immunity, privilege or exemption in cases specified in the Order;
 - (c) may provide for an exemption or relief from a tax or duty to be subject to arrangements or conditions— 10
 - (i) specified in the Order, or
 - (ii) to be made or imposed by the Secretary of State or the Commissioners for His Majesty’s Revenue and Customs;
 - (d) may make different provision for different cases and for different persons; 15
 - (e) may contain consequential, supplementary, incidental, transitional or saving provision.

5 Interpretation

- In this Act— 20
- “the ICRC” has the meaning given by section 2(1)(a);
- “statutory provision” means provision made by or under any of the following, whenever passed or made—
- (a) an Act;
 - (b) an Act or Measure of Senedd Cymru; 25
 - (c) an Act of the Scottish Parliament;
 - (d) Northern Ireland legislation;
 - (e) assimilated direct legislation.

6 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland. 30
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Commonwealth Parliamentary Association and International Committee of the Red Cross (Status) Act 2024.

SCHEDULE

Sections 1 and 2

PRIVILEGES AND IMMUNITIES

PART 1

PRIVILEGES AND IMMUNITIES OF QUALIFYING ORGANISATIONS

Suit and legal process 5

- 1 Immunity from suit and legal process.

Archives and premises

- 2 Such inviolability of official archives and premises of the qualifying organisation as in accordance with the 1961 Convention Articles is accorded in respect of the official archives and premises of a diplomatic mission. 10

Taxes and duties

- 3 Exemption or relief (by way of refund or otherwise) from any tax or duty.

Rates

- 4 Such relief from rates as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission. 15

Import and export restrictions

- 5 Exemption from prohibitions and restrictions on importation or exportation—
(a) in the case of goods imported or exported by the qualifying organisation for its official use, and
(b) in the case of any publications of the qualifying organisation imported or exported by it. 20

PART 2

PRIVILEGES AND IMMUNITIES OF QUALIFYING PERSONS 25

Suit and legal process

- 6 Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.

Income tax

- 7 Exemption from income tax in respect of emoluments received as the qualifying person. 30

Import of articles for personal use

- 8 (1) Such exemption from duties (whether of customs or excise) and taxes on the importation of personal articles, and such privilege as to the importation of personal articles, as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent. 5
- (2) In this paragraph “personal articles” means articles which—
- (a) at or about the time when the qualifying person first enters the United Kingdom as such a person are imported for the person’s personal use or that of members of the person’s family forming part of the person’s household, including articles intended for the person’s establishment, and 10
- (b) are articles which were in the person’s ownership or possession or that of such a member of the person’s family, or which the person or such a member of the person’s family was under contract to purchase, immediately before the person so entered the United Kingdom. 15

Inspection of personal baggage

- 9 Such exemption and privileges in respect of the personal baggage of the qualifying person as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent, as if in that paragraph the reference to paragraph 1 of that Article were a reference to paragraph 8 of this Schedule. 20

Social security

- 10 Exemptions whereby, for the purposes of the statutory provisions relating to social security— 25
- (a) services rendered for the qualifying organisation by the qualifying person are to be treated as excepted from any class of employment in respect of which contributions or premiums under those provisions are payable, but
- (b) no person is liable to pay any contribution or premium which the person would not be required to pay if those services were not treated as so excepted. 30

PART 3

INTERPRETATION

- 11 (1) In this Schedule— 35
- “qualifying organisation” means—
- (a) an organisation specified under section 1(1), or
- (b) the ICRC;

“qualifying person” means a person on whom privileges and immunities may be conferred under section 1(1)(c) or 2(1)(c) of this Act;

“the 1961 Convention Articles” means the Articles (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961) which are set out in Schedule 1 to the Diplomatic Privileges Act 1964.

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- (2) Expressions used in this Schedule to which a meaning is assigned by Article 1 of the 1961 Convention Articles, and other expressions which are used both in this Schedule and in those Articles, are, except in so far as the context otherwise requires, to be construed as having the same meanings in this Schedule as in those Articles.

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Lord Collins of Highbury

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