



**BERMUDA
1948 : 34**

**INTERNATIONAL ORGANIZATIONS ETC (IMMUNITIES AND
PRIVILEGES) ACT 1948**

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[13 May 1948]

[preamble and words of enactment omitted]

Immunities, privileges and capacities of certain international organizations and their staffs

1 (1) This section shall apply to any organization declared by an Order made by the Governor acting in his discretion to be an organization of which Her Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign Powers are members.

(2) The Governor acting in his discretion may by Order—

(a) provide that any organization to which this section applies (hereinafter in this Act referred to as the organization) shall, to such extent as may be specified in the Order, have the immunities and privileges set out in

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Part I of the Schedule, and shall also have the legal capacities of a body corporate;

- (b) confer upon such number of officers of the organization as may be specified in the Order, being the holders of such high offices in the organization as may be specified in the Order, and upon such person employed on missions on behalf of the organization as may be so specified, and upon any person who is the representative of a member government on the governing body or any committee of the organization, to such extent as may be so specified, the immunities and privileges set out in Part II of the Schedule; and
- (c) confer upon such other classes of officers and servants of the organization as may be specified in the Order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Schedule,

and Part IV of the Schedule shall have effect for the purpose of extending to the staffs of representatives of member governments and to families of officers of the organization any immunities and privileges conferred on the representatives or officers under paragraph (b), except in so far as the operation of the said Part IV is excluded by the Order conferring the immunities and privileges:

Provided that the Order made by the Governor acting in his discretion shall not confer any immunities or privileges upon any person as the representative of the Government of Bermuda or as a member of the staff of such a representative.

(3) Where immunities and privileges are conferred on any persons by an Order made by the Governor acting in his discretion under subsection (2), the Governor acting in his discretion—

- (a) shall compile a list of the persons entitled to immunities and privileges conferred under subsection (2)(b), and a list of the persons entitled to immunities and privileges conferred under subsection (2)(c); and
- (b) shall cause any list compiled under this subsection to be published in the Gazette; and
- (c) whenever any person ceases or begins to be entitled to the immunities and privileges to which any such list relates, shall amend the list and cause a notice of the amendment, or, if he thinks fit, an amended list, to be published as aforesaid.

(4) Every list or notice published under subsection (3) shall state the date from which such amendment takes or took effect; and the

fact that any person is or was included or not included at any time among the persons entitled to the immunities and privileges in question may, if a list of those persons has been so published, be conclusively proved by producing the Gazette containing the list, or, as the case may be, the last list taking effect before that time, together with the Gazettes (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

Orders made by Governor

2 The negative resolution procedure shall apply to every order made by the Governor acting in his discretion under section 1(2).

Diplomatic immunities of representatives attending international conferences

3 (1) Where a conference is held in Bermuda and is attended by the representatives of Her Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign Powers, and it appears to the Governor acting in his discretion that doubts may arise as to the extent to which the representatives of such foreign Powers and members of their staffs are entitled to diplomatic immunities, he may—

- (a) compile a list of the persons aforesaid who are entitled to such immunities, and cause that list to be published in the Gazette; and
- (b) whenever it appears to the Governor acting in his discretion that any person ceases or begins to be entitled to such immunities, amend the list and cause a notice of amendment or, if he thinks fit, an amended list, to be published as aforesaid,

and every representative of a foreign Power who is for the time being included in the list shall, for the purpose of any enactment and rule of law or custom relating to the immunities of an envoy of a foreign Power accredited to Her Majesty, and of the retinue of such envoy, be treated as if he were such an envoy, and such of the members of his official staff as are for the time being included in the list shall be treated for the purpose aforesaid as if they were his retinue.

(2) Every list or notice published under subsection (1) in relation to any conference shall include a statement of the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons as representatives attending the conference or as members of the official staff of any such representative may, if a list of those persons has been so published, be conclusively proved by producing the Gazette containing the list or, as the case may be, the last list taking effect before

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that time, together with the Gazette (if any) containing notices of the amendments taking effect before that time, and by showing that the name of the person is or was at that time included or not included in the said list.

Application of Act to United Nations

4 This Act shall in its application to the United Nations have effect subject to the following modifications, that is to say—

- (a) any reference to the governing body or any committee of the organization shall be construed as referring to the General Assembly or any council or other organ of the United Nations; and
- (b) the powers conferred by section 1(2) shall include power by Order made by the Governor acting in his discretion to confer on the judges and registrars of the International Court of Justice set up under the Charter of the United Nations, and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of or convention approved by the General Assembly of the United Nations.

Reciprocal treatment

5 Nothing in the foregoing provisions of this Act shall be construed so as to preclude the Governor acting in his discretion from declining to accord immunities or privileges to or from withdrawing immunities or privileges from nationals or representatives of any foreign Power on the ground that the Power is failing to accord corresponding immunities or privileges to British nationals or representatives.

SCHEDULE

Immunities and Privileges of Organizations, Officers, etc.

PART I

IMMUNITIES AND PRIVILEGES OF THE ORGANIZATION

- 1 Immunity from suit and legal process.
- 2 The like inviolability of official archives and premises occupied as offices as is accorded in the United Kingdom in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty.
- 3 The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded in the United Kingdom to a foreign sovereign Power.
- 4 Exemption from taxes on the importation of goods directly imported by the organization for its official use in Bermuda or for exportation, or on the importation of any publications of the organization directly imported by it, such exemption to be subject to compliance with such conditions as the Governor acting on the advice of the Minister of Finance, may prescribe for the protection of the revenue.
- 5 Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organization for its official use and in the case of any publications of the organization directly imported or exported by it.

PART II

IMMUNITIES AND PRIVILEGES OF HIGH OFFICERS, PERSONS ON MISSIONS, AND GOVERNMENT REPRESENTATIVES

- 1 The like immunity from suit and legal process as is accorded in the United Kingdom to an envoy of a foreign sovereign Power accredited to Her Majesty.
- 2 The like inviolability of residence as is accorded in the United Kingdom to such an envoy.
- 3 The like exemption or relief from taxes as is accorded in the United Kingdom to such an envoy.

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PART III

IMMUNITIES AND PRIVILEGES OF OTHER OFFICERS AND SERVANTS

1 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.

PART IV

IMMUNITIES AND PRIVILEGES OF REPRESENTATIVE'S STAFF AND OF
HIGH OFFICER'S FAMILY

1 Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as the representative of a member government, his official staff accompanying him as such a representative shall also be entitled to those immunities and privileges to the same extent as the retinue of an envoy of a foreign sovereign Power accredited to Her Majesty is entitled in the United Kingdom to the immunities and privileges accorded to the envoy.

2 Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as an officer of the organization, that person's wife or husband, and children under the age of eighteen years, shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of an envoy of a foreign sovereign Power accredited to Her Majesty are entitled in the United Kingdom to the immunities and privileges accorded to the envoy.

[Schedule Part IV para 2 amended by 2001:20 s.7(1) & Sch 2 effective 1 November 2001]

[Amended by:

1970 : 109

1977 : 35

2001 : 20]