

Reprint  
as at 9 December 1976



## Diplomatic Privileges (ICAO) Order 1959 (SR 1959/53)

Cobham, Governor-General

### Order in Council

At the Government Buildings at Wellington this 1st day of April 1959

Present:

The Right Hon W Nash presiding in Council

Pursuant to the Diplomatic Immunities and Privileges Act 1957, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

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#### Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This order is administered by the Ministry of Foreign Affairs and Trade.**

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## Order

1

This order may be cited as the Diplomatic Privileges (ICAO) Order 1959.

2

The International Civil Aviation Organisation (hereinafter called the **organisation**) is hereby declared to be an organisation the members of which are the Governments of sovereign Powers.

### *Immunities and privileges of the organisation*

3

The organisation shall have the legal capacities of a body corporate.

4

Except in so far as in any particular case it has expressly waived its immunity, the organisation shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

**5**

The organisation shall have the like inviolability of official premises and official archives as is accorded in respect of the official premises and official archives of a foreign envoy.

**6**

The organisation shall have immunity in relation to its property and assets, wherever located and by whomsoever held, from search, requisition, confiscation, expropriation, or any other form of interference.

**7**

The organisation shall have the like exemption from taxes and rates, other than taxes on the importation of goods, as is accorded to the Government of any foreign country.

**8**

The organisation shall have exemption from taxes on the importation of goods directly imported by the organisation for its official use in New Zealand or for exportation, or on the importation of any publications of the organisation directly imported by it, subject to compliance with such conditions as the Minister of Customs may prescribe for the protection of the revenue.

**9**

The organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it, subject to compliance with such conditions as the Minister of Customs may prescribe for the protection of the public health, the prevention of diseases in plants and animals, and otherwise in the public interest.

**10**

The organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or dispatched from places outside New Zealand), of any reduced rates applicable for the corresponding service in the case of press telegrams.

*Immunities and privileges of representatives of members*

**11**

- (1) Except in so far as in any particular case any immunity or privilege is waived by the member Government concerned, representatives of member Govern-

ments on any organ of the organisation or at any conference convened by the organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey to and from the place of meeting, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents as are accorded to a foreign envoy:
  - (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as such:
  - (c) while exercising their functions as such, and during their journey to and from the place of meeting, the like exemption from taxes as is accorded to a foreign envoy, save that the relief allowed shall not include relief from Customs and excise duties or sales tax except in respect of goods imported as part of their personal baggage.
- (2) This clause shall not confer any immunity or privilege upon any person as the representative of the Government of New Zealand or as a member of the staff of such a representative.

*Immunities and privileges of high officers*

**12**

Except in so far as in any particular case any immunity or privilege is waived by the organisation, the Secretary-General, the Deputy Secretary-General, and any Assistant Secretary-General of the organisation and the President of the Council of the organisation shall be accorded the like immunity from suit and legal process, the like inviolability of residence, official premises, and official archives, and the like exemption from taxes and rates as are accorded to a foreign envoy.

*Immunities and privileges of persons serving on committees of the organisation or employed on missions*

**13**

Except in so far as in any particular case any immunity or privilege is waived by the organisation, persons (other than officials of the organisation) serving on committees of, or employed on missions on behalf of, the organisation shall enjoy—

- (a) while performing their missions and during time spent on journeys in connection therewith, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents relating to the work of the organisation:
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions:

- (c) exemption from ordinary income tax and social security income tax in respect of emoluments received by them for services while performing their duties.

*Immunities and privileges of other officials*

**14**

Except in so far as in any particular case any immunity or privilege is waived by the organisation, all officials of the organisation (other than those referred to in clause 12) shall enjoy—

- (a) immunity from suit and legal process in respect of words spoken or written and all things done or omitted to be done by them in the course of the performance of their official duties:
- (b) exemption from ordinary income tax and social security income tax in respect of emoluments received by them as officers or servants of the organisation:
- (c) exemption from taxes on the importation of furniture and effects imported at the time of first taking up post in New Zealand, that exemption to be subject to compliance with such conditions as the Minister of Customs may prescribe for the protection of the revenue.

*Miscellaneous*

**15**

This order shall be in force in the Cook Islands, Tokelau, and Western Samoa.

Clause 15: amended, on 9 December 1976, pursuant to section 3(8) of the Tokelau Amendment Act 1976 (1976 No 122).

**16**

This order is hereby declared to be a reserved enactment for the purposes of sections 39 and 70 of the Cook Islands Amendment Act 1957 and of section 32 of the Samoa Amendment Act 1957.

**17**

The Diplomatic Privileges (International Civil Aviation Organisation) Order 1948 (SR 1948/158) is hereby revoked.

T J Sherrard,  
Clerk of the Executive Council.

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**Notes****1 *General***

This is a reprint of the Diplomatic Privileges (ICAO) Order 1959. The reprint incorporates all the amendments to the order as at 9 December 1976, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

**4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted

enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)

- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

Tokelau Amendment Act 1976 (1976 No 122): clause 3(8)