

**Reprint
as at 26 November 2009**



**Diplomatic Privileges (CTBTO
PrepCom) Order 2000**
(SR 2000/247)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 20th day of November 2000

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 9 of the Diplomatic Privileges and Immunities Act 1968, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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 Title

This order is the Diplomatic Privileges (CTBTO PrepCom) Order 2000.

2 Commencement

This order comes into force on 1 December 2000.

Meaning of CTBTO PrepCom

3 Meaning of CTBTO PrepCom

In this order, **CTBTO PrepCom** means the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, established by the Resolution establishing the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization adopted at New York on 19 November 1996.

Declaration as to CTBTO PrepCom

4 Declaration as to CTBTO PrepCom

The CTBTO PrepCom is an organisation of which the Governments of 2 or more States are members.

Body corporate

5 Body corporate

The CTBTO PrepCom has the legal capacities of a body corporate.

CTBTO PrepCom's privileges and immunities

6 Immunity from suit

The CTBTO PrepCom has immunity from suit and legal process, except in so far as in any particular case it has expressly waived its immunity.

7 Inviolability of premises and archives

The CTBTO PrepCom has the like inviolability of official premises and archives as is accorded in respect of official premises and archives of a diplomatic mission.

8 Immunity of property

The CTBTO PrepCom has immunity in relation to its property and assets from search, requisition, confiscation, expropriation, or any other form of interference.

9 Exemption from taxes and rates

The CTBTO PrepCom is exempt from taxes and rates (other than taxes on the importation of goods), except for taxes and rates that are charges for public utility services.

10 Exemption from taxes on importation of goods for official use

- (1) The CTBTO PrepCom is exempt from taxes on the importation of goods directly imported by the CTBTO PrepCom for its official use in New Zealand or for exportation, or on the importation of any publications of the CTBTO PrepCom directly imported by it.
- (2) The exemption is subject to compliance with any conditions the Minister of Customs determines for the protection of the revenue.

11 Exemption from restrictions on importation or exportation of goods for official use

- (1) The CTBTO PrepCom is exempt from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the CTBTO PrepCom for its official use, and in the case of any publications of the CTBTO PrepCom directly imported or exported by it.
- (2) The exemption is subject to compliance with any conditions the Minister of Customs determines for the protection of public health, the prevention of diseases in plants and animals, and otherwise in the public interest.

12 Facilities in respect of telegraphic communications

The CTBTO PrepCom has 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.

*Privileges and immunities of representatives of
member Governments*

Heading: amended, on 26 November 2009, by clause 4 of the Diplomatic Privileges (CTBTO PrepCom) Amendment Order 2009 (SR 2009/330).

13 Privileges and immunities of representatives of member Governments

- (1) All representatives of member Governments, being representatives on any organ of the CTBTO PrepCom or at any conference convened by the CTBTO PrepCom, enjoy, in the exercise of their functions and during their journey to and from the places of meeting—
 - (a) the like immunity from suit and legal process as is accorded to a diplomatic agent;
 - (b) the like inviolability of official archives as is accorded to a diplomatic agent;
 - (c) the like exemption from taxes and rates as is accorded to a diplomatic agent.
- (2) In this clause, **representatives of member Governments**—
 - (a) includes all delegates, alternates, advisers, technical experts, and secretaries, of delegations; but
 - (b) does not include any representatives of the Government of New Zealand, or any member of staff of any such representatives, or any New Zealand citizens.
- (3) The privileges and immunities conferred by this clause do not apply in so far as in any particular case any privilege or immunity is waived by the member Government concerned.

Clause 13 heading: amended, on 26 November 2009, by clause 5(1) of the Diplomatic Privileges (CTBTO PrepCom) Amendment Order 2009 (SR 2009/330).

Clause 13(1): amended, on 26 November 2009, by clause 5(2)(a) of the Diplomatic Privileges (CTBTO PrepCom) Amendment Order 2009 (SR 2009/330).

Clause 13(1): amended, on 26 November 2009, by clause 5(2)(b) of the Diplomatic Privileges (CTBTO PrepCom) Amendment Order 2009 (SR 2009/330).

Clause 13(2): amended, on 26 November 2009, by clause 5(3) of the Diplomatic Privileges (CTBTO PrepCom) Amendment Order 2009 (SR 2009/330).

Clause 13(3): amended, on 26 November 2009, by clause 5(4) of the Diplomatic Privileges (CTBTO PrepCom) Amendment Order 2009 (SR 2009/330).

Officials' privileges and immunities

14 Officials' privileges and immunities

- (1) Officials of the CTBTO PrepCom enjoy—
 - (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the course of the performance of their official duties:
 - (b) exemption from taxes in respect of salaries and emoluments received by them as officials of the CTBTO PrepCom:
 - (c) exemption from taxes on the importation of furniture and effects imported at the time of first taking up post in New Zealand.
- (2) The exemption conferred by subclause (1)(c)—
 - (a) does not apply in relation to the importation of furniture and effects by members of staff of the CTBTO PrepCom who are New Zealand citizens:
 - (b) is subject to compliance with any conditions the Minister of Customs determines for the protection of the revenue.
- (3) The privileges and immunities conferred by subclause (1) do not apply in so far as in any particular case any privilege or immunity is waived by the Executive Secretary of the CTBTO PrepCom.

Privileges and immunities of Executive Secretary

15 Privileges and immunities of Executive Secretary

- (1) The Executive Secretary of the CTBTO PrepCom enjoys—
 - (a) the like immunity from suit and legal process as is accorded to a diplomatic agent:
 - (b) the like inviolability of residence, official premises, and official archives as is accorded to a diplomatic agent:

- (c) the like exemption from taxes and rates as is accorded to a diplomatic agent.
- (2) The privileges and immunities conferred by this clause do not apply in so far as in any particular case any privilege or immunity is waived by the CTBTO PrepCom.

Privileges and immunities of experts on missions

16 Privileges and immunities of experts on missions

- (1) Experts (other than officials) employed on missions on behalf of the CTBTO PrepCom enjoy, in the exercise of their functions and while travelling to a place for the purpose of performing the mission or while returning from a place after performing the mission—
 - (a) the like immunity from suit and legal process in respect of acts done or omitted to be done by them in the course of the performance of their mission as is accorded to a diplomatic agent:
 - (b) the like inviolability of official archives as is accorded to a diplomatic agent.
- (2) The privileges and immunities conferred by this clause do not apply in so far as in any particular case any privilege or immunity is waived by the Executive Secretary of the CTBTO PrepCom.

Order not in force in Tokelau

17 Order not in force in Tokelau

This order is not in force in Tokelau.

Marie Shroff,
Clerk of the Executive Council.

Contents

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 - 2 Status of reprints
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Notes**1 General**

This is a reprint of the Diplomatic Privileges (CTBTO PrepCom) Order 2000. The reprint incorporates all the amendments to the order as at 26 November 2009, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

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)***

Diplomatic Privileges (CTBTO PrepCom) Amendment Order 2009 (SR 2009/330)
