

Commonwealth Parliamentary Association (Status) (No. 2) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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TO

Provide for corporate status of and for certain privileges and immunities to be accorded to the international inter-parliamentary organisation of national and sub-national legislatures of Commonwealth countries known as the Commonwealth Parliamentary Association and to its Secretary-General; and for connected purposes.

BE IT ENACTED by the Queen'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 Legal personality

The Commonwealth Parliamentary Association (“the Association”) has the legal capacities of a body corporate.

2 Privileges and immunities of the Association

- (1) The Association — 5
- (a) *is to have exemption or relief from specified taxes to the extent that such exemption or relief would be attracted if the Association were a body corporate established for charitable purposes;*
 - (b) may assert inviolability of the official archives and premises of the Association to the same extent as applies to the official archives and premises of a diplomatic mission under articles 22.1 and 24 of the Vienna Convention as set out in Schedule 1 to the 1964 Act; 10
 - (c) has immunity from any legal process by which the property or assets of the Association may be the subject of any form of constraint other than in accordance with the final determination of a court of law. 15
- (2) Subsection (1)(c) does not apply to the taking of such measures as may be necessary in connection with the prevention of, or investigation into, any accident involving a mechanically propelled vehicle operated by or on behalf of the Association.

3 Privileges and immunities of the Secretary-General 20

- (1) The Secretary-General —

- (a) *is to have exemption or relief from specified taxes in such circumstances as may be prescribed;*
 - (b) *is entitled, to such extent as may be specified, and in such circumstances as may be prescribed, to claim inviolability of official papers and documents to the same extent as may be claimed by a diplomatic agent;* 5
 - (c) *has immunity from suit or any legal process in respect of things done or omitted to be done in the course of the performance of official duties for the Association.*
- (2) Subsection (1) does not apply where the Secretary-General is a British citizen. 10

4 Waiver

The Association may waive any privilege or immunity conferred on the Association or on the Secretary-General under this Act.

5 Orders in Council

- (1) Her Majesty may by Order in Council determine – 15
- (a) the taxes and entitlements which are to be specified and circumstances which are to be prescribed for the purposes of this Act;
 - (b) the extent to which, in their application to the Association, the privileges and immunities referred to in sections 2 and 3 are varied within the articles of the Vienna Convention having the force of law in the United Kingdom under the 1964 Act. 20
- (2) A recommendation to Her Majesty in Council to make an Order under subsection (1) must not be made unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.
- (3) The power conferred by subsection (1) to make an Order includes power to revoke or vary the Order by a subsequent Order made under that subsection. 25

6 Interpretation

- (1) In this Act –
- “the 1964 Act” means the Diplomatic Privileges Act 1964;
 - “the Association” means the Commonwealth Parliamentary Association; 30
 - “British citizen” has the meaning given by section 1 of the British Nationality Act 1981;
 - “charitable purposes” has the meaning given by section 2 of the Charities Act 2011;
 - “Commonwealth countries” are those countries listed in Schedule 3 to the British Nationality Act 1981; 35
 - “mechanically propelled vehicle” has the same meaning as in section 170 of the Road Traffic Act 1988;
 - “prescribed” and “specified” mean prescribed and specified by an Order in Council made under section 5; 40

“the Secretary-General” means the Secretary-General of the Association for the time being appointed pursuant to the constitution of the Association;

“the Vienna Convention” means the Vienna Convention on Diplomatic Relations signed in 1961.

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- (2) Expressions used in this Act to which a meaning is assigned by Article 1 of the Vienna Convention must, except in so far as the context otherwise requires, be construed as having the same meaning in this Act as in that Article.

7 Extent and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act may be cited as the Commonwealth Parliamentary Association (Status) Act 2022.

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