

STATUTORY INSTRUMENTS

S.I. No. 399 of 1997

DECOMMISSIONING ACT, 1997 (INDEPENDENT INTERNATIONAL  
COMMISSION ON DECOMMISSIONING) (PRIVILEGES AND  
IMMUNITIES) ORDER, 1997

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DECOMMISSIONING ACT, 1997 (INDEPENDENT INTERNATIONAL  
COMMISSION ON DECOMMISSIONING) (PRIVILEGES AND  
IMMUNITIES) ORDER, 1997

WHEREAS the Government and the Government of the United Kingdom by an agreement between them done on the 26th day of August, 1997, established the Independent International Commission on Decommissioning;

AND WHEREAS it is provided by section 3(4)(a) of the Decommissioning Act, 1997 (No. 3 of 1997), that the Minister for Justice, Equality and Law Reform may by order make provision as respects inviolability, exemptions, facilities and immunities, privileges and rights in relation to the Commission so established;

NOW I, JOHN O'DONOGHUE, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 3(4)(a) of the Decommissioning Act, 1997, and the Justice (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 298 of 1997), hereby order as follows:

1. This Order may be cited as the Decommissioning Act, 1997 (Independent International Commission on Decommissioning) (Privileges and Immunities) Order, 1997.
2. This Order shall come into operation on the 24th day of September, 1997.
3. In this Order "the Commission" means the Independent International Commission on Decommissioning established by an agreement between the Government and the Government of the United Kingdom done on the 26th day of August, 1997.



4. The Commission, its property and a person (being a member of the Commission or a member of staff of, or an agent of, or a person performing functions assigned to him or her by, the Commission) shall, subject to the provision of section 5(4) and 6 of the Decommissioning Act, 1997 (No. 3 of 1997), have and enjoy the inviolability, exemptions, facilities and immunities, privileges and rights provided for in the Schedule to this Order.

5. The inviolability, exemptions, facilities and immunities, privileges and rights conferred by this Order may be waived by the Commission.



## SCHEDULE

### The Commission

1. The Commission shall have immunity from suit and legal process.
2. The premises of the Commission shall be inviolable. The premises of the Commission, their furnishings and the other property of the Commission wherever situated and by whomsoever held and the means of transport of the Commission shall be immune from search, requisition, attachment or execution.
3. The archives of the Commission, its official correspondence and all other documents (including documents held on tape or disk) belonging to it or held by it, shall be inviolable wherever they may be.
4. The Commission shall be exempt from prohibitions and restrictions on the importation or exportation of goods in respect of any goods imported or exported by the Commission for its official use.
5. The Commission shall be exempt from the payment of social welfare or health contributions or any other contribution or any levy.

### Members of Commission

6. A member of the Commission shall not be liable to any form of arrest or detention, and shall enjoy immunity from suit and legal process, in respect of things done or omitted to be done in the course of the performance of his or her duties as a member of the Commission.
7. A member of the Commission, not permanently resident in the State, shall be exempt from the payment of income tax or social welfare or health contributions, or



any other tax, or contribution, or any levy, in respect of emoluments received as a member of the Commission.

Staff of Commission

8. A member of the staff of the Commission shall not be liable to any form of arrest or detention, and shall enjoy immunity from suit and legal process, in respect of things done or omitted to be done in the course of the performance of his or her duties as a member of the staff of the Commission.

9. A member of the staff of the Commission, not permanently resident in the State, shall be exempt from the payment of income tax, or social welfare or health contributions, or any other tax or contribution, or any levy, in respect of emoluments received as a member of the staff of the Commission.

Agents of Commission or persons performing functions assigned to them by Commission

10. An agent of the Commission or a person performing functions assigned to him or her by the Commission shall not be liable to any form of arrest or detention and shall enjoy immunity from suit and legal process in respect of things done or omitted to be done as an agent of the Commission or in the course of the performance of functions or duties assigned to him or her by the Commission.

11. An agent of the Commission or a person performing functions assigned to him or her by the Commission shall enjoy inviolability in respect of all papers, documents and other materials prepared or received as an agent of the Commission or in the course of the performance of functions or duties assigned to him or her by the Commission.



GIVEN under my Official Seal,

this 24th day of September, 1997

John O'Donoghue  
MINISTER FOR JUSTICE,  
EQUALITY AND LAW REFORM



## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

The Government and the Government of the United Kingdom formally established the Independent International Commission on Decommissioning on 24 September, 1997. By this order the Minister for Justice, Equality and Law Reform makes provision as respects inviolability, exemptions, facilities and immunities, privileges and rights in relation to that Commission, as provided for by Section 3(4)(a) of the Decommissioning Act, 1997.