



**AN BILLE UM CHAIDREAMH AGUS DIOLUINE
TAIDHLEOIREACHTA (LEASU), 1976
DIPLOMATIC RELATIONS AND IMMUNITIES
(AMENDMENT) BILL, 1976.**

EXPLANATORY MEMORANDUM

I—Purpose of the Bill

The Diplomatic Relations and Immunities Act, 1967 made provision for the grant of immunities to the organs of international organisations, such as the United Nations, the Council of Europe and the Organisation for European Co-operation and Development (O.E.C.D.). By Part VIII of that Act ("the main Act"), the Government was given power to designate by order any international organisation, community or body of which the State or Government became or intended to become a member in the future and to provide for immunities to be enjoyed by such organisations, communities or bodies, their organs, members, officials and delegates. This power did not extend to immunities for which provision was made in international agreements where no international organisation, community or body was set up or to cases where the State or Government, as such, did not become a member of an organisation, community or body set up under an international agreement. The purpose of this amending Bill is to enable the Government to make provision by order for any immunity contained in an international agreement to which the State or Government is or intends to become a party.

II—Provisions of the Bill

Section 1 provides for the insertion in the Diplomatic Relations and Immunities Act, 1967 of a new section 42A under subsection (1) of which the Government is given power to make orders enabling an international organisation, community or body, its institutions or organs and their property as well as any other person to enjoy in the State any inviolability, exemptions, facilities, immunities, privileges or rights for which provision is made in an international agreement to which the State or the Government is or intends to become a party. The effect of *subsection (3)* is, firstly, that any organisation, community or body, which is the subject of an order under the section, or whose institutions or organs are the subject of an order shall have the legal capacity of a body corporate. This is necessary to give them an existence in Irish law and is in line with section 40 of the main Act. Secondly, any person who hinders, restricts or prevents the enjoyment or exercise of any inviolability, exemptions, facilities, immunities or privileges for which provision is made by an order under this Bill will be guilty of a summary offence under section 46 of the 1967 Act. The maximum punishment for such an offence is six months imprisonment and a fine of £100. No proceedings of this sort can be taken without the consent of the Minister for Foreign Affairs. Orders under this Bill, like orders under the main Act, have to be laid before each House of the Oireachtas and may be annulled by a Resolution passed within 21 days.

Section 2 contains the short title and provides for a collective citation of this Bill and the 1967 Act which it amends. This is a standard-form section.

*Roinn Gnóthaí Eachtracha,
Eanáir, 1976.*



AN BILL UM CHAIRBAMH AGUS DIOLLINE
TAIDHILIOREACHTA (LEASU), 1976
DIPLOMATIC RELATIONS AND IMMUNITIES
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EXPLANATORY MEMORANDUM

BILLE

BILL

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ROBIN GARDNER ECHTACHA.
Barrister, 1976.