STATUTORY INSTRUMENTS

1963 No. 2133

ALIENS

EXEMPTION

The Aliens (Foreign Representatives) Direction 1963

Made - - - - *23rd December* 1963
Coming into Operation *1st January* 1964

In exercise of the powers conferred upon me by Article 23 of the Aliens Order 1953(a) (hereinafter referred to as "the Aliens Order"), I hereby give the following Direction:—

1. The following persons (being persons entitled to immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of their official duties under section 1(2) of the European Coal and Steel Community Act 1955(b)) shall be exempt from all the provisions of the Aliens Order, that is to say:—

(*a*) any alien representing the High Authority of the European Coal and Steel Community (hereinafter referred to as "the High Authority") at a meeting in the United Kingdom of the Council of Association between Her Majesty's government in the United Kingdom and the High Authority, or of a committee of that Council;

(*b*) any alien who is the alternate of any person representing the High Authority as aforesaid; and

(*c*) any alien who—

(i) is a member of the official staff of the chief representative in the United Kingdom of the High Authority, or of any person representing the High Authority as aforesaid or of the alternate of any such person; and

(ii) is recognised by Her Majesty's government as holding a rank equivalent to that of Attaché on the staff of the envoy of a foreign sovereign Power accredited to Her Majesty, or any higher rank.

2. The following persons shall be exempt from the provisions of the Aliens Order specified in Schedule 1 to this Direction, that is to say:—

(*a*) any consular officer in the service of any of the states named in Schedule 2 to this Direction (being states with which consular conventions have been concluded by Her Majesty);

(*b*) unless the Secretary of State otherwise directs in any particular case, any consular employee in such service; and

(*c*) the wife and any minor child of a person exempted under sub-paragraph (*a*) or (*b*) of this paragraph residing with him.

3. The following persons shall be exempt from the provisions of the Aliens Order specified in paragraphs 1 to 5 of Schedule 1 to this Direction, that is to say:—

(*a*) any alien entitled to immunity from legal process with respect to acts performed by him in his official capacity under any Order in Council made under section 3(1) of the Bretton Woods Agreements Act 1945(c) (which empowers Her Majesty by Order in Council to make provision

(a) S.I. 1953/1671 (1953 I, p. 94). (b) 4 & 5 Eliz. 2. c. 4. (c) 9 & 10 Geo. 6. c. 19.

relating to the immunities and privileges of the governors, executive directors, alternates, officers and employees of the International Monetary Fund and the International Bank for Reconstruction and Development);

(*b*) any alien upon whom immunity from suit and legal process in respect of things done or omitted to be done in the course of his duties is conferred by any Order in Council made under section 1(2) of the International Organisations (Immunities and Privileges) Act 1950(**a**) (which empowers Her Majesty by Order in Council to confer upon certain representatives, officers, servants and other persons of or connected with certain international organisations of which the United Kingdom or Her Majesty's government therein is a member certain immunities and privileges) or by any Order in Council which, by virtue of section 7(2) of that Act, has effect as if made under that Act;

(*c*) any alien entitled to immunity from legal process with respect to acts performed by him in his official capacity under any Order in Council made under section 3(1) of the International Finance Corporation Act 1955(**b**) (which empowers Her Majesty by Order in Council to make provision relating to the immunities and privileges of the governors, directors, alternates, officers and employees of the International Finance Corporation);

(*d*) any alien entitled to immunity from legal process with respect to acts performed by him in his official capacity under any Order in Council made under section 3(1) of the International Development Association Act 1960(**c**) (which empowers Her Majesty by Order in Council to make provision relating to the immunities and privileges of the governors, directors, alternates, officers and employees of the International Development Association);

(*e*) any alien (not being an alien to whom paragraph 1 of this Direction applies) entitled to immunity from suit and legal process in respect of things done or omitted to be done in the course of his official duties under section 1(2) of the European Coal and Steel Community Act 1955 (which subsection entitles members of the official staff of the chief representative in the United Kingdom of the High Authority of the European Coal and Steel Community and certain other persons connected with that Authority to such exemption);

(*f*) the wife and any minor child of a person exempted under sub-paragraphs (*a*) to (*d*) of this paragraph residing with him; and

(*g*) the wife and any minor child of a person mentioned in Article 1 or 2(*a*) or (*b*) of the Diplomatic Immunities Restriction Order 1956(**d**) residing with him.

4. Any member of a foreign government who is visiting the United Kingdom on the business of that government shall be exempt from the provisions of the Aliens Order specified in paragraphs 1 to 4 of Schedule 1 to this Direction.

5. The following persons shall be exempt from the provisions of the Aliens Order specified in paragraph 5 of Schedule 1 to this Direction, that is to say:—

(*a*) any consular officer (not being an honorary consular officer) in the service of a state which is not named in Schedule 2 to this Direction;

(*b*) unless the Secretary of State otherwise directs in any particular case, any consular employee in such service;

(**a**) 14 Geo. 6. c. 14. (**b**) 4 & 5 Eliz. 2. c. 5. (**c**) 8 & 9 Eliz. 2. c. 35.
(**d**) S.I. 1956/84 (1956 I, p. 683).

(*c*) the wife and any minor child of a person exempted under sub-paragraph (*a*) or (*b*) of this paragraph residing with him;

(*d*) the wife and any minor child of a person who is a member of the household of—

(i) the envoy of a foreign sovereign Power accredited to Her Majesty; or

(ii) the chief representative in the United Kingdom of any country to which section 1 of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952(a) applies,

residing with him; and

(*e*) the wife and any minor child of a person who is a servant employed in the Chancery of the Mission of a foreign sovereign Power, residing with him.

6. For the purposes of this Direction the following expressions have the meanings hereby respectively assigned to them, that is to say: —

"consular officer" means a person holding Her Majesty's exequatur or otherwise recognised by Her Majesty's government as authorised to act as a consular officer in the United Kingdom;

"consular employee" means a person (not being a consular officer) who is employed on consular duties (otherwise than solely as a driver or on domestic duties at or in the upkeep of consular premises) in the United Kingdom and in respect of whom the following conditions are satisfied:—

(*a*) he either—

(i) is a permanent employee of the state by which he is employed on consular duties in the United Kingdom; or

(ii) was not ordinarily resident in the United Kingdom at the time when he was appointed for consular duties as aforesaid;

(*b*) he is not engaged in private occupation for gain in the United Kingdom;

(*c*) if he is an employee of a state named in Schedule 2 to this Direction, his name has been duly communicated to the Secretary of State by a diplomatic or consular officer in the service of that state.

7. The Interpretation Act 1889(b) shall apply to the interpretation of this Direction as it applies to the interpretation of an Act of Parliament.

8. The Aliens (Foreign Representatives) Direction 1954(c) is hereby revoked.

9. This Direction may be cited as the Aliens (Foreign Representatives) Direction 1963 and shall come into operation on 1st January 1964.

Henry Brooke,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

23rd December 1963.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 18. (b) 52 & 53 Vict. c. 63. (c) S.I. 1954/396 (1954 I, p. 116).

Paragraphs 2, 3, 4 and 5 SCHEDULE 1

PROVISIONS OF THE ALIENS ORDER 1953 FROM WHICH CERTAIN ALIENS ARE EXEMPTED BY THIS DIRECTION

1. Article 1 (which prohibits aliens, with certain exceptions, from landing or embarking in the United Kingdom without the leave of an immigration officer or elsewhere than at an approved port).

2. Article 3(3) (which imposes restrictions on certain aliens coming to the United Kingdom from abroad via the Republic of Ireland).

3. Article 6 (which requires aliens to comply, while in the United Kingdom, with conditions attached to the grant of leave to land in the Channel Islands or the Isle of Man).

4. Article 12 (which provides for the disclosure of documents by aliens landing or embarking in the United Kingdom).

5. Articles 14 to 17 (which provide for the registration of aliens).

6. Article 20 (which relates to the deportation of aliens).

Paragraphs 2 and 5 SCHEDULE 2

STATES WITH WHICH CONSULAR CONVENTIONS HAVE BEEN CONCLUDED BY HER MAJESTY

Austria	Italy
Belgium	Mexico
Denmark	Norway
Federal Republic of Germany	Spain
France	Sweden
Greece	United States of America

EXPLANATORY NOTE

(This Note is not part of the Direction, but is intended to indicate its general purport.)

This Direction revokes and replaces the Aliens (Foreign Representatives) Direction 1954 (which provided for the exemption of certain foreign representatives and persons connected with them from all or specified provisions of the Aliens Order 1953). The exemptions conferred by the Direction of 1954 are reconferred by this Direction, and the exemption conferred on a consular employee is extended to a temporary employee who, when appointed, was not resident in the United Kingdom (paragraph 6(*a*)(ii)).

In addition, paragraph 1 of this Direction gives total exemption from the Aliens Order 1953 to specified classes of alien connected with the European Coal and Steel Community; paragraph 3(*a*) to (*f*) gives partial exemption to specified classes of alien connected with that and certain other international organisations; and partial exemption is given to the families of persons whose immunity from suit and legal process has been restricted or withdrawn by the Diplomatic Immunities Restriction Order 1956 (paragraph 3(*g*) of this Direction), of members of the household of Ambassadors and Commonwealth High Commissioners (paragraph 5(*d*)) and of servants employed in the Chancery of the Mission of a foreign sovereign Power (paragraph 5(*e*)).

To the list of states in Schedule 2 referred to in paragraphs 2 and 5, Austria, Belgium, Denmark, the Federal Republic of Germany, Italy, Mexico and Spain have been added to take account of consular conventions concluded since the date of the Direction of 1954.