STATUTORY INSTRUMENTS

1971 No. 1237

DIPLOMATIC AND INTERNATIONAL IMMUNITIES AND PRIVILEGES

The Commonwealth Countries and Republic of Ireland (Immunities and Privileges) Order 1971

Made - - - -	*28th July* 1971
Laid before Parliament	*3rd August* 1971
Coming into Operation	*1st September* 1971

At the Court at Buckingham Palace, the 28th day of July 1971

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers conferred on Her by section 12 of the Consular Relations Act 1968(**a**), as amended by section 4 of the Diplomatic and other Privileges Act 1971(**b**), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Commonwealth Countries and Republic of Ireland (Immunities and Privileges) Order 1971 and shall come into operation on 1st September 1971.

2.—(1) In this Order "the Act" means the Consular Relations Act 1968.

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Subject to Article 11 of this Order, the like privileges and immunities as are conferred on consular officers and on members of their families forming part of their households by section 1 of the Act read with Section II of Chapter II in Schedule 1 to the Act shall be conferred

(*a*) on persons for the time being holding any of the offices or an office in any of the classes of office specified in Schedule 1 to this Order, and on members of their families forming part of their households, and

(*b*) on members of the staff of any such officer as is mentioned in paragraph (*a*) of this Article who appear to the Secretary of State to perform duties substantially corresponding to duties which, in the case of a foreign sovereign Power, would be performed by a consular officer, and on members of their families forming part of their households.

4. Subject to Article 11 of this Order, the like privileges and immunities as are conferred on consular employees and on members of their families forming part of their households by section 1 of the Act read with Section II

(**a**) 1968 c. 18. (**b**) 1971 c. 64. (**c**) 1889 c. 63.

of Chapter II in Schedule 1 to the Act shall be conferred on members of the staff of any such officer as is mentioned in Article 3(*a*) of this Order who appear to the Secretary of State to perform duties substantially corresponding to those which, in the case of a foreign sovereign Power, would be performed by a consular employee, and on members of their families forming part of their households.

5. Subject to Article 11 of this Order, the like privileges and immunities as are conferred on members of the service staff of a consular post and on members of their families forming part of their households by section 1 of the Act read with Section II of Chapter II in Schedule 1 to the Act shall be conferred on members of the staff of any such officer as is mentioned in Article 3(*a*) of this Order who appear to the Secretary of State to perform duties substantially corresponding to those which, in the case of a consular post of a foreign sovereign Power, would be performed by a member of the service staff, and on members of their families forming part of their households.

6. The like privilege as is conferred on members of the private staff of members of a consular post by section 1 of the Act read with paragraph 2 of Article 48 in Schedule 1 to the Act shall be conferred on members of the private staff of any such officer, or of any member of the staff of such officer, as is mentioned in Articles 3, 4 or 5 of this Order.

7. The like privileges and immunities as are conferred on a consular post by Section I of Chapter II in Schedule 1 to the Act shall be conferred on a post which is headed by any such officer as is mentioned in Article 3(*a*) of this Order.

8. The like exemption from dues and taxes as is accorded under Article 32 in Schedule 1 to the Act to the residence of the career head of a consular post shall be extended to the residence of any such officer as is mentioned in Article 3(*a*) of this Order and to the residence of any such member of his staff as is mentioned in Articles 3(*b*) or 4 of this Order, provided that, in either case, the residence is owned or leased by the country which employs the officer concerned or by any person acting on its behalf.

9.—(1) Subject to Article 11 of this Order, the like privileges and immunities as are conferred on honorary consular officers by section 1 of the Act read with Chapter III in Schedule 1 to the Act shall be conferred on such officers as are mentioned in paragraph (2) of this Article.

(2) The officers referred to in paragraph (1) of this Article are persons for the time being holding any of the offices specified in Schedule 2 to this Order.

10. The like privileges and immunities as are conferred on a post headed by an honorary consular officer by Chapter III in Schedule 1 to the Act shall be conferred on a post which is headed by any such person as is mentioned in Article 9(2) of this Order.

11.—(1) Any such officer or member of the staff as is mentioned in Article 3 or Article 9(2) of this Order who is comprised within the definition of " national of the receiving State " in section 1(2) of the Act and is not also a citizen of the country by which he is employed or who is permanently resident in the United Kingdom shall enjoy only immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of his functions, and the privilege provided in paragraph 3 of Article 44 in

Schedule 1 to the Act. Privileges and immunities shall not be conferred under this Order on any member of the family of such an officer.

(2) Privileges and immunities shall not be conferred under this Order on any such member of the staff of an officer as is mentioned in Articles 4 or 5 of this Order or on any member of the family of such a member of the staff if the member of staff is comprised within the definition of " national of the receiving State " in section 1(2) of the Act and is not also a citizen of the country by which he is employed, or is permanently resident in the United Kingdom.

(3) Privileges and immunities shall not be conferred under this Order on any member of the family of any such officer as is mentioned in Article 3(*a*) of this Order or on any member of the family of any member of the staff of any such officer if the member of the family is comprised within the definition of " national of the receiving State " in section 1(2) of the Act or is permanently resident in the United Kingdom.

(4) The privilege referred to in Article 6 of this Order shall not be conferred on any member of a private staff who is comprised within the definition of " national of the receiving State " in section 1(2) of the Act and is not also a citizen of the country by which his employer is employed, or who is permanently resident in the United Kingdom.

12. The Orders referred to in Schedule 3 to this Order are hereby revoked.

W. G. Agnew.

SCHEDULE 1

OFFICES

The Associated States

The Commissioner for the Eastern Caribbean, London

Malawi

The Chief Agent, London

Nauru

The Representative in the United Kingdom, London

Republic of Ireland

The Trade Inspector, Liverpool

Classes of Office

Trade Commissioners and Assistant Trade Commissioners for any independent country within the Commonwealth.

Migration Officers for the Commonwealth of Australia.

Immigration Officers for Canada.

Assistant Commissioners for India.

Regional Welfare Officers for Jamaica.

Agents General for the States of Australia.

Agents General for the Provinces of Canada.

SCHEDULE 2

OFFICES

Cyprus

The Honorary Commissioner, Glasgow

SCHEDULE 3

Orders revoked	*References*
The Commonwealth Countries and Republic of Ireland (Immunities) (No. 2) Order 1967	S.I. 1967/815 (1967 II, p. 2431).
The Commonwealth Countries and Republic of Ireland (Immunities) (Amendment) Order 1968	S.I. 1968/464 (1968 I, p. 1180).
The Commonwealth Countries and Republic of Ireland (Immunities) (Amendment) (No. 2) Order 1968	S.I. 1968/1374 (1968 II, p. 3813).
The Commonwealth Countries and Republic of Ireland (Immunities) (Amendment) Order 1969	S.I. 1969/142 (1969 I. p. 383).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which is made under the Consular Relations Act 1968, as amended by the Diplomatic and other Privileges Act 1971, supersedes the Orders listed in Schedule 3, which are revoked. It confers

(i) on the persons holding offices specified in Schedules 1 and 2 to the Order, and on members of their families forming part of their households,

(ii) on posts which are headed by such persons,

(iii) on members of their staffs, and on members of their families forming part of their households,

the like privileges and immunities as are conferred by section 1 read with Schedule 1 of the Consular Relations Act 1968 on a consular post and on persons connected with a consular post of a foreign sovereign Power.

In addition it accords relief from rates and taxes for the residences of officers whose offices are specified in Schedule 1 to the Order and certain members of their staffs.

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