STATUTORY INSTRUMENTS

1965 No. 153

COMMONWEALTH IMMIGRANTS

EXEMPTIONS

The Commonwealth Immigrants (Control of Immigration) Exemption Order 1965

Made - - - -	28*th January* 1965
Laid before Parliament	5*th February* 1965
Coming into Operation	15*th February* 1965

In exercise of the powers conferred on me by sections 15(1) and 17(3) of the Commonwealth Immigrants Act 1962(a), I hereby make the following Order:—

1. The following persons shall be exempt from control under Part I of the Commonwealth Immigrants Act 1962, that is to say:—

(*a*) any member of the government of any country or territory within the Commonwealth or of the Republic of Ireland who is visiting the United Kingdom on the business of that government;

(*b*) any diplomatic agent who, under paragraph 1 of Article 38 of Schedule 1 to the Diplomatic Privileges Act 1964(b), enjoys only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions;

(*c*) any member of the administrative and technical staff of the mission of any State;

(*d*) any member of the service staff of the mission of any State;

(*e*) any person 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 provisions 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);

(*f*) any person 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(d) (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;

(a) 10 & 11 Eliz. 2. c. 21.
(b) 1964 c. 81.
(c) 9 & 10 Geo. 6. c. 19.
(d) 14 Geo. 6. c. 14.

(*g*) any person on whom immunity is conferred by an Order in Council made under section 1(2) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952(**a**) (which empowers Her Majesty by Order in Council to confer on certain persons connected with the service of the government of certain Commonwealth countries or the Republic of Ireland the like immunity from suit and legal process as is accorded to consular officers of foreign sovereign Powers);

(*h*) any person 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 his official duties under section 1(2) of the European Coal and Steel Community Act 1955(**b**) (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 immunity);

(*i*) any person 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(**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 Finance Corporation);

(*j*) any person 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(**d**) (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);

(*k*) any person who is the representative or a member of the official staff of the representative of the government of a country to which section 1 of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961(**e**) applies and is not entitled under that section to any immunity except in respect of things done or omitted to be done in the course of the performance of his duties;

(*l*) any person who, though being a member of the family of a diplomatic agent forming part of his household, is a citizen of the United Kingdom and Colonies, and accordingly does not enjoy any immunity from jurisdiction under the Diplomatic Privileges Act 1964; and

(*m*) any person who is a member of the family of a person exempted under paragraphs (*c*) to (*k*) of this Article forming part of his household.

2.—(1) In this Order the expressions "diplomatic agent", "member of the administrative and technical staff" and "member of the service staff" have the same meanings respectively as in the Diplomatic Privileges Act 1964.

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

3. The Commonwealth Immigrants (Control of Immigration) Exemption Order 1962(**g**) is hereby revoked.

(**a**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 18.
(**b**) 4 & 5 Eliz. 2. c. 4.
(**c**) 4 & 5 Eliz. 2. c. 5.
(**d**) 8 & 9 Eliz. 2. c. 35.
(**e**) 9 & 10 Eliz. 2. c. 11.
(**f**) 52 & 53 Vict. c. 63.
(**g**) S.I. 1962/1316 (1962 II, p. 1406).

4. This Order may be cited as the Commonwealth Immigrants (Control of Immigration) Exemption Order 1965 and shall come into operation on 15th February 1965.

Frank Soskice,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
28th January 1965.

EXPLANATORY NOTE

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

By section 17(1) of the Commonwealth Immigrants Act 1962, persons who are entitled to immunity from suit and legal process, not being immunity in respect only of things done or omitted to be done in the course of their duties, are exempt from control under Part I of the Act respecting immigration into the United Kingdom. By the Commonwealth Immigrants (Control of Immigration) Exemption Order 1962, made under section 17(3) of the Act, certain other classes of person were also exempted from such control. The present Order replaces, with amendments, the Order of 1962. The amendments have the effect of exempting from such control those persons who were formerly exempted by section 17(1) but no longer fall within that subsection because, in consequence of the Diplomatic Privileges Act 1964, they no longer have full immunity, and those persons who were formerly exempted by Article 1(*e*) and (*i*) of the Order of 1962 but are no longer exempt because those paragraphs have, in consequence of the Act of 1964, become inoperative. The combined effect of section 17(1) of the Act of 1962 and the present Order is that the same classes of person as before are exempted from such control, except that exemption conferred by Article 1(*m*) of the present Order in relation to the families of certain exempted persons now extends to members of their families forming part of their households instead of, as formerly, being confined to their wives and minor children.