1970 No. 1934

CONSULAR RELATIONS

The Consular Relations (Privileges and Immunities) (Socialist Republic of Romania) Order 1970

Laid before Parliament in draft

Made - - - - 17*th December* 1970

Coming into Operation *On a date to be notified in the London, Edinburgh and Belfast Gazettes*

At the Court at Buckingham Palace, the 17th day of December 1970

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before and approved by resolution of each House of Parliament in accordance with section 14(1) of the Consular Relations Act 1968(**a**) (hereinafter referred to as " the Act "):

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by section 3(1) of the Act 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 Consular Relations (Privileges and Immunities) (Socialist Republic of Romania) Order 1970 and shall come into operation on a date to be notified in the London, Edinburgh and Belfast Gazettes.

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

3.—(1) Paragraph 2 of Article 50 in Schedule 1 to the Act (exemption from customs duties) shall be applied to members of consular posts of the Socialist Republic of Romania and members of their families forming part of their households as if the reference to consular employees included members of the service staff who satisfy the conditions set out in paragraph 2(*a*) and (*c*) of this Article and also such members of the families of consular employees or of members of the service staff as form part of their households and satisfy the conditions set out in paragraph (2) of this Article.

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

(2) The conditions referred to in paragraph (1) of this Article are that the person concerned—

(*a*) is not a citizen of the United Kingdom and Colonies, a British subject by virtue of section 2, 13 or 16 of the British Nationality Act 1948(**a**) or the British Nationality Act 1965(**b**), or a British protected person within the meaning of the said Act of 1948, and

(*b*) (in the case of a member of the family of a consular employee or of a member of the service staff) does not carry on any private gainful occupation in the United Kingdom, and

(*c*) is not permanently resident in the United Kingdom.

4.—(1) Subject to the provisions of paragraphs (2) and (3) of this Article—

(*a*) Article 29 in Schedule 1 to the Diplomatic Privileges Act 1964(**c**) personal inviolability) shall be extended to the head of a consular post of the Socialist Republic of Romania ;

(*b*) paragraphs 1 and 3 of Article 31 in Schedule 1 to the Diplomatic Privileges Act 1964 (immunity from jurisdiction) shall be extended to the head of a consular post of the Socialist Republic of Romania, and shall be extended to consular employees and to members of the service staff of a consular post of the Socialist Republic of Romania in respect of acts performed in the exercise of their functions, except that in any case the immunity from civil jurisdiction and from execution shall not apply—

(i) to an action arising out of a contract which was not concluded, expressly or impliedly, on behalf of the Socialist Republic of Romania, or

(ii) to an action brought by a third party in respect of damage resulting from an accident in the United Kingdom caused by a vehicle, vessel or aircraft ;

(*c*) Article 29 in Schedule 1 to the Diplomatic Privileges Act 1964 (personal inviolability) and the immunity from criminal jurisdiction accorded under paragraphs 1 and 3 of Article 31 in that Schedule shall be extended to members of the family of the head of a consular post of the Socialist Republic of Romania forming part of his household ;

(*d*) paragraph 2 of Article 31 in Schedule 1 to the Diplomatic Privileges Act 1964 (exemption from obligation to give evidence) shall be extended to consular employees and to members of the service staff of a consular post of the Socialist Republic of Romania to the extent that they shall be entitled to decline to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto and to give evidence as expert witnesses with regard to the law of the Socialist Republic of Romania.

(2) The provisions of paragraph (1)(*a*), (*b*) and (*c*) of this Article shall not apply to any person (other than a consular employee) who is a citizen of the United Kingdom and Colonies, a British subject by virtue of section 2, 13 or 16 of the British Nationality Act 1948 or the British Nationality Act 1965 or a British protected person within the meaning of the said Act of 1948, or who is permanently resident in the United Kingdom, and the provisions of paragraph (1)(*c*) of this Article shall not apply to any person who carries on any private gainful occupation in the United Kingdom.

(a) 1948 c. 56. (b) 1965 c. 34. (c) 1964 c. 81.

(3) Any privilege or immunity conferred by the provisions of paragraph (1) of this Article may be waived by the Socialist Republic of Romania. Waiver must always be express. A waiver shall be deemed to have been expressed by the Socialist Republic of Romania if it has been expressed by the head, or any person for the time being performing the functions of head, of the diplomatic mission in the United Kingdom of the Socialist Republic of Romania or, if there is no such mission, of the consular post concerned. Waiver of immunity in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of execution of the judgment for which separate waiver shall be required.

5. Article 22 in Schedule 1 to the Diplomatic Privileges Act 1964 (inviolability and protection of premises) shall be extended to any consular premises of the Socialist Republic of Romania and paragraph 1 of Article 30 in that Schedule (inviolability of private residences) shall be extended to the residence of the head of a consular post of the Socialist Republic of Romania, provided that any such premises or residence may be entered by the authorities of the United Kingdom with the consent of the head of the consular post or the head of the diplomatic mission in the United Kingdom of the Socialist Republic of Romania or, in the case of consular premises, of a person nominated by either of them.

6. Article 27 in Schedule 1 to the Diplomatic Privileges Act 1964 (freedom of communications) shall be extended to the communications of any consular post of the Socialist Republic of Romania.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which is made pursuant to the Consular Relations Act, 1968, provides, with respect to consular posts of the Socialist Republic of Romania and persons connected with them, for according privileges and immunities additional to those accorded by Schedule 1 to the Act, namely—

(i) exemption for certain members of the service staff and for members of the families of consular employees and service staff forming part of their households from customs duties on articles for their personal use imported at the time of their first arrival ;

(ii) additional immunities for the head of a consular post, the members of his family forming part of his household, certain consular employees and certain members of the service staff ;

(iii) diplomatic inviolability for consular premises and the residence of the head of a consular post ;

(iv) the same treatment in respect of consular communications as is accorded to communications of a diplomatic mission.

It gives effect to the relevant provisions of the Consular Convention between the United Kingdom and the Socialist Republic of Romania which was signed at Bucharest on 11th September 1968 (Cmnd. 3928).

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