STATUTORY INSTRUMENTS

1970 No. 1937

CONSULAR RELATIONS

The Consular Relations (Privileges and Immunities) (United States of America) Order 1970

Laid before Parliament in draft
Made - - - - 17*th December* 1970
Coming into Operation 1*st January* 1971

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) (United States of America) Order 1970 and shall come into operation on 1st January 1971.

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. 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 a consular officer, consular employee, consular guard, messenger or driver of the United States of America of which the United States of America or any person acting on its behalf is the owner or lessee.

4. Paragraph 1 of Article 49 in Schedule 1 to the Act (exemption from taxation) shall be extended to members of the service staff of any consular post of the United States of America who are consular guards, messengers or drivers, provided that the member concerned of the service staff satisfies the conditions set out in Article 6 of this Order.

5.—(1) Paragraph 2 of Article 50 in Schedule 1 to the Act (exemption from customs duties) shall be applied in regard to members of consular posts of the United States of America as if the reference to consular employees included consular guards, messengers and drivers, and as if the words " in respect of articles imported at the time of first installation " were omitted, provided that the member concerned of the consular post satisfies the conditions set out in Article 6 of this Order.

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

6. The conditions referred to in Articles 4 and 5 of this Order are that the person concerned -

(*a*) is not a citizen of the United Kingdom and Colonies, a person who is 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*) does not carry on any private gainful occupation in the United Kingdom, and

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

7. A consular bag exchanged between a consular officer of the United States of America in the United Kingdom and the Government, a diplomatic mission or another consular post of the United States of America or the authorities of any territory subject to the sovereignty or authority of the United States of America shall be accorded the treatment which is accorded to a diplomatic bag by Article 27 in Schedule 1 to the Diplomatic Privileges Act 1964(**c**), provided that the consular bag is certified by a responsible officer of the United States of America to contain nothing but official communications and documents.

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 United States of America and persons connected with them, for according privileges additional to those accorded by Schedule 1 to the Act, namely—

(i) relief from rates and taxes for the residences of consular officers, consular employees and certain members of the service staff ;

(ii) exemption from taxation for certain members of the service staff ;

(iii) exemption for certain members of a consular post from customs duties on articles for their personal use, or that of members of their families forming part of their households, imported throughout the period of their appointment ;

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

It gives effect to the relevant provisions of the Consular Convention between the United Kingdom and the United States of America which was signed at Washington on 6th June 1951 (Cmnd. 524).

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

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