



# State Immunity Act 1978

## 1978 CHAPTER 33

### PART I

#### PROCEEDINGS IN UNITED KINGDOM BY OR AGAINST OTHER STATES

##### *Supplementary provisions*

#### **16 Excluded matters.**

- (1) This Part of this Act does not affect any immunity or privilege conferred by the <sup>M1</sup>Diplomatic Privileges Act 1964 or the <sup>M2</sup>Consular Relations Act 1968; and—
- [<sup>F1</sup>(a) section 4 above does not apply to proceedings relating to a contract of employment between a State and an individual if the individual is or was employed under the contract as a diplomatic agent or consular officer;
  - (aa) section 4 above does not apply to proceedings relating to a contract of employment between a State and an individual if the individual is or was employed under the contract as a member of a diplomatic mission (other than a diplomatic agent) or as a member of a consular post (other than a consular officer) and either—
    - (i) the State entered into the contract in the exercise of sovereign authority; or
    - (ii) the State engaged in the conduct complained of in the exercise of sovereign authority;]
    - (b) section 6(1) above does not apply to proceedings concerning a State's title to or its possession of property used for the purposes of a diplomatic mission.

[<sup>F2</sup>(1A) In subsection (1)—

“consular officer” is to be construed in accordance with Article 1(d) of the Vienna Convention on Consular Relations done at Vienna on 24 April 1963;

“diplomatic agent” is to be construed in accordance with Article 1(e) of the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961;

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*Changes to legislation: There are currently no known outstanding effects for the State Immunity Act 1978, Section 16. (See end of Document for details)*

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“member of a consular post” is to be construed in accordance with Article 1(g) of the Vienna Convention on Consular Relations done at Vienna on 24 April 1963;

“member of a diplomatic mission” is to be construed in accordance with Article 1(b) of the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961.]

- (2) This Part of this Act does not apply to proceedings relating to anything done by or in relation to the armed forces of a State while present in the United Kingdom and, in particular, has effect subject to the <sup>M3</sup>Visiting Forces Act 1952.
- (3) This Part of this Act does not apply to proceedings to which section 17(6) of the <sup>M4</sup>Nuclear Installations Act 1965 applies.
- (4) This Part of this Act does not apply to criminal proceedings.
- (5) This Part of this Act does not apply to any proceedings relating to taxation other than those mentioned in section 11 above.

#### **Textual Amendments**

- F1** S. 16(1)(a)(aa) substituted for s. 16(1)(a) (23.2.2023) by [The State Immunity Act 1978 \(Remedial\) Order 2023 \(S.I. 2023/112\)](#), arts. 1(1), **5(2)** (with art. 1(3))
- F2** S. 16(1A) inserted (23.2.2023) by [The State Immunity Act 1978 \(Remedial\) Order 2023 \(S.I. 2023/112\)](#), arts. 1(1), **5(3)** (with art. 1(3))

#### **Marginal Citations**

- M1** 1964 c. 81.
- M2** 1968 c. 18.
- M3** 1952 c. 67.
- M4** 1965 c. 57.

**Changes to legislation:**

There are currently no known outstanding effects for the State Immunity Act 1978, Section 16.