



State Immunity Act 1978

1978 CHAPTER 33

PART I

PROCEEDINGS IN UNITED KINGDOM BY OR AGAINST OTHER STATES

Exceptions from immunity

2 Submission to jurisdiction.

- (1) A State is not immune as respects proceedings in respect of which it has submitted to the jurisdiction of the courts of the United Kingdom.
- (2) A State may submit after the dispute giving rise to the proceedings has arisen or by a prior written agreement; but a provision in any agreement that it is to be governed by the law of the United Kingdom is not to be regarded as a submission.
- (3) A State is deemed to have submitted—
 - (a) if it has instituted the proceedings; or
 - (b) subject to subsections (4) and (5) below, if it has intervened or taken any step in the proceedings.
- (4) Subsection (3)(b) above does not apply to intervention or any step taken for the purpose only of—
 - (a) claiming immunity; or
 - (b) asserting an interest in property in circumstances such that the State would have been entitled to immunity if the proceedings had been brought against it.
- (5) Subsection (3)(b) above does not apply to any step taken by the State in ignorance of facts entitling it to immunity if those facts could not reasonably have been ascertained and immunity is claimed as soon as reasonably practicable.
- (6) A submission in respect of any proceedings extends to any appeal but not to any counter-claim unless it arises out of the same legal relationship or facts as the claim.

***Changes to legislation:** There are currently no known outstanding effects for the State Immunity Act 1978, Section 2. (See end of Document for details)*

- (7) The head of a State's diplomatic mission in the United Kingdom, or the person for the time being performing his functions, shall be deemed to have authority to submit on behalf of the State in respect of any proceedings; and any person who has entered into a contract on behalf of and with the authority of a State shall be deemed to have authority to submit on its behalf in respect of proceedings arising out of the contract.

Changes to legislation:

There are currently no known outstanding effects for the State Immunity Act 1978, Section 2.