



Arms Control and Disarmament (Inspections) Act 1991

1991 CHAPTER 41

Privileges and immunities

5 Privileges and immunities of inspectors and transport crew members in connection with inspections under the Protocol

- (1) Inspectors and transport crew members shall enjoy the same privileges and immunities as are enjoyed by diplomatic agents in accordance with the following provisions of the 1961 Articles, namely—
 - (a) Article 29,
 - (b) paragraph 2 of Article 30,
 - (c) paragraphs 1, 2 and 3 of Article 31, and
 - (d) Articles 34 and 35.
- (2) Such persons shall, in addition, enjoy the same privileges as are enjoyed by diplomatic agents in accordance with paragraph 1(b) of Article 36 of the 1961 Articles, except in relation to articles the importing or exporting of which is prohibited by law or controlled by the enactments relating to quarantine.
- (3) Subject to subsection (4), the privileges and immunities accorded to inspectors and transport crew members by virtue of this section—
 - (a) shall be enjoyed by them at any time when they are in the United Kingdom—
 - (i) in connection with the carrying out of an inspection there pursuant to any provision of the Protocol, or
 - (ii) while in transit to or from the territory of another State Party in connection with the carrying out of such an inspection there; and
 - (b) shall also be enjoyed by them at any time with respect to acts previously performed in the exercise of official functions as an inspector or a transport crew member.

Status: This is the original version (as it was originally enacted).

- (4) The immunity from jurisdiction enjoyed by an inspector or a transport crew member by virtue of subsection (1)(c) shall cease to be so enjoyed if expressly waived by the State Party of which he is a national.
- (5) Any means of transport—
- (a) used by inspectors to travel to or from the United Kingdom in connection with the carrying out of an inspection pursuant to any provision of the Protocol (whether in the United Kingdom or elsewhere), and
 - (b) specifically provided for such use by, or by arrangement with, any State Party, shall be inviolable.
- (6) If in any proceedings any question arises whether a person is or is not entitled to any privilege or immunity by virtue of this section, a certificate issued by or under the authority of the Secretary of State stating any fact relating to that question shall be conclusive evidence of that fact.
- (7) In this section—
- “the 1961 Articles” means the Articles which are set out in Schedule 1 to the Diplomatic Privileges Act 1964 (Articles of Vienna Convention on Diplomatic Relations of 1961 having force of law in United Kingdom);
 - “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);
 - “State Party” has the same meaning as in the Treaty referred to in section 1(1) above;
 - “transport crew member” has the meaning given by Section I of the Protocol.