



Nuclear Explosions (Prohibition and Inspections) Act 1998

1998 CHAPTER 7

Inspections under the Treaty

8 Privileges and immunities in connection with on-site inspections

- (1) Members of inspection teams and observers 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) paragraphs 1 and 2 of Article 30,
 - (c) paragraphs 1, 2 and 3 of Article 31, and
 - (d) Article 34.
- (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) Samples and approved equipment carried by members of an inspection team shall be inviolable and exempt from customs duties.
- (4) The privileges and immunities accorded to members of inspection teams and observers by virtue of this section shall be enjoyed by them at any time when they are in the United Kingdom—
 - (a) in connection with the carrying out there of an on-site inspection, or
 - (b) while in transit to or from the territory of another party to the Treaty in connection with the carrying out of such an inspection there.
- (5) If—
 - (a) immunity from jurisdiction of a member of an inspection team is waived in accordance with paragraph 30 of Part II of the Protocol to the Treaty, and

Status: This is the original version (as it was originally enacted).

- (b) a notice made by the Secretary of State and informing the member of the waiver is delivered to him in person,
then, from the time the notice is so delivered, this section shall not have effect to confer that immunity on the member.
- (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 signed by or on behalf of the Secretary of State stating any fact relating to that question shall be conclusive evidence of that fact; and a certificate purporting to be so signed shall be deemed to be so signed without further proof, unless the contrary is shown.
- (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 the Vienna Convention on Diplomatic Relations of 1961 having force of law in United Kingdom);
“approved equipment” and “samples” shall be construed in accordance with the Treaty’s inspection provisions;
“enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).
- (8) The Secretary of State may, by order, apply this section with such modifications as he considers appropriate to the Director General and members of the staff of the Technical Secretariat established in accordance with the Treaty.
- (9) An order under subsection (8) shall be made by statutory instrument, but no order shall be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.