

## 1972 No. 1613

## IMMIGRATION

## The Immigration (Exemption from Control) Order 1972

<i>Made</i>	- - -	<i>24th October 1972</i>
<i>Laid before Parliament</i>		<i>3rd November 1972</i>
<i>Coming into Operation</i>		<i>1st January 1973</i>

In exercise of the powers conferred upon me by section 8(2) of the Immigration Act 1971(a), I hereby make the following Order:—

1. This Order may be cited as the Immigration (Exemption from Control) Order 1972 and shall come into operation on 1st January 1973.

2.—(1) In this Order—

“the Act” means the Immigration Act 1971; and  
“consular employee” and “consular officer” have the meanings respectively assigned to them by Article 1 of the Vienna Convention on Consular Relations as set out in Schedule 1 to the Consular Relations Act 1968(b).

(2) In this Order any reference to an Article or to the Schedule shall be construed as a reference to an Article of this Order or, as the case may be, to the Schedule thereto and any reference in an Article to a paragraph as a reference to a paragraph of that Article.

(3) In this Order any reference to an enactment is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment and any reference to an instrument made under or by virtue of any enactment is a reference to any such instrument for the time being in force.

(4) The Interpretation Act 1889(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.—(1) The following persons shall be exempt from any provision of the Act relating to those who are not patrial, that is to say:—

- (a) any consular officer in the service of any of the states specified in the Schedule (being states with which consular conventions have been concluded by Her Majesty);
- (b) any consular employee in such service as is mentioned in subparagraph (a) of this paragraph; and
- (c) any member of the family of a person exempted under subparagraph (a) or (b) of this paragraph forming part of his household.

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(a) 1971 c. 77.

(b) 1968 c. 18.

(c) 1889 c. 63.

(2) In paragraph (1) and in Article 4 any reference to a consular employee shall be construed as a reference to such an employee who is in the full-time service of the state concerned and is not engaged in the United Kingdom in any private occupation for gain.

4. The following persons shall be exempt from any provision of the Act relating to those who are not patrial except any provision relating to deportation, that is to say:—

- (a) unless the Secretary of State otherwise directs, any member of the government of a country or territory outside the United Kingdom and Islands who is visiting the United Kingdom on the business of that government;
- (b) any person entitled to immunity from legal process with respect to acts performed by him in his official capacity under any Order in Council made under section 3(1) of the Bretton Woods Agreements Act 1945(a) (which empowers Her Majesty by Order in Council to make provision relating to the immunities and privileges of the governors, executive directors, alternates, officers and employees of the International Monetary Fund and the International Bank for Reconstruction and Development);
- (c) any person entitled to immunity from legal process with respect to acts performed by him in his official capacity under any Order in Council made under section 3(1) of the International Finance Corporation Act 1955(b) (which empowers Her Majesty by Order in Council to make provision relating to the immunities and privileges of the governors, directors, alternates, officers and employees of the International Finance Corporation);
- (d) any person entitled to immunity from legal process with respect to acts performed by him in his official capacity under any Order in Council made under section 3(1) of the International Development Association Act 1960(c) (which empowers Her Majesty by Order in Council to make provision relating to the immunities and privileges of the governors, directors, alternates, officers and employees of the International Development Association);
- (e) any person (not being a person to whom section 8(3) of the Act applies) who is the representative or a member of the official staff of the representative of the government of a country to which section 1 of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961(d) applies (which provides for representatives of certain Commonwealth countries and their staff attending conferences in the United Kingdom to be entitled to diplomatic immunity) so long as he is included in a list compiled and published in accordance with that section;
- (f) any person on whom any immunity from jurisdiction is conferred by any Order in Council made under section 12(1) of the Consular Relations Act 1968 (which empowers Her Majesty by Order in Council to confer on certain persons connected with the service of the government of Commonwealth countries or the Republic of Ireland all or any of the immunities and privileges which are conferred by or may be conferred under that Act on persons connected with consular posts);

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(a) 1945 c. 19 (9 & 10 Geo. 6).  
(c) 1960 c. 35.

(b) 1955 c. 5 (4 & 5 Eliz. 2).  
(d) 1961 c. 11.

- (g) any person (not being a person to whom section 8(3) of the Act applies) on whom any immunity from suit and legal process is conferred by any Order in Council made under section 1(2), 5(1) or 6(2) of the International Organisations Act 1968<sup>(a)</sup> (which empower Her Majesty by Order in Council to confer certain immunities and privileges on persons connected with certain international organisations and international tribunals and on representatives of foreign countries and their staffs attending certain conferences in the United Kingdom) except any such person as is mentioned in section 5(2)(c) to (e) of the said Act of 1968;
- (h) any consular officer (not being an honorary consular officer) in the service of a state other than such a state as is mentioned in the Schedule;
- (i) any consular employee in such service as is mentioned in paragraph (h);
- (j) any member of the family of a person exempted under any of the preceding paragraphs forming part of his household.

5.—(1) Subject to the provisions of this Article the following persons who are not patrial shall, on arrival in the United Kingdom, be exempt from the provisions of section 3(1)(a) of the Act (which requires persons who are not patrial to obtain leave to enter the United Kingdom), that is to say—

- (a) any citizen of the United Kingdom and Colonies who holds a passport issued to him in the United Kingdom and Islands and expressed to be a British Visitor's Passport;
- (b) any Commonwealth citizen who is included in a passport issued in the United Kingdom by the Government of the United Kingdom or in one of the Islands by the Lieutenant-Governor thereof which is expressed to be a Collective Passport;
- (c) any Commonwealth citizen or citizen of the Republic of Ireland returning to the United Kingdom from an excursion to France or Belgium who holds a valid document of identity issued in accordance with arrangements approved by the United Kingdom Government and in a form authorised by the Secretary of State and enabling him to travel on such an excursion without a passport;
- (d) any Commonwealth citizen who holds a British seaman's card or any citizen of the Republic of Ireland if (in either case) he was engaged as a member of the crew of a ship in a place within the common travel area and, on arrival in the United Kingdom, is, or is to be, discharged from his engagement;
- (e) any person who, having left the United Kingdom after having been given a limited leave to enter, returns to the United Kingdom within the period for which he had leave as a member of the crew of an aircraft under an engagement requiring him to leave on that or another aircraft as a member of its crew within a period exceeding seven days.

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(a) 1968 c. 48.

(2) Paragraph (1) shall not apply so as to confer any exemption on any person against whom there is a deportation order in force or who has previously entered the United Kingdom unlawfully and has not subsequently been given leave to enter or remain in the United Kingdom and sub-paragraphs (d) and (e) of that paragraph shall not apply to a person who is required by an immigration officer to submit to examination in accordance with Schedule 2 to the Act.

(3) In this Article any reference to a Commonwealth citizen shall be construed as including a reference to a British protected person and in paragraph (1)(d) "British seaman's card" means a valid card issued under any regulations in force under section 70 of the Merchant Shipping Act 1970(a) or any card having effect by virtue of the said regulations as a card so issued and "holder of a British seaman's card" has the same meaning as in the said regulations.

*Robert Carr,*  
One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.  
24th October 1972.

## SCHEDULE

Articles 3 and 4

## STATES WITH WHICH CONSULAR CONVENTIONS HAVE BEEN CONCLUDED BY HER MAJESTY

Austria	Japan
Belgium	Mexico
Bulgaria	Norway
Denmark	Poland
France	Roumania
Greece	Sweden
Federal Republic of Germany	Spain
Hungary	Union of Soviet Socialist Republics
Italy	United States of America
	Yugoslavia

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(a) 1970 c. 36.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order exempts certain classes of persons from some or all of the provisions of the Immigration Act 1971 relating to those who are not patrial. The Order contains provisions corresponding broadly to those in the Aliens (Foreign Representatives) Direction 1963 (S.I. 1963/2133, as amended) and the Commonwealth Immigrants (Control of Immigration) Exemption Order 1965 (S.I. 1965/153) which cease to have effect on the coming into force of Part I of the 1971 Act. The persons covered by the Order fall into three categories. The first relates to persons who are exempt from all such provisions of the 1971 Act and comprises consular officers and consular employees in the service of states with which consular conventions have been concluded and members of their families forming part of their households (Article 3).

The second relates to persons who are exempt from all provisions of the Act relating to persons who are not patrial except any provisions relating to deportation and covers members of foreign and Commonwealth governments visiting the United Kingdom on the business of their government and other persons who, under various statutory provisions, are entitled to certain diplomatic immunities and members of the family of any such person forming part of his household (Article 4). Excluded from this category are persons who are exempt from immigration control under section 8(3) of the 1971 Act.

The third category relates to those who are exempt, on arrival in the United Kingdom, from the provisions of section 3(1)(a) of the 1971 Act (which requires persons who are not patrial to obtain leave to enter the United Kingdom), unless they are subject to a deportation order or have previously entered the United Kingdom unlawfully (Article 5). These comprise citizens of the United Kingdom and Colonies holding a passport expressed to be a British Visitor's Passport; Commonwealth citizens included in a passport issued in the United Kingdom or any of the Islands expressed to be a Collective Passport; Commonwealth citizens and citizens of the Republic of Ireland who return to the United Kingdom from France or Belgium from an excursion for which they do not require a passport; (unless they are required to submit to examination under Schedule 2 to the Act), certain seamen who, on arrival in the United Kingdom are discharged from their ships and members of aircraft crew who, having been given a limited leave to enter the United Kingdom, during the period of their leave return under an engagement which requires them to leave again as a member of the crew of the same or another aircraft within a period exceeding seven days. (Crew members whose engagement requires them to leave within seven days are exempt from the requirement to obtain leave to enter under section 8(1) of the Act.)

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