
STATUTORY INSTRUMENTS

1985 No. 1642

**INTERNATIONAL IMMUNITIES
AND PRIVILEGES**

The State Immunity (Jersey) Order 1985

Made - - - - *30th October 1985*
Coming into Operation *21st November 1985*

At the Court of Saint James, the 30th day of October 1985

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 27th day of September 1985, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth the Queen Mother and His Royal Highness The Prince Edward, being authorised thereto by the said Letters Patent, and in exercise of the powers conferred by section 23(7) of the State Immunity Act 1978, by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1. This Order may be cited as the State Immunity (Jersey) Order 1985 and shall come into operation on 21st November 1985.
2. In this Order, “the Bailiwick” means the Bailiwick of Jersey and the territorial waters adjacent thereto.
3. The provisions of the State Immunity Act 1978(1) shall extend to the Bailiwick with the modifications specified in the Schedule to this Order.

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G.I. de Deney
Clerk of the Privy Council

SCHEDULE

Article 3

MODIFICATIONS IN THE EXTENSION OF THE STATE IMMUNITY ACT 1978 TO THE BAILIWICK OF JERSEY

1.—(1) Except in sections 2(7), 4(2)(b) and (5), 8(1)(b), 13(5), 14(1), 15(1) and 19(2) and (4), or where an express modification is made, any reference to the United Kingdom shall be construed as a reference to the Bailiwick.

(2) Any reference to an enactment shall be construed, unless the contrary appears, as a reference to it as it has effect in the Bailiwick.

2. In section 4(2)(b), for the word “there” there shall be substituted the words “in the Bailiwick”.

3. In section 8(1)(b), after the words “United Kingdom”, in both places where they occur, there shall be inserted the words “or the Bailiwick”.

4. Section 13(6) shall be omitted.

5. After section 14(5) there shall be inserted the following subsection:—

“(5A) Any Order in Council made under subsection (5) above shall have effect in the Bailiwick as it has effect in the United Kingdom if registered in the Royal Court of Jersey and from the date of such registration.”.

6. For section 15(2) there shall be substituted the following subsection:—

“(2) Where an Order in Council made under this section—

- (a) restricts the immunities and privileges conferred by this Part of this Act; or
- (b) extends the immunities and privileges conferred by this Part of this Act so as to comply with the requirements of any treaty, convention or other international agreement to which the United Kingdom is a party on behalf of the Bailiwick (as well as on its own behalf),

that Order shall have effect in the Bailiwick as it has effect in the United Kingdom if registered in the Royal Court of Jersey and from the date of such registration.”.

7. In section 16—

(a) the following provision shall be substituted for subsection (1):—

“(1) This Part of this Act does not affect any immunity or privilege customarily granted to members of a mission within the meaning of the Vienna Convention on Diplomatic Relations signed in 1961⁽²⁾ or members of a consular post within the meaning of the Vienna Convention on Consular Relations signed in 1963⁽³⁾; and

- (a) section 4 above does not apply to proceedings concerning the employment of the members of such a mission or consular post;
- (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.”

and

(b) in subsection (2), the words “and, in particular, has effect subject to the Visiting Forces Act 1952” shall be omitted.

8. In section 17, subsections (3), (4) and (5) shall be omitted.

9. Section 20 shall be omitted.

(2) Cmnd. 1368.

(3) Cmnd. 5219.

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10. In section 22—

- (a) in subsection (1), the words from “and references to” to the end of the subsection shall be omitted; and
- (b) subsection (5) shall be omitted.

11. In section 23—

- (a) subsections (2), (5), (6) and (7) shall be omitted; and
- (b) the references in subsections (3) and (4) to the coming into force of this Act shall be construed as references to the date of the coming into operation of the State Immunity (Jersey) Order 1985.

EXPLANATORY NOTE

This Order extends to the Bailiwick of Jersey the provisions of the State Immunity Act 1978 subject to the modifications specified in the Schedule to the Order. This will enable effect to be given to the provisions of the European Convention on State Immunity (Cmnd. 5081) and the International Convention for the Unification of Certain Rules concerning the immunity of State-owned Ships (Cmnd. 5672) and the Supplementary Protocol thereto (Cmnd. 5673).