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STATUTORY INSTRUMENTS

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**1993 No. 1246**

**INTERNATIONAL IMMUNITIES  
AND PRIVILEGES**

**The Treaty on Open Skies (Privileges  
and Immunities) Order 1993**

*12th May 1993  
Coming into force  
in accordance  
with article 1(1)  
At the Court at  
Buckingham Palace,  
the 12th day of  
May 1993 Present,  
The Queen's Most  
Excellent Majesty in  
Council*

Made - - - -

Whereas a draft of this Order has been laid before Parliament in accordance with section 1(2) of the Arms Control and Disarmament (Privileges and Immunities) Act 1988<sup>(1)</sup> and has been approved by resolution of each House of Parliament: Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by section 1(2) of the said Act of 1988 or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**1.**—(1) This Order may be cited as the Treaty on Open Skies (Privileges and Immunities) Order 1993. It shall come into force on the date of the entry into force of the Treaty on Open Skies, opened for signature at Helsinki on the twenty-fourth of March 1992<sup>(2)</sup> (hereinafter referred to as the Treaty). This date will be notified in the London, Edinburgh and Belfast Gazettes.

(2) In this Order—

“the 1961 Convention Articles” means the Articles (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961) which are set out in Schedule 1 to the Diplomatic Privileges Act 1964<sup>(3)</sup>;

“designated person” means a person designated by a State other than the United Kingdom pursuant to Article XIII, section I, paragraph 1 of the Treaty for the purpose of carrying

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(1) 1988 c. 2.  
(2) Cm. 2067.  
(3) 1964 c. 81.

out duties relating to the conduct of observation flights pursuant to the Treaty for that State, but shall not include a person declared unacceptable by the United Kingdom under the circumstances provided for in Article XIII, section I, paragraph 2 of the Treaty.

2.—(1) Designated persons shall enjoy the same privileges and immunities as are enjoyed by diplomatic agents in accordance with the following provisions of the 1961 Convention 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) Designated 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 Convention Articles, except in relation to articles the import or export of which is prohibited by law or controlled by quarantine regulations.

(3) Subject to paragraph (5) of this Article, the privileges and immunities accorded to designated persons by virtue of paragraphs (1) and (2) of this Article shall be enjoyed by them for the period between their arrival in the United Kingdom for the purpose of carrying out duties relating to the conduct of observation flights and their departure from the United Kingdom and thereafter with respect to acts previously performed in the exercise of their official functions as designated persons.

(4) Designated persons shall, in addition, enjoy the same privileges and immunities as are enjoyed by diplomatic agents in accordance with paragraph 1 of Article 40 of the 1961 Convention Articles at any time when they are in the United Kingdom while in transit to or from the territory of another State for the purpose of carrying out duties relating to the conduct of observation flights.

(5) The immunity from jurisdiction enjoyed by a designated person by virtue of paragraph (1)(c) of this Article shall cease to be so enjoyed if expressly waived by the State of which he is a national.

(6) The means of transport of the designated persons shall be accorded the same inviolability as is accorded to the means of transport of a mission in accordance with Article 22(3) of the 1961 Convention Articles.

*N. H. Nicholls*  
Clerk of the Privy Council

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This order confers privileges and immunities upon persons designated by States Parties to the Treaty on Open Skies, signed at Helsinki on the twenty-fourth of March 1992 (Cm. 2067), while they are in the United Kingdom for the purpose of carrying out duties relating to the conduct of overflights over the United Kingdom pursuant to that Treaty.