
STATUTORY INSTRUMENTS

1997 No. 2591

MERCHANT SHIPPING

The State Immunity (Merchant Shipping) Order 1997

<i>Made</i>	- - - -	<i>30th October 1997</i>
<i>Laid before Parliament</i>		<i>31st October 1997</i>
<i>Coming into force</i>	- -	<i>1st November 1997</i>

Her Majesty, in exercise of the powers conferred on Her by section 15(1) of the State Immunity Act 1978⁽¹⁾, 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. This Order may be cited as the State Immunity (Merchant Shipping) Order 1997 and shall come into force on 1st November 1997.

2. Notwithstanding section 13(4) of the State Immunity Act 1978, no application shall be made for the issue of a warrant of arrest in any action *in rem* against a ship owned by any State specified in the Schedule to this Order or cargo aboard such a ship until notice has been served on a consular officer of that State in London or in the port at which it is intended to cause the ship to be arrested.

3. Notwithstanding section 13(4) of the State Immunity Act 1978, no ship or cargo owned by any State specified in the Schedule to this Order shall be subject to any process for the enforcement of a judgment or for the enforcement of terms of settlement filed with and taking effect as a court order.

4. The State Immunity (Merchant Shipping) (Union of Soviet Socialist Republics) Order 1978⁽²⁾ is hereby revoked.

N. H. Nicholls
Clerk of the Privy Council

(1) 1978 c. 33.
(2) S.I.1978/1524.

SCHEDULE

Articles 2 and 3

1. Georgia
2. Russian Federation
3. Republic of Ukraine

EXPLANATORY NOTE

(This note is not part of the Order)

This Order preserves the immunity from execution of ships and cargoes owned by certain States which would otherwise be lost by virtue of section 13(4) of the State Immunity Act 1978, and requires notice to be given to a consul of those States before a warrant of arrest is issued in an action *in rem* against a ship owned by that State or cargo on it. It gives effect to Articles 2 and 3 of the Protocol to the Treaty on Merchant Navigation between the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics which was signed at London on 3rd April 1968, and to which Georgia and the Republic of Ukraine are now parties in addition to the Russian Federation.