

SCHEDULE 2

Persons not required to comply with regulation 3 or regulation 4

PART 1

Persons not required to comply with regulation 3 or 4

- 1.—(1) A person (“P”) who is—
- (a) a member of a diplomatic mission in the United Kingdom,
 - (b) a member of a consular post in the United Kingdom,
 - (c) an officer or servant of an international organisation,
 - (d) a person employed by an international organisation as an expert or on a mission,
 - (e) a representative to an international organisation,
 - (f) a representative at an international or United Kingdom conference who is granted privileges and immunities in the United Kingdom,
 - (g) a member of the official staff of a representative to an international organisation, or of a person falling within paragraph (f),
 - (h) described in paragraph (a) or (b) who is passing through the United Kingdom to commence or continue their functions at a diplomatic mission or consular post in another country or territory, or to return to the country of their nationality,
 - (i) a representative of a foreign country or territory travelling to the United Kingdom to conduct official business with the United Kingdom,
 - (j) a representative of the government of a British overseas territory,
 - (k) a diplomatic courier or a consular courier, or
 - (l) a member of the family forming part of the household of a person falling within any of paragraphs (a) to (k),
- is not required to comply with regulation 3.
- (2) The conditions referred to in regulation 7(1)(c)(i) (persons who are not required to comply with regulation 6) are that—
- (a) the relevant head of the mission, consular post, international organisation, or conference, office representing a foreign territory in the United Kingdom or a Governor of a British overseas territory (as the case may be), or a person acting on their authority, confirms in writing to the Foreign and Commonwealth Office that—
 - (i) P is required to undertake work which is essential to the functioning of the mission, consular post, international organisation, conference, or office, or to undertake work which is essential to the foreign country represented by the mission or consular post, the foreign territory represented by the office or the British overseas territory, and
 - (ii) that work cannot be undertaken whilst P is complying with regulation 6, and
 - (b) prior to P’s arrival in the United Kingdom, the Foreign and Commonwealth Office—
 - (i) has confirmed in writing to the person giving the confirmation referred to in paragraph (a) that it has received that confirmation, and
 - (ii) where P is a representative of a foreign country or territory, has then confirmed in writing to the person giving the confirmation referred to in paragraph (a) that

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

P is travelling to the United Kingdom to conduct official business with the United Kingdom and is not required to comply with regulation 6.

(3) For the purposes of this paragraph—

“consular courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a consular courier in accordance with Article 35(5) of the Vienna Convention on Consular Relations of 1963⁽¹⁾,

“consular post” means any consulate-general, consulate, vice-consulate or consular agency,

“diplomatic courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a diplomatic courier in accordance with Article 27(5) of the Vienna Convention on Diplomatic Relations of 1961,

“international organisation” means an international organisation accorded privileges and immunities in the United Kingdom,

“member of a consular post” means “consular officer”, “consular employee” and “member of the service staff” as defined in schedule 1 of the Consular Relations Act 1968⁽²⁾, and “head of consular post” has the meaning given in that schedule, and

“member of a diplomatic mission” means “head of the mission”, “members of the diplomatic service”, “members of the administrative and technical staff” and “members of the service staff” as defined in schedule 1 of the Diplomatic Privileges Act 1964⁽³⁾.

(4) This paragraph is without prejudice to any immunity from jurisdiction or inviolability which is accorded to any person described in sub-paragraph (1) under the law of Scotland apart from these Regulations.

⁽¹⁾ 24th April 1963, entered into force 19th March 1967.

⁽²⁾ 1968 c.18.

⁽³⁾ 1964 c.81.