



Diplomatic Privileges Act 1964

1964 CHAPTER 81

1 Replacement of existing law

The following provisions of this Act shall, with respect to the matters dealt with therein, have effect in substitution for any previous enactment or rule of law.

2 Application of Vienna Convention

(1) Subject to section 3 of this Act, the Articles set out in Schedule 1 to this Act (being Articles of the Vienna Convention on Diplomatic Relations signed in 1961) shall have the force of law in the United Kingdom and shall for that purpose be construed in accordance with the following provisions of this section.

(2) In those Articles—

" agents of the receiving State " shall be construed as including any constable and any person exercising a power of entry to any premises under any enactment (including any enactment of the Parliament of Northern Ireland);

" national of the receiving State " shall be construed as meaning citizen of the United Kingdom and Colonies ;

" Ministry for Foreign Affairs or such other ministry as may be agreed " shall be construed as meaning the department of the Secretary of State concerned ;

and, in the application of those Articles to Scotland, any reference to attachment or execution shall be construed as a reference to the execution of diligence, and any reference to the execution of a judgment as a reference to the enforcement of a decree by diligence.

(3) For the purposes of Article 32 a waiver by the head of the mission of any State or any person for the time being performing his functions shall be deemed to be a waiver by that State.

(4) The exemption granted by Article 33 with respect to any services shall be deemed to except those services from any class of employment which is insurable employment, or in respect of which contributions are required to be paid, under the National

Insurance (Industrial Injuries) Acts 1946 to 1964, the National Insurance Acts 1946 to 1964, any enactment for the time being in force amending any of those Acts, or any corresponding enactment of the Parliament of Northern Ireland, but not so as to render any person liable to any contribution which he would not be required to pay if those services were not so excepted.

- (5) Articles 35, 36 and 40 shall be construed as granting any privilege or immunity which they require to be granted.
- (6) The references in Articles 37 and 38 to the extent to which any privileges and immunities are admitted by the receiving State and to additional privileges and immunities that may be granted by the receiving State shall be construed as referring respectively to the extent to which any privileges and immunities may be specified by Her Majesty by Order in Council and to any additional privileges and immunities that may be so specified.

3 Restriction of privileges and immunities

- (1) If it appears to Her Majesty that the privileges and immunities accorded to a mission of Her Majesty in the territory of any State, or to persons connected with that mission, are less than those conferred by this Act on the mission of that State or on persons connected with that mission, Her Majesty may by an Order in Council withdraw such of the privileges and immunities so conferred from the mission of that State or from such persons connected with it as appears to Her Majesty to be proper. '
- (2) An Order in Council under this section shall be disregarded for the purposes of paragraph (a) of the proviso to section 4 of the British Nationality Act 1948 (citizenship of children of certain persons possessing diplomatic immunity).

4 Evidence

If in any proceedings any question arises whether or not any person is entitled to any privilege or immunity under this Act a certificate issued by or under the authority of the Secretary of State stating any fact relating to that question shall be conclusive evidence of that fact.

5 Consequential amendments

- (1) In section 14(1) of the Aliens Restriction (Amendment) Act 1919 (saving for diplomatic persons) for the words " head of a foreign diplomatic mission or any member of his official staff or household" there shall be substituted the words " member of a mission (within the meaning of the Diplomatic Privileges Act 1964) or any person who is a member of the family and forms part of the household of such a member ".
- (2) In paragraph (a) of the proviso to section 4 of the British Nationality Act 1948 for the words from "possesses such immunity" to " His Majesty" there shall be substituted the words " is a person on whom any immunity from jurisdiction is conferred by or under the Diplomatic Privileges Act 1964 or on whom such immunity from jurisdiction as is conferred by that Act on a diplomatic agent is conferred by or under any other Act ".

6 Orders in Council

- (1) No recommendation shall be made to Her Majesty in Council to make an Order under section 2 of this Act unless a draft thereof has been laid before Parliament and approved by resolution of each House of Parliament; and any statutory instrument containing an Order under section 3 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any power to make an Order conferred by the foregoing provisions of this Act includes power to vary or revoke an Order by a subsequent Order.

7 Saving for certain bilateral arrangements

- (1) Where any special agreement or arrangement between the Government of any State and the Government of the United Kingdom in force at the commencement of this Act provides for extending—
 - (a) such immunity from jurisdiction and from arrest or detention, and such inviolability of residence, as are conferred by this Act on a diplomatic agent; or
 - (b) such exemption from customs duties, taxes and related charges as is conferred by this Act in respect of articles for the personal use of a diplomatic agent;to any class of person, or to articles for the personal use of any class of person, connected with the mission of that State, that immunity and inviolability or exemption shall so extend, so long as that agreement or arrangement continues in force.
- (2) The Secretary of State shall publish in the London, Edinburgh and Belfast Gazettes a notice specifying the States with which and the classes of person with respect to which such an agreement or arrangement as is mentioned in subsection (1) of this section is in force and whether its effect is as mentioned in paragraph (a) or paragraph (b) of that subsection, and shall, whenever necessary amend the notice by a further such notice; and the notice shall be conclusive evidence of the agreement or arrangement and the classes of person with respect to which it is in force.

8 Short title, interpretation, commencement, repeal and saving

- (1) This Act may be cited as the Diplomatic Privileges Act 1964.
- (2) This Act shall be construed as if Southern Rhodesia were a State.
- (3) This Act shall come into force on such day as Her Majesty may by Order in Council appoint.
- (4) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.
- (5) Any Order in Council under the Diplomatic Immunities Restriction Act 1955 which is in force immediately before the commencement of this Act shall, so far as it could have been made under section 3 of this Act, have effect as if so made.