



State Immunity Act 1978

1978 CHAPTER 33

PART I

PROCEEDINGS IN UNITED KINGDOM BY OR AGAINST OTHER STATES

Exceptions from immunity

4 Contracts of employment.

- (1) A State is not immune as respects proceedings relating to a contract of employment between the State and an individual where the contract was made in the United Kingdom or the work is to be wholly or partly performed there.
- (2) Subject to subsections (3) and (4) below, this section does not apply if—
 - (a) at the time when the proceedings are brought the individual is a national of the State concerned; or
 - (b) [^{F1}the State concerned is a party to the European Convention on State Immunity and] at the time when the contract was made the individual was neither a national of the United Kingdom nor habitually resident there; or
 - (c) the parties to the contract have otherwise agreed in writing.
- (3) Where the work is for an office, agency or establishment maintained by the State in the United Kingdom for commercial purposes, subsection (2)(a) and (b) above do not exclude the application of this section unless the individual was, at the time when the contract was made, habitually resident in that State.
- (4) Subsection (2)(c) above does not exclude the application of this section where the law of the United Kingdom requires the proceedings to be brought before a court of the United Kingdom.
- (5) In subsection (2)(b) above “national of the United Kingdom” [^{F2}means—
 - (a) a British citizen, a British Dependent Territories citizen [^{F3}a British National (Overseas)] or a British Overseas citizen; or
 - (b) a person who under the British Nationality Act 1981 is a British subject; or

Changes to legislation: There are currently no known outstanding effects for the State Immunity Act 1978, Section 4. (See end of Document for details)

(c) a British protected person (within the meaning of that Act)]

^{F4}(6)

Textual Amendments

- F1** Words in s. 4(2)(b) inserted (23.2.2023) by The State Immunity Act 1978 (Remedial) Order 2023 (S.I. 2023/112), arts. 1(1), **3(a)** (with art. 1(3))
- F2** Words substituted by British Nationality Act 1981 (c. 61, SIF 87), s. 52(6), **Sch. 7**
- F3** Words inserted by S.I. 1986/948, art. 8, **Sch.**
- F4** S. 4(6) omitted (23.2.2023) by virtue of The State Immunity Act 1978 (Remedial) Order 2023 (S.I. 2023/112), arts. 1(1), **3(b)** (with art. 1(3))

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