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STATUTORY INSTRUMENTS

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**1999 No. 670**

**INTERNATIONAL IMMUNITIES  
AND PRIVILEGES**

**The Diplomatic Privileges (British Nationals) Order 1999**

*Made* - - - - *10th March 1999*

*Coming into force* - - *10th March 1999*

At the Court at Buckingham Palace, the 10th day of March 1999

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 6(1) of the Diplomatic Privileges Act 1964<sup>(1)</sup> ("the 1964 Act") and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by section 2(6) of the 1964 Act 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:—

**Citation and commencement**

1. This Order may be cited as the Diplomatic Privileges (British Nationals) Order 1999 and shall come into force forthwith.

**Privileges of British Nationals**

2.—(1) This Article applies to persons who are citizens of a country listed in Schedule 1 of this Order and who are also British nationals.

(2) If a person to whom this Article applies is a member of a mission of a country listed in Schedule 1 to this Order or is a private servant of such a member and in either case is a citizen of that country, then for the purposes of Article 38 of Schedule 1 to the 1964 Act the privileges and immunities admitted or, as the case may be, granted by the receiving State shall in relation to that person be construed as the privileges and immunities to which that person would be entitled under the 1964 Act if he were not a British national.

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(1) 1964 c. 81.

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**Status:** This is the original version (as it was originally made).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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(3) In this Order, “British national” means a person who under the British Nationality Act 1981<sup>(2)</sup> and the British Nationality (Falkland Islands) Act 1983<sup>(3)</sup> is a British citizen, a British Dependent territories citizen or a British Overseas citizen or who under the Hong Kong (British Nationality) Order 1986<sup>(4)</sup> is a British National (Overseas).

## Revocations

2. The Orders listed in Schedule 2 to this Order are hereby revoked.

*A. K. Galloway*  
Clerk of the Privy Council

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<sup>(2)</sup> 1981 c. 61.  
<sup>(3)</sup> 1983 c. 6.  
<sup>(4)</sup> S.I. 1986/948, amended by S.I. 1993/1795.

## SCHEDULE 1

## Article 2

Antigua and Barbuda  
Australia  
Bangladesh  
Barbados  
Belize  
Botswana  
Brunei  
Cameroon  
Canada  
Dominica  
Fiji  
Ghana  
Grenada  
Guyana  
India  
Jamaica  
Kenya  
Kiribati  
Lesotho  
Malawi  
Malaysia  
Maldives  
Malta  
Mauritius  
Mozambique  
Namibia  
Nauru  
New Zealand  
Nigeria  
Pakistan  
Papua New Guinea  
Republic of Cyprus  
Republic of Ireland  
Seychelles  
Sierra Leone  
Singapore  
Solomon Islands  
South Africa

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Sri Lanka  
 St Christopher and Nevis  
 St Lucia  
 St Vincent and the Grenadines  
 Swaziland  
 Tanzania  
 The Bahamas  
 The Gambia  
 Tonga  
 Trinidad and Tobago  
 Tuvalu  
 Uganda  
 Vanuatu  
 Western Samoa  
 Zambia  
 Zimbabwe

## SCHEDULE 2

Article 3

<i>Orders Revoked</i>	<i>References</i>
The Diplomatic Privileges (Citizens of the United Kingdom and Colonies) Order 1964	<a href="#">S.I. 1964/2043</a>
The Diplomatic Privileges (Citizens of the United Kingdom and Colonies) (Amendment) Order	<a href="#">S.I. 1965/1124</a>
The Diplomatic Privileges (Citizens of the United Kingdom and Colonies) (Amendment) Order	<a href="#">S.I. 1967/474</a>
The Diplomatic Privileges (Citizens of the United Kingdom and Colonies) (Amendment) Order	<a href="#">S.I. 1970/635</a>

## EXPLANATORY NOTE

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

This Order revokes and replaces the Diplomatic Privileges (Citizens of the United Kingdom and Colonies) Order 1964 and subsequent amending Orders.

Article 38 of the Vienna Convention on Diplomatic Relations, set out in Schedule 1 to the Diplomatic Privileges Act 1964, provides for the privileges and immunities of persons who are members of diplomatic missions or the private servants of such members and who are, in either case, nationals of the receiving State. Under section 2(2) of the Act, as construed in the light of section 51(3) (a) (ii) of the British Nationality Act 1981, “national of the receiving State” means a British citizen, a British Dependent Territories citizen, a British Overseas citizen or a British National (Overseas). Section 2(6) of the 1964 Act gives power to Her Majesty by Order in Council to specify the extent to which privileges and immunities or additional privileges and immunities are to be accorded to such persons.

This Order provides that members of a diplomatic mission of a Commonwealth country and of the Republic of Ireland and their private servants who are both nationals of that Commonwealth country or the Republic of Ireland, as the case may be, and British nationals, shall be entitled to the privileges and immunities to which they would have been entitled under the 1964 Act if they had not been British nationals.

The Order brings up to the date the list of Commonwealth countries to which the 1964 Order applied.