
STATUTORY INSTRUMENTS

2023 No. 112

**INTERNATIONAL IMMUNITIES
AND PRIVILEGES**

The State Immunity Act 1978 (Remedial) Order 2023

Made - - - - *2nd February 2023*

Coming into force - - *23rd February 2023*

The immunity of a state in proceedings relating to a contract of employment between a state and a person who at the time of the contract is neither a national of the United Kingdom nor resident here, as well as in proceedings concerning the employment of members of a diplomatic mission (including its administrative, technical and domestic staff) has been declared⁽¹⁾ under section 4 of the Human Rights Act 1998⁽²⁾ to be incompatible with a Convention right⁽³⁾.

The Secretary of State considers that there are compelling reasons for proceeding by way of remedial order⁽⁴⁾ to make such amendments to the State Immunity Act 1978⁽⁵⁾ as she considers necessary to remove the incompatibility.

In accordance with paragraph 2(a) of Schedule 2 to the Human Rights Act 1998, a draft of this instrument was laid before Parliament and was approved by resolution of each House of Parliament, a document containing a draft of this instrument having previously been laid before Parliament in accordance with paragraph 3(1) of that Schedule.

Accordingly, the Secretary of State, in exercise of the powers conferred by section 10(2) of, and paragraph 1(1)(a), (1)(b) and (3) of Schedule 2 to, the Human Rights Act 1998, makes the following Order:

(1) By the Supreme Court in the case of *Benkharbouche v Secretary of State for Foreign and Commonwealth Affairs* [2017] UKSC 62.
(2) 1998 c. 42.
(3) See section 1(1) of the Human Rights Act 1998 for the definition of “the Convention rights” and section 21(1) of that Act for the definition of “the Convention”.
(4) See section 21(1) of the Human Rights Act 1998 for the definition of “remedial order”.
(5) 1978 c. 33.