

1970 No. 1923

CONSULAR RELATIONS**The Consular Relations (Privileges and Immunities)
(People's Republic of Bulgaria) Order 1970***Laid before Parliament in draft**Made - - - - 17th December 1970**Coming into Operation 1st January 1971*

At the Court at Buckingham Palace, the 17th day of December 1970

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before and approved by resolution of each House of Parliament in accordance with section 14(1) of the Consular Relations Act 1968(a) (hereinafter referred to as "the Act"):

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by section 3(1) of the 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:—

1. This Order may be cited as the Consular Relations (Privileges and Immunities) (People's Republic of Bulgaria) Order 1970 and shall come into operation on 1st January 1971.

2. The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. The like exemption from dues and taxes as is accorded under Article 32 in Schedule 1 to the Act to the residence of the career head of a consular post shall be extended to the residence, of which the People's Republic of Bulgaria or any person acting on its behalf is the owner or lessee, of a consular officer or other member of any consular post of the People's Republic of Bulgaria, provided that in the case of such other member he is not a citizen of the United Kingdom and Colonies, a British subject by virtue of section 2, 13 or 16 of the British Nationality Act 1948(c) or the British Nationality Act 1965(d), or a British protected person within the meaning of the said Act of 1948.

4. Paragraph 1 of Article 49 in Schedule 1 to the Act (exemption from taxation) shall be extended to members of the service staff of any consular post of the People's Republic of Bulgaria who satisfy the conditions set out in Article 6 of this Order.

(a) 1968 c. 18.

(b) 1889 c. 63.

(c) 1948 c. 56.

(d) 1965 c. 34.

5. Paragraph 2 of Article 50 in Schedule 1 to the Act (exemption from customs duties) shall be applied in regard to consular employees of the People's Republic of Bulgaria who satisfy the conditions set out in Article 6 of this Order and members of their families forming part of their households who satisfy the conditions set out in Article 6(a) and (b) of this Order as if the reference to consular employees included such members of the families of consular employees as form part of their households, and as if the words "in respect of articles imported at the time of first installation" were omitted.

6. The conditions referred to in Articles 4 and 5 of this Order are that the person concerned—

- (a) is not a citizen of the United Kingdom and Colonies, a British subject by virtue of section 2, 13 or 16 of the British Nationality Act 1948 or the British Nationality Act 1965, or a British protected person within the meaning of the said Act of 1948, and
- (b) does not carry on any private gainful occupation in the United Kingdom, and
- (c) (in the case of a member of the consular post) is a permanent official of the People's Republic of Bulgaria.

7.—(1) Subject to the provisions of paragraphs (2) and (3) of this Article—

- (a) Article 29 in Schedule 1 to the Diplomatic Privileges Act 1964(a) (personal inviolability) shall be extended to members of any consular post of the People's Republic of Bulgaria and to members of the families of consular officers and consular employees of such posts forming part of their households ;
- (b) paragraphs 1 and 3 of Article 31 in Schedule 1 to the Diplomatic Privileges Act 1964 (immunity from jurisdiction) shall be extended to members of any consular post of the People's Republic of Bulgaria and to members of the families of consular officers and consular employees of such posts forming part of their households, except that the immunity from civil jurisdiction of consular officers shall not apply where they exercise the rights relating to the estate of a deceased person accorded under Articles 44 to 48 of the Consular Convention between the United Kingdom and the People's Republic of Bulgaria signed in London on 13th March 1968(b) ;
- (c) paragraph 2 of Article 31 in Schedule 1 to the Diplomatic Privileges Act 1964 (exemption from obligation to give evidence) shall be extended to members of any consular post of the People's Republic of Bulgaria and to members of their families forming part of their households.

(2) The provisions of paragraph (1) of this Article shall not apply to any person who is a citizen of the United Kingdom and Colonies, a British subject by virtue of section 2, 13 or 16 of the British Nationality Act 1948 or the British Nationality Act 1965, or a British protected person within the meaning of the said Act of 1948.

(3) Any privilege or immunity conferred by the provisions of paragraph (1) of this Article may be waived by the People's Republic of Bulgaria. Waiver must always be express. A waiver shall be deemed to have been expressed by the People's Republic of Bulgaria if it has been expressed by the head, or any person for the time being performing the functions of head, of the diplomatic mission in the United Kingdom of the People's Republic of

(a) 1964 c. 81.

(b) Cmnd. 3920.

Bulgaria or, if there is no such mission, of the consular post concerned. Waiver of immunity in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of execution of the judgment for which separate waiver shall be required.

8. Article 22 in Schedule 1 to the Diplomatic Privileges Act 1964 (inviolability and protection of premises) shall be extended to any consular premises of the People's Republic of Bulgaria, and paragraph 1 of Article 30 in that Schedule (inviolability of private residence) shall be extended to the residences of consular officers of the People's Republic of Bulgaria, provided that any such premises or residence may be entered by the authorities of the United Kingdom with the consent of the head of the consular post or the head of the diplomatic mission in the United Kingdom of the People's Republic of Bulgaria or of a person nominated by either of them.

9. Article 27 in Schedule 1 to the Diplomatic Privileges Act 1964 (freedom of communications) shall be extended to the communications of any consular post of the People's Republic of Bulgaria.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which is made pursuant to the Consular Relations Act 1968, provides, with respect to consular posts of the People's Republic of Bulgaria and persons connected with them, for according privileges and immunities additional to those accorded by Schedule 1 to the Act, namely—

- (i) relief from rates and taxes for the residences of certain members of a consular post ;
- (ii) exemption from taxation for certain members of the service staff ;
- (iii) exemption for certain consular employees and for members of their families forming part of their households from customs duties on articles for their personal use ;
- (iv) diplomatic inviolability and immunity from jurisdiction for certain members of a consular post and members of their families forming part of their households ;
- (v) diplomatic inviolability for consular premises and residences of consular officers ;
- (vi) the same treatment in respect of consular communications as is accorded to communications of a diplomatic mission.

It gives effect to the relevant provisions of the Consular Convention between the United Kingdom and the People's Republic of Bulgaria which was signed at London on 13th March 1968 (Cmnd. 3920).

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