

1970 No. 1938

CONSULAR RELATIONS

The Consular Relations (Privileges and Immunities) (Union of Soviet Socialist Republics) 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) (Union of Soviet Socialist Republics) 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 Union of Soviet Socialist Republics or any person acting on its behalf is the owner or lessee, of any member of any consular post of the Union of Soviet Socialist Republics.

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 Union of Soviet Socialist Republics who satisfy the conditions set out in Article 6 of this Order.

5. Paragraph 2 of Article 50 in Schedule 1 to the Act (exemption from customs duties) shall be applied in regard to members of consular posts of the Union of Soviet Socialist Republics and members of their families forming part of their households as if the reference to consular employees included members of the service staff who satisfy the conditions set out in Article 6 of this Order and also such members of the families of consular employees

(a) 1968 c. 18. (b) 1889 c. 63.

or of members of the service staff as form part of their households and satisfy the conditions set out in Article 6(a) and (b) of this Order.

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(a) or the British Nationality Act 1965(b), 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 Union of Soviet Socialist Republics.

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(c) (personal inviolability) shall be extended to members of any consular post of the Union of Soviet Socialist Republics and to members of their families 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 Union of Soviet Socialist Republics and to members of their families 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 Article 34 of the Consular Convention between the United Kingdom and the Union of Soviet Socialist Republics signed in Moscow on 2nd December 1965(d) ;
- (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 Union of Soviet Socialist Republics 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 Union of Soviet Socialist Republics. Waiver must always be express. A waiver shall be deemed to have been expressed by the Union of Soviet Socialist Republics 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 Union of Soviet Socialist Republics 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. Paragraph 1 of 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 Union of Soviet Socialist Republics, and paragraph 1 of Article 30 in that Schedule (inviolability of private residence) shall be

(a) 1948 c. 56.

(b) 1965 c. 34.

(c) 1964 c. 81.

(d) Cmnd. 3804.

extended to the residences of consular officers of the Union of Soviet Socialist Republics, 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 Union of Soviet Socialist Republics 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 Union of Soviet Socialist Republics.

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 Union of Soviet Socialist Republics 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 members of a consular post ;
- (ii) exemption from taxation for certain members of the service staff ;
- (iii) exemption for certain members of the service staff and for certain members of the families of consular employees and service staff forming part of their households from customs duties on articles for their personal use imported at the time of their first arrival ;
- (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 Union of Soviet Socialist Republics which was signed at Moscow on 2nd December 1965 (Cmnd. 3804).

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