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STATUTORY INSTRUMENTS

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**2023 No. 112**

**The State Immunity Act 1978 (Remedial) Order 2023**

**Amendments of the State Immunity Act 1978**

- 5.—(1) Section 16 (excluded matters) is amended as follows.
- (2) In subsection (1) for paragraph (a) substitute—
- “(a) section 4 above does not apply to proceedings relating to a contract of employment between a State and an individual if the individual is or was employed under the contract as a diplomatic agent or consular officer;
  - (aa) section 4 above does not apply to proceedings relating to a contract of employment between a State and an individual if the individual is or was employed under the contract as a member of a diplomatic mission (other than a diplomatic agent) or as a member of a consular post (other than a consular officer) and either—
    - (i) the State entered into the contract in the exercise of sovereign authority; or
    - (ii) the State engaged in the conduct complained of in the exercise of sovereign authority;”.
- (3) After subsection (1) insert—
- “(1A) In subsection (1)—
- “consular officer” is to be construed in accordance with Article 1(d) of the Vienna Convention on Consular Relations done at Vienna on 24 April 1963;
  - “diplomatic agent” is to be construed in accordance with Article 1(e) of the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961;
  - “member of a consular post” is to be construed in accordance with Article 1(g) of the Vienna Convention on Consular Relations done at Vienna on 24 April 1963;
  - “member of a diplomatic mission” is to be construed in accordance with Article 1(b) of the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961.”.