

**Jersey Law 4/1998**

**HONG KONG ECONOMIC AND TRADE OFFICE (PRIVILEGES  
AND IMMUNITIES) (JERSEY) LAW 1998**

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**A LAW** to provide for the conferring of privileges and immunities in relation to an economic and trade office established in the United Kingdom or in the Island by the government of the Hong Kong Special Administrative Region; sanctioned by Order of Her Majesty in Council of the

**17th day of DECEMBER 1997**

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*(Registered on the 16th day of January 1998)*

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**STATES OF JERSEY**

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The 21st day of October 1997

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**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

**ARTICLE 1**

**Interpretation**

(1) In this Law, unless the context otherwise requires –

“archives of the Office” includes all the papers, documents, correspondence, books, films, tapes, discs and registers of the Office (wherever found);

“the Convention” means the Articles of the Vienna Convention on Consular Relations signed in 1968 set out in the First

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Schedule to the Privileges and Immunities (Diplomatic, Consular, etc.) (Jersey) Law 1998;<sup>1</sup>

“the head of the Office” means the person charged by the government of the Hong Kong Special Administrative Region with the duty of acting in that capacity;

“member of the Office” means, subject to paragraph (3), a person employed by the government of the Hong Kong Special Administrative Region to carry on the business of the Office;

“the Office” has the meaning given to it by the Schedule;

“the premises of the Office” means the buildings or parts of buildings, together with any ancillary land, used exclusively for the official use of the Office.

(2) Where this Law refers to an Article of the Convention, the Article shall be construed for the purposes of the reference as if –

- (a) references to the sending State were references to the Hong Kong Special Administrative Region; and
- (b) references to the head of a consular post or diplomatic mission were references to the head of the Office.

(3) If the Foreign and Commonwealth Office of the United Kingdom notifies the government of the Hong Kong Special Administrative Region that a person –

- (a) is not acceptable as a member of the Office; or
- (b) is no longer considered to be a member of the Office,

that person shall not, while the notification is in force, be regarded as a member of the Office for the purposes of this Law.

<sup>1</sup> Volume 1998, page 34.

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(4) A reference in this Law to an Article by number only, and without further identification, is a reference to the Article of that number in this Law.

(5) A reference in an Article or other division of this Law to a paragraph, sub-paragraph or clause by number or letter only, and without further identification, is a reference to the paragraph, sub-paragraph or clause of that number or letter contained in the Article or other division of this Law in which that reference occurs.

(6) Unless the context otherwise requires, where this Law refers to an enactment, the reference is to that enactment as amended from time to time, and includes a reference to that enactment as extended or applied by or under another enactment, including any other provision of that enactment.

## ARTICLE 2

### **Application**

- (1) This Law applies in relation to any office established –
- (a) In London in the United Kingdom by the government of the Hong Kong Special Administrative Region for the purposes of furthering the economic and trade interests of the Region; and
  - (b) in the United Kingdom outside London to which the Foreign and Commonwealth Office of the United Kingdom has determined the Hong Kong Economic and Trade Office Act 1996 of the United Kingdom shall apply; and
  - (c) in the Island to which the Lieutenant Governor has determined this Law shall apply.

(2) The Schedule shall have effect to make provision about privileges and immunities.

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ARTICLE 3

**Evidence**

If in any proceedings any question arises whether or not any person is entitled to any privilege or immunity under this Law, a certificate issued by or under the authority of one of Her Majesty's principal Secretaries of State or the Lieutenant Governor, as the case may be, stating any fact relating to that question shall be conclusive evidence of that fact.

ARTICLE 4

**Short title**

This Law may be cited as the Hong Kong Economic and Trade Office (Privileges and Immunities) (Jersey) Law 1998.

**G.H.C. COPPOCK**

*Greffier of the States*

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*SCHEDULE*

**(Article 2(2))**

**Interpretation**

1.        In this Schedule –

“the Committee” means the Finance and Economics Committee;

in paragraphs 2, 3, 5, 6 and 7(3) “the Office” means any office to which this Law applies by virtue of sub-paragraph (c) of paragraph (1) of Article 2, and in paragraphs 4 and 8 it means any office to which this Law applies by virtue of sub-paragraphs (a) to (c) of paragraph (1) of Article 2;

“prescribed” means prescribed by Order.

**Premises and archives**

2.        The premises and archives of the Office shall have the same inviolability as is accorded to consular premises and archives in accordance with Articles 31(1) to (4) and 33 of the Convention.

3.        The premises of the Office and the residence of the head of the Office shall have the same exemptions as are accorded to consular premises and the residence of the career head of a consular post by virtue of Article 32 of the Convention.

**Legal proceedings**

4.-(1) A person shall have immunity from suit and legal process in respect of things done or omitted to be done by him in the course of the performance of official duties as a member of the Office.

(2) Sub-paragraph (1) shall not apply in respect of civil proceedings relating to damage alleged to have been caused by a motor

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vehicle belonging to, or operated by or on behalf of, a member of the Office.

**Exemptions and reliefs**

5. The Committee may by Order confer in relation to the Office, to such extent as may be prescribed –

- (a) exemption or relief (by way of refund or otherwise) from prohibitions, restrictions, duties and taxes on the importation of goods;
- (b) relief of the kinds set out in paragraph 7 of the Third Schedule (“huiles et essences”) to the Privileges and Immunities (Diplomatic, Consular etc.) (Jersey) Law 1998.

6. The Committee may by Order confer in relation to members of the Office and members of their families who form part of their households, to such extent as may be prescribed –

- (a) exemption from income tax in respect of emoluments;
- (b) the exemption set out in Article 48 of the Convention (social security), construed in accordance with subparagraph (k) of paragraph (2) of Article 7 of the Privileges and Immunities (Diplomatic, Consular, etc.) (Jersey) Law 1998;
- (c) the exemption and privilege set out in paragraph 18 of the Third Schedule of that Law in relation to imports.

7.-(1) An Order under paragraph 5 or 6 may provide for any exemption, relief or privilege to be subject to arrangements or conditions

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- (a) specified in the Order; or
- (b) to be made or imposed by the Agent of the Impôts.

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(2) An Order under paragraph 5 or 6 may make different provision for different cases (including different provision for different persons).

(3) An Order under paragraph 5 or 6 shall be so framed that privileges and immunities conferred by them in relation to the Office or members of the Office and members of their families who form part of their households are no greater nor less in extent than those which, at the time the Orders take effect are conferred on the Office or members by or under the Hong Kong Economic and Trade Office Act 1996 of the United Kingdom.

(4) The Subordinate Legislation (Jersey) Law 1960<sup>2</sup> shall apply to an Order made under paragraph 5 or 6.

**Waiver**

8. A privilege or immunity which would apply by virtue of this Law shall not apply in any case in respect of which it is waived by the head of the Office.

<sup>2</sup> Tome VIII, page 849.