

Jersey Law 5/1998

**PRIVILEGES AND IMMUNITIES (DIPLOMATIC, CONSULAR,
ETC.) (JERSEY) LAW 1998**

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**PRIVILEGES AND IMMUNITIES (DIPLOMATIC, CONSULAR,
ETC.) (JERSEY) LAW 1998**

A LAW to give effect to the Vienna Convention on diplomatic relations; to give effect to the Vienna Convention on consular relations; to make provision as to the privileges and immunities in connection with Commonwealth and Irish establishments; to make provision as to the privileges, immunities and facilities to be accorded in respect of certain international organisations; and for connected purposes, sanctioned by Order of Her Majesty in Council of the

17th day of DECEMBER 1997

(Registered on the 16th day of January 1998)

STATES OF JERSEY

The 21st day of October 1997

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

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Consular, etc.) (Jersey) Law 1998*

PART I

PRELIMINARY

ARTICLE 1

Interpretation of this Law

(1) Subject to paragraph (2) of this Article, in this Law a reference to a Part or Schedule by number only and without further identification, is a reference to the Part or Schedule of that number in this Law.

(2) Paragraph (1) of this Article does not apply to a reference to a Part or Schedule in the Schedules to this Law.

ARTICLE 2

Application of this Law

This Law shall have effect, with respect to the matters with which it deals, in substitution for any previous enactment or rule of law appertaining to those matters in force in the Island immediately before the commencement of this Law.

PART II

DIPLOMATIC PRIVILEGES AND IMMUNITIES

ARTICLE 3

Interpretation of Part II

(1) In this Part, “the Convention” means the Vienna Convention on Diplomatic Relations signed in 1961.

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(2) A reference in this Part to an Article not otherwise identified shall be construed as reference to an Article of the Convention.

ARTICLE 4

Application of Convention

(1) The Articles set out in the First Schedule shall have the force of law in the Island and for that purpose those Articles shall be construed in accordance with paragraph (2) of this Article.

(2) In those Articles a reference to –

- (a) the receiving State shall be construed as a reference to the Island or to the United Kingdom and the Island, as the case may require;
- (b) a reference to a person permanently resident in the receiving State includes a person permanently resident in the United Kingdom as well as a person permanently resident in the Island;
- (c) agents of the receiving State shall be construed as including any police officer and any person exercising a power of entry to any premises under customary law or under any enactment;
- (d) a national of the receiving State shall be construed as meaning a citizen of the United Kingdom and Colonies;
- (e) the Ministry for Foreign Affairs or such other ministry as may be agreed shall be construed as meaning the Foreign and Commonwealth Office of the United Kingdom.

(3) For the purposes of Article 32 a waiver by the head of the mission of any State or any person for the time being performing his functions shall be deemed to be a waiver by that State.

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(4) The exemption granted by Article 33 with respect to any services shall be deemed to except those services from any class of employment which is insurable employment, or in respect of which contributions are required to be paid, under the Social Security (Jersey) Law 1974, as amended, or any enactment, but not so as to render any person liable to any contribution which he would not be required to pay if those services were not so excepted.

(5) Articles 35, 36 and 40 shall be construed as granting any privilege or immunity which they require to be granted.

(6) The reference in Article 36 to customs duties shall be construed as including a reference to excise duties within the meaning of the Customs and Excise (General Provisions) (Jersey) Law 1972,¹ as amended, chargeable on goods imported into the Island.

(7) The references in Articles 37 and 38 to the extent to which any privileges and immunities are admitted by the receiving State and to additional privileges and immunities that may be granted by the receiving State shall be construed as referring respectively to the extent to which any privileges and immunities may be specified by the States by Regulations and to any additional privileges and immunities that may be so specified.

ARTICLE 5

Restriction of privileges and immunities

The privileges and immunities conferred on persons by this Part shall be no greater or less in extent than those which are required to be conferred on such persons in the United Kingdom.

¹ Volume 1970–1972, pages 452 and 453.

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PART III

CONSULAR PRIVILEGES AND IMMUNITIES

ARTICLE 6

Interpretation of Part III

(1) In this Part “the Convention” means the Vienna Convention on Consular Relations signed in 1963.

(2) A reference in this Part to an Article not otherwise identified shall be construed as a reference to an Article of the Convention.

(3) Expressions used in this Part to which a meaning is assigned by Article 1, and other expressions which are used both in this Part and in the Articles set out in the Second Schedule shall be construed as having the same meanings in this Part as in those Articles.

ARTICLE 7

Application of Convention

(1) The Articles set out in the Second Schedule shall have the force of law in the Island and for that purpose those Articles shall be construed in accordance with paragraph (2) of this Article.

(2) In those Articles –

(a) a reference to the receiving State shall be construed as a reference to the Island or to the United Kingdom and the Island, as the case may require;

(b) a reference to a permanent resident of the receiving State or to a person permanently resident in the receiving State includes a permanent resident of the United Kingdom as well as a permanent resident of the Island or a person

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permanently resident in the United Kingdom as well as a person permanently resident in the Island, as the case may be;

- (c) a reference to the Ministry for Foreign Affairs shall be construed as a reference to the Foreign and Commonwealth Office of the United Kingdom;
- (d) a reference to a national of the receiving State shall be construed as a reference to a –
 - (i) British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas citizen, or
 - (ii) a person who under the British Nationality Act 1981 of the United Kingdom (“the 1981 Act”) is a British subject, or
 - (iii) a British protected person (within the meaning of that Act);
- (e) the reference in paragraph 2 of Article 17 to any privileges and immunities accorded by customary international law or by international agreements shall be construed as a reference to any privileges and immunities conferred under Part IV of this Law;
- (f) the reference in paragraph 2 of Article 31 to authorities of the receiving State shall be construed as including any police officer and any person exercising a power of entry to any premises under any customary law or enactment;
- (g) the reference in paragraph 1 of Article 41 to a grave crime shall be construed as a reference to –
 - (i) *un crime* in the context of customary law; and

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- (ii) a *contravention* in the context of statutory offences punishable with imprisonment for a term of 5 years or more or for life;
- (h) the references in paragraph 3 of Article 44 to matters connected with the performance or exercise of the functions of members of a consular post shall be construed as references to matters connected with the performance or exercise of consular functions by consular officers or consular employees;
- (j) the reference in Article 45 to waiver by the sending State shall be construed as including a reference to a waiver by the head, or by a person for the time being performing the functions of head, of the diplomatic mission of the sending State or, if there is no such mission, of the consular post concerned;
- (k) the exemption granted by Article 48 with respect to any services shall be deemed to except those services from any class of employment which is insurable employment, or in respect of which contributions are required to be paid, under the Social Security (Jersey) Law 1974,² as amended, or any enactment, but not so as to render any person liable to any contribution which he would not be required to pay if those services were not so excepted;
- (l) Articles 50 to 52, 54, 62 and 67 shall be construed as granting the privileges or immunities that those Articles require to be granted;
- (m) the references in Articles 50 and 62 to customs duties shall be construed as including references to excise duties within the meaning of the Customs and Excise (General Provisions) (Jersey) Law 1972, as amended, chargeable on goods imported into the Island;

² Volume 1973–1974, pages 322–327, Volume 1994–1995, page 423, and R & O – 8602.

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- (n) the reference in paragraph 2 of Article 57 to the privileges and immunities provided in Chapter II shall be construed as a reference to those provided in section II of that Chapter;
- (o) the reference in paragraph (4) of Article 70 to the rules of international law concerning diplomatic relations shall be construed as a reference to the provisions of Part II of this Law;
- (p) the references in Article 71 to additional privileges and immunities that may be granted by the receiving State or to privileges and immunities so far as these are granted by the receiving State shall be construed as referring to such privileges and immunities as may be specified by the States by Regulations.

ARTICLE 8

Restriction of privileges and immunities

The privileges and immunities conferred on persons by this Part shall be no greater or less in extent than those which are required to be conferred on such persons in the United Kingdom.

PART IV

PRIVILEGES AND IMMUNITIES IN CONNECTION WITH
COMMONWEALTH AND IRISH ESTABLISHMENTS

ARTICLE 9

Application of Part IV

This Part shall apply to such persons connected to Commonwealth and Irish establishments as may be specified by the States by Regulations made under Article 10 of this Law to so apply.

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ARTICLE 10

Privileges and immunities in connection with Commonwealth and Irish establishments

(1) Subject to paragraph (2) of this Article, the States may by Regulations made under this paragraph specify persons to which this Part applies and confer on them all or any of the privileges and immunities which may be conferred under Part III of this Law on consular posts or persons connected with consular posts.

(2) Any Regulations made under paragraph (1) of this Article shall be so framed as to secure that –

- (a) the persons to whom they relate are persons in respect of whom an Order in Council made pursuant to section 12(1) of the Consular Relations Act 1968 of the United Kingdom is in force; and
- (b) the privileges and immunities conferred by them on a person are not greater nor lesser in extent than those which, at the time the Regulations take effect, are required to be conferred on that person in the United Kingdom in accordance with an Order in Council made pursuant to the said sub-section.

PART V

PRIVILEGES AND IMMUNITIES OF CERTAIN INTERNATIONAL ORGANISATIONS

ARTICLE 11

Application of Part V

This Part shall apply to any organisation specified by the States by Regulations made under Article 12 of this Law to so apply.

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ARTICLE 12

Privileges and immunities of international organisations

(1) Subject to paragraph (5) of this Article, the States may by Regulations made under this paragraph specify an organisation to which this Article applies and make any one or more of the following provisions in respect of the organisation so specified (in the following provisions of this Article referred to as the “organisation”), that is to say

—

- (a) confer on the organisation the legal capacities of a body corporate;
- (b) provide that the organisation shall, to such extent as may be specified in the Regulations, have the privileges and immunities set out in Part I of the Third Schedule;
- (c) confer the privileges and immunities set out in Part II of the Third Schedule to such extent as may be specified in the Regulations, on persons of any such class as is mentioned in paragraph (2) of this Article;
- (d) confer the privileges and immunities set out in Part III of the Third Schedule, to such extent as may be specified in the Order, on such classes of officers and servants of the organisation (not being classes mentioned in paragraph (2) of this Article) as may be so specified.

(2) The classes of persons referred to in sub-paragraph (c) of paragraph (1) of this Article are —

- (a) persons who (whether they represent Governments or not) are representatives to the organisation or representatives on, or members of, any organisation, committee or other subordinate body of the organisation (including any sub-committee or other subordinate body of a subordinate body of the organisation);

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- (b) such number of officers of the organisation as may be specified by the States by Regulations, being the holders (whether permanent, temporary or acting) of such high offices in the organisations as may be so specified; and
- (c) persons employed by or serving under the organisation as experts or as persons engaged on missions for the organisation.

(3) Where Regulations are made under paragraph (1) of this Article, Part IV of the Third Schedule shall have effect by virtue of those Regulations except in so far as the Regulations provide otherwise.

(4) Where Regulations are made under paragraph (1) of this Article they may confer the exemptions set out in paragraph 13 in Part II of the Third Schedule to such extent as may be specified in the Regulations in respect of officers and servants of the organisation of any class specified in the Regulations in accordance with sub-paragraph (d) of paragraph (1) of this Article and in respect of members of the family of any such officer or servant who form part of his household.

(5) Any Regulations made under this Article shall be so framed as to secure that –

- (a) the organisation to which they relate is one in respect of which an Order in Council made pursuant to section 1 or 4 of the International Organisations Act 1968 of the United Kingdom is in force;
- (b) the privileges and immunities conferred by them on an organisation are not greater in extent than those which, at the time when the Regulations take effect, are required to be conferred on that organisation in the United Kingdom in accordance with an Order in Council made pursuant to the International Organisations Act 1968; and

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- (c) no privilege or immunity is conferred on any person as the representative of the States of Jersey, or as a member of the staff of such a representative.

PART VI

MISCELLANEOUS

ARTICLE 13

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 14

Consequential amendments

The Consular Conventions (Jersey) Law 1952,³ as amended,⁴ is hereby amended by the repeal of –

- (a) Article 3; and
- (b) Article 5 and substitution therefor of the following Article
–

³ Tome VIII, page 45.

⁴ Volume 1988–1989, page 241.

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“ARTICLE 5

APPLICATION OF ARTICLE 1

Where an Order in Council has been made by Her Majesty under section 6 of the Consular Conventions Act 1949 (12 & 13 Geo.6, c.29) and has been registered by the Royal Court, then if the Order in Council directs that section 1 of the Act shall apply to a foreign State, Article 1 of this Law shall apply to that foreign State.”.

ARTICLE 15

Short title

This Law may be cited as the Privileges and Immunities (Diplomatic, Consular, etc.) (Jersey) Law 1998.

G.H.C. COPPOCK

Greffier of the States

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FIRST SCHEDULE

(Article 4)

**ARTICLES OF VIENNA CONVENTION ON DIPLOMATIC RELATIONS
HAVING THE FORCE OF LAW IN THE BAILIWICK**

ARTICLE 1

For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them –

- (a) the “head of the mission” is the person charged by the sending State with the duty of acting in that capacity;
- (b) the “members of the mission” are the head of the mission and the members of the staff of the mission;
- (c) the “members of the staff of the mission” are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;
- (d) the “members of the diplomatic staff” are the members of the staff of the mission having diplomatic rank;
- (e) a “diplomatic agent” is the head of the mission or a member of the diplomatic staff of the mission;
- (f) the “members of the administrative and technical staff” are the members of the staff of the mission employed in the administrative and technical service of the mission;
- (g) the “members of the service staff” are the members of the staff of the mission in the domestic service of the mission;

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- (h) a “private servant” is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;
- (j) the “premises of the mission” are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

ARTICLE 22

1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

ARTICLE 23

1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this Article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or the head of the mission.

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ARTICLE 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

ARTICLE 27

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The diplomatic bag shall not be opened or detained.

4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate diplomatic couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

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7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorised port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

ARTICLE 28

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

ARTICLE 29

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

ARTICLE 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

2. His papers, correspondence and, except as provided in paragraph 3 of Article 31, his property, shall likewise enjoy inviolability.

ARTICLE 31

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of –

- (a) a real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;

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- (b) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
 - (c) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.
2. A diplomatic agent is not obliged to give evidence as a witness.
3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under sub-paragraphs (a), (b) and (c) of paragraph 1 of this Article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.
4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

ARTICLE 32

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under Article 37 may be waived by the sending State.
2. The waiver must always be express.
3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under Article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.
4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

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ARTICLE 33

1. Subject to the provisions of paragraph 3 of this Article, a diplomatic agent shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall also apply to private servants who are in the sole employ of a diplomatic agent, on condition –

- (a) that they are not nationals of or permanently resident in the receiving State; and
- (b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State.

5. The provisions of this Article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

ARTICLE 34

A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except –

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- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
- (c) * * * * *
- (d) dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;
- (e) charges levied for specific services rendered;
- (f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of Article 23.

ARTICLE 35

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

ARTICLE 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services on –

- (a) articles for the official use of the mission;
- (b) articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.

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2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this Article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorised representative.

ARTICLE 37

1. The members of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in Articles 29 to 36.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in Articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of Article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in Article 36, paragraph 1, in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption contained in Article 33.

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in

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such a manner as not to interfere unduly with the performance of the functions of the mission.

ARTICLE 38

1. Except in so far as additional privileges and immunities may be granted by the receiving State, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

ARTICLE 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other ministry as may be agreed.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In the case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

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4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his family forming part of his household, the receiving State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. * * *

* * * * *

ARTICLE 40

1. If a diplomatic agent passes through or is in the territory of a third State, which has granted him a passport visa if such visa was necessary, while proceeding to take up or to return to his post, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges or immunities who are accompanying the diplomatic agent, or travelling separately to join him or to return to their country.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the passage of members of the administrative and technical or service staff of a mission, and of members of their families, through their territories.

3. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as is accorded by the receiving State. They shall accord to diplomatic couriers, who have been granted a passport visa if such visa was necessary, and diplomatic bags in transit the same inviolability and protection as the receiving State is bound to accord.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and

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diplomatic bags, whose presence in the territory of the third State is due to *force majeure*.

ARTICLE 45

If diplomatic relations are broken off between two States, or if a mission is permanently or temporarily recalled –

- (a) the receiving State must, even in case of armed conflict, respect and protect the premises of the mission, together with its property and archives;
- (b) the sending State may entrust the custody of the premises of the mission, together with its property and archives, to a third State acceptable to the receiving State;
- (c) the sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

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SECOND SCHEDULE

(Article 7)

**ARTICLES OF VIENNA CONVENTION ON CONSULAR RELATIONS
HAVING THE FORCE OF LAW IN THE BAILIWICK**

ARTICLE 1

Definitions

1. For the purposes of the present Convention, the following expressions shall have the meanings hereunder assigned to them –

- (a) “consular post” means any consulate-general, consulate, vice-consulate or consular agency;
- (b) “consular district” means the area assigned to a consular post for the exercise of consular functions;
- (c) “head of consular post” means the person charged with the duty of acting in that capacity;
- (d) “consular officer” means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;
- (e) “consular employee” means any person employed in the administrative or technical service of a consular post;
- (f) “member of the service staff” means any person employed in the domestic service of a consular post;
- (g) “members of the consular post” means consular officers, consular employees and members of the service staff;

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- (h) “members of the consular staff” means consular officers, other than the head of a consular post, consular employees and members of the service staff;
- (i) “member of the private staff” means a person who is employed exclusively in the private service of a member of the consular post;
- (j) “consular premises” means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;
- (k) “consular archives” includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safekeeping.

2. Consular officers are of two categories, namely career consular officers and honorary consular officers. The provisions of Chapter II of the present Convention apply to consular posts headed by career consular officers; the provisions of Chapter III govern consular posts headed by honorary consular officers.

3. The particular status of members of the consular posts who are nationals or permanent residents of the receiving State is governed by Article 71 of the present Convention.

CHAPTER 1 – CONSULAR RELATIONS IN GENERAL

SECTION 1 – ESTABLISHMENT AND CONDUCT OF CONSULAR RELATIONS

ARTICLE 5

Consular functions

Consular functions consist in –

- (a) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;
- (b) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;
- (c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;
- (d) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;
- (e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;
- (f) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;
- (g) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of succession *mortis causa* in the territory of the receiving

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State, in accordance with the laws and regulations of the receiving State;

- (h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;
- (i) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests;
- (j) transmitting judicial and extra-judicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;
- (k) exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews;
- (l) extending assistance to vessels and aircraft mentioned in sub-paragraph (k) of this Article and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and, without prejudice to the powers of the authorities of the receiving State, conducting

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investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen in so far as this may be authorized by the laws and regulations of the sending State;

- (m) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

ARTICLE 15

Temporary exercise of the functions of the head of a consular post

1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, an acting head of post may act provisionally as head of the consular post.

2. The full name of the acting head of post shall be notified either by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post, or, if he is unable to do so, by any competent authority of the sending State, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry. As a general rule, this notification shall be given in advance. The receiving State may make the admission as acting head of post of a person who is neither a diplomatic agent nor a consular officer of the sending State in the receiving State conditional on its consent.

3. The competent authorities of the receiving State shall afford assistance and protection to the acting head of post. While he is in charge of the post, the provisions of the present Convention shall apply to him on the same basis as to the head of the consular post concerned. The receiving State shall not, however, be obliged to grant to an acting head of post any facility, privilege or immunity which the head of the consular

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post enjoys only subject to conditions not fulfilled by the acting head of post.

4. When, in the circumstances referred to in paragraph 1 of this Article, a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State is designated by the sending State as an acting head of post, he shall, if the receiving State does not object thereto, continue to enjoy diplomatic privileges and immunities.

ARTICLE 17

Performance of diplomatic acts by consular officers

1. In a State where the sending State has no diplomatic mission and is not represented by a diplomatic mission of a third State, a consular officer may, with the consent of the receiving State, and without affecting his consular status, be authorized to perform diplomatic acts. The performance of such acts by a consular officer shall not confer upon him any right to claim diplomatic privileges and immunities.

2. A consular officer may, after notification addressed to the receiving State, act as representative of the sending State to any intergovernmental organization. When so acting, he shall be entitled to enjoy any privileges and immunities accorded to such a representative by customary international law or by international agreements; however, in respect of the performance by him of any consular function, he shall not be entitled to any greater immunity from jurisdiction than that to which a consular officer is entitled under the present Convention.

SECTION II – END OF CONSULAR FUNCTIONS

ARTICLE 27

Protection of consular premises and archives and of the interests of the sending State in exceptional circumstances

1. In the event of the severance of consular relations between two States –

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- (a) the receiving State shall, even in case of armed conflict, respect and protect the consular premises, together with the property of the consular post and the consular archives;
- (b) the sending State may entrust the custody of the consular premises, together with the property contained therein and the consular archives, to a third State acceptable to the receiving State;
- (c) the sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

2. In the event of the temporary or permanent closure of a consular post, the provisions of sub-paragraph (a) of paragraph 1 of this Article shall apply. In addition –

- (a) if the sending State, although not represented in the receiving State by a diplomatic mission, has another consular post in the territory of that State, that consular post may be entrusted with the custody of the premises of the consular post which has been closed, together with the property contained therein and the consular archives, and, with the consent of the receiving State, with the exercise of consular functions in the district of that consular post; or
- (b) if the sending State has no diplomatic mission and no other consular post in the receiving State, the provisions of sub-paragraphs (b) and (c) of paragraph 1 of this Article shall apply.

**CHAPTER II – FACILITIES, PRIVILEGES AND IMMUNITIES
RELATING TO CONSULAR POSTS, CAREER CONSULAR
OFFICERS AND OTHER MEMBERS OF A CONSULAR POST**

**SECTION 1 – FACILITIES, PRIVILEGES AND IMMUNITIES
RELATING TO A CONSULAR POST**

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ARTICLE 31

Inviolability of the consular premises

1. Consular premises shall be inviolable to the extent provided in this Article.

2. The authorities of the receiving State shall not enter that part of the consular premises which is used exclusively for the purpose of the work of the consular post except with the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action.

3. Subject to the provisions of paragraph 2 of this Article, the receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

4. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If expropriation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State.

ARTICLE 32

Exemption from taxation of consular premises

1. Consular premises and the residence of the career head of consular post of which the sending State or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

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2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

ARTICLE 33

Inviolability of the consular archives and documents

The consular archives and documents shall be inviolable at all times and wherever they may be.

ARTICLE 35

Freedom of communication

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this Article, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

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4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State he shall be neither a national of the receiving State, nor, unless he is a national of the sending State, a permanent resident of the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State, its diplomatic missions and its consular posts may designate consular couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

7. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

ARTICLE 39

Consular fees and charges

1. The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.

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2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this Article, and the receipts for such fees and charges, shall be exempt from all dues and taxes in the receiving State.

**SECTION II – FACILITIES, PRIVILEGES AND IMMUNITIES
RELATING TO CAREER CONSULAR OFFICERS AND OTHER
MEMBERS OF A CONSULAR POST**

ARTICLE 41

Personal inviolability of consular officers

1. Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.

2. Except in the case specified in paragraph 1 of this Article, consular officers shall not be committed to prison or liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

ARTICLE 43

Immunity from jurisdiction

1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.

2. The provisions of paragraph 1 of this Article shall not, however, apply in respect of a civil action either –

- (a) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State; or

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- (b) by a third party for damages arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

ARTICLE 44

Liability to give evidence

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this Article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.
2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.
3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

ARTICLE 45

Waiver of privileges and immunities

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in Articles 41, 43 and 44.
2. The waiver shall in all cases be express, except as provided in paragraph 3 of this Article, and shall be communicated to the receiving State in writing.

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3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under Article 43 shall preclude him from invoking immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

ARTICLE 48

Social security exemption

1. Subject to the provisions of paragraph 3 of this Article, members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition –

- (a) that they are not nationals of or permanently resident in the receiving State; and
- (b) that they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

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4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

ARTICLE 49

Exemption from taxation

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except –

- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of Article 32;
- (c) * * * * duties on transfers, levied by the receiving State, subject to the provisions of paragraph (b) of Article 51;
- (d) dues and taxes on private income, * * * * having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State;
- (e) charges levied for specific services rendered;
- (f) registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of Article 32.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

3. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving

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State shall observe the obligations which the laws and regulations of that State impose upon employers concerning the levying of income tax.

ARTICLE 50

Exemption from customs duties and inspection

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on –

- (a) articles for the official use of the consular post;
- (b) articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this Article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in sub-paragraph (b) of paragraph 1 of this Article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

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ARTICLE 51

Estate of a member of the consular post or of a member of his family

In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State –

- (a) shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death;
- (b) shall not * * * * * levy duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

ARTICLE 52

Exemption from personal services and contributions

The receiving State shall exempt members of the consular post and members of their families forming part of their households from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

ARTICLE 53

Beginning and end of consular privileges and immunities

1. Every member of the consular post shall enjoy the privileges and immunities provided in the present Convention from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

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2. Members of the family of a member of the consular post forming part of his household and members of his private staff shall receive the privileges and immunities provided in the present Convention from the date from which he enjoys privileges and immunities in accordance with paragraph 1 of this Article or from the date of their entry into the territory of the receiving State or from the date of their becoming a member of such family or private staff, whichever is the latest.

3. When the functions of a member of the consular post have come to an end, his privileges and immunities and those of a member of his family forming part of his household or a member of his private staff shall normally cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period in which to do so, whichever is the sooner, but shall subsist until that time, even in case of armed conflict. In the case of the persons referred to in paragraph 2 of this Article, their privileges and immunities shall come to an end when they cease to belong to the household or to be in the service of a member of the consular post provided, however, that if such persons intend leaving the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. However, with respect to acts performed by a consular officer or a consular employee in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the members of his family forming part of his household shall continue to enjoy the privileges and immunities accorded to them until they leave the receiving State or until the expiry of a reasonable period enabling them to do so, whichever is the sooner.

ARTICLE 54

Obligations of third States

1. If a consular officer passes through or is in the territory of a third State, which has granted him a visa if a visa was necessary,

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while proceeding to take up or return to his post or when returning to the sending State, the third State shall accord to him all the immunities provided for by the other Articles of the present Convention as may be required to ensure his transit or return. The same shall apply in the case of any member of his family forming part of his household enjoying such privileges and immunities who are accompanying the consular officer or travelling separately to join him or to return to the sending State.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the transit through their territory of other members of the consular post or of members of their families forming part of their household.

3. Third States shall accord to official correspondence and to other official communications in transit, including messages in code or cipher, the same freedom and protection as the receiving State is bound to accord under the present Convention. They shall accord to consular couriers who have been granted a visa, if a visa was necessary, and to consular bags in transit, the same inviolability and protection as the receiving State is bound to accord under the present Convention.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and to consular bags, whose presence in the territory of the third State is due to *force majeure*.

ARTICLE 55

Respect for the laws and regulations of the receiving State

* * * * *

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

3. The provisions of paragraph 2 of this Article shall not exclude the possibility of offices of other institutions or agencies being

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installed in part of the building in which the consular premises are situated, provided that the premises assigned to them are separate from those used by the consular post. In that event, the said offices shall not, for the purposes of the present Convention, be considered to form part of the consular premises.

ARTICLE 57

Special provisions concerning private gainful occupation

* * * * *

2. Privileges and immunities provided in this Chapter shall not be accorded –

- (a) to consular employees or to members of the service staff who carry on any private gainful occupation in the receiving State;
- (b) to members of the family of a person referred to in subparagraph (a) of this paragraph or to members of his private staff;
- (c) to members of the family of a member of a consular post who themselves carry on any private gainful occupation in the receiving State.

CHAPTER III – REGIME RELATING TO HONORARY CONSULAR
OFFICERS AND CONSULAR POSTS HEADED BY SUCH
OFFICERS

ARTICLE 58

General provisions relating to facilities, privileges and immunities

1. Articles 35, and 39, paragraph 3 of Article 54 and paragraphs 2 and 3 of Article 55 shall apply to consular posts headed by an honorary consular officer. In

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addition, the facilities, privileges and immunities of such consular posts shall be governed by Articles 60, 61 and 62.

2. Articles 43, paragraph 3 of Article 44, Articles 45 and 53 shall apply to honorary consular officers. In addition, the facilities, privileges and immunities of such consular officers shall be governed by Articles 66 and 67.

3. Privileges and immunities provided in the present Convention shall not be accorded to members of the family of an honorary consular officer or of a consular employee employed at a consular post headed by an honorary consular officer.

ARTICLE 59

Protection of the consular premises

The receiving State shall take such steps as may be necessary to protect the consular premises of a consular post headed by an honorary consular officer against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

ARTICLE 60

Exemption from taxation of consular premises

1. Consular premises of a consular post headed by an honorary consular officer of which the sending State is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the laws and regulations of the receiving State, they are payable by the person who contracted with the sending State.

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ARTICLE 61

Inviolability of consular archives and documents

The consular archives and documents of a consular post headed by an honorary consular officer shall be inviolable at all times and wherever they may be, provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of a consular post and of any person working with him, and from the materials, books or documents relating to their profession or trade.

ARTICLE 62

Exemption from customs duties

The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of, and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services on the following articles, provided that they are for the official use of a consular post headed by an honorary consular officer; coats-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending State to the consular post.

ARTICLE 66

Exemption from taxation

An honorary consular officer shall be exempt from all dues and taxes on the remuneration and emoluments which he receives from the sending State in respect of the exercise of consular functions.

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ARTICLE 67

Exemption from personal services and contributions

The receiving State shall exempt honorary consular officers from all personal services and from all public services of any kind whatsoever and from military obligations such as those connected with requisitioning, military contributions and billeting.

CHAPTER IV – GENERAL PROVISIONS

ARTICLE 70

Exercise of consular functions by diplomatic missions

1. The provisions of the present Convention apply also, so far as the context permits, to the exercise of consular functions by a diplomatic mission.

2. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission shall be notified to the Ministry of Foreign Affairs of the receiving State or to the authority designated by that Ministry.

* * * * *

4. The privileges and immunities of the members of a diplomatic mission referred to in paragraph 2 of this Article shall continue to be governed by the rules of international law concerning diplomatic relations.

ARTICLE 71

Nationals or permanent residents of the receiving State

1. Except in so far as additional facilities, privileges and immunities may be granted by the receiving State, consular officers who

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are nationals of or permanently resident in the receiving State shall enjoy only immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their functions, and the privilege provided in paragraph 3 of Article 44.

2. Other members of the consular post who are nationals of or permanently resident in the receiving State and members of their families, as well as members of the families of consular officers referred to in paragraph 1 of this Article, shall enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. Those members of the families of members of the consular post and those members of the private staff who are themselves nationals of or permanently resident in the receiving State shall likewise enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State.

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THIRD SCHEDULE

(Article 12)

**PRIVILEGES AND IMMUNITIES OF INTERNATIONAL
ORGANISATIONS**

PRELIMINARY

Interpretation of the Third Schedule

1.-(1) In this Schedule “the 1961 Convention Articles” means the Articles (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961) which are set out in the First Schedule to this Law.

(2) Expressions used in this Schedule to which a meaning is assigned by Article 1 of the 1961 Convention Articles, and other expressions which are used both in this Schedule and in those Articles, shall, except in so far as the context otherwise requires, be construed as having the same meanings in this Schedule as in those Articles.

PART I

PRIVILEGES AND IMMUNITIES OF THE ORGANISATION

2. Immunity from suit and legal process.

3. The like inviolability of official archives and premises of the organisation as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives and premises of a diplomatic mission.

4.-(1) Exemption of relief from taxes, other than duties (whether of customs or excise) and taxes on the importation of goods.

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(2) The like relief from rates as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

5. Exemption from customs duties and taxes on the importation of goods imported by or on behalf of the organisation for its official use in the Island, or on the importation of any publications of the organisation imported by it or on its behalf, such exemption to be subject to compliance with such conditions as the Finance and Economics Committee may prescribe for the protection of the Revenue.

6. Exemptions from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the organisation for its official use and in the case of any publications of the organisation imported or exported by it.

7. Relief, under arrangements made either by the Finance and Economics Committee or by the Agent of the Impôts, by way of refund of customs duty paid on any “huiles et essences” (within the meaning of the “Loi (1940) autorisant la Perception d’un Impôt sur certaines Huiles et Essences”) which are bought in the Island and used for the official purposes of the organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

PART II

**PRIVILEGES AND IMMUNITIES OF REPRESENTATIVES,
MEMBERS OF SUBORDINATE BODIES, HIGH OFFICERS,
EXPERTS, AND PERSONS ON MISSIONS**

8. For the purpose of conferring on any person any such exemption, privilege or relief as is mentioned in any of the following paragraphs of this Part of this Schedule, any reference in that paragraph to the representative or officer shall be construed as a reference to that person.

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9. The like immunity from suit and legal process, the like inviolability of residence, and the like exemption or relief from taxes and rates, other than customs duties and taxes on the importation of goods, as are accorded to or in respect of the head of a diplomatic mission.

10. The like inviolability of official premises as is accorded in respect of the premises of a diplomatic mission.

11. The like exemption or relief from being liable to pay anything in respect of parish rates, as is accorded to or in respect of the head of a diplomatic mission.

12. The like exemption from duties (whether of customs or excise) and taxes on the importation of articles imported for the personal use of the representative or officer or of members of his family forming part of his household, including articles intended for his establishment, as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent.

13. The like exemption and privileges in respect of the personal baggage of the representative or officer as in accordance with paragraph 2 of Article 36 of those Articles are accorded to a diplomatic agent, as if in that paragraph the reference to paragraph 1 of that Article were a reference to paragraph 12 of this Schedule.

14. Relief, under arrangements made either by the Finance and Economics Committee or by the Agent of the Impôts, by way of refund of customs duty paid on any “huiles et essences” (within the meaning of the “Loi (1940) autorisant la Perception d’un Impôt sur certaines Huiles et Essences”) which are bought in the Island by or on behalf of the representative or officer, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

15. Exemptions whereby, for the purposes of the Social Security (Jersey) Law 1974, as amended –

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- (a) services rendered for the organisation by the representative or officer shall be deemed to be excepted from any class of employment which is insurable employment, or in respect of which contributions are required to be paid; but
- (b) no person shall be rendered liable to pay any contribution which he would not be required to pay if those services were not deemed to be so excepted.

PART III

PRIVILEGES AND IMMUNITIES OF OTHER OFFICERS AND
SERVANTS

16. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.

17. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

18. The like exemption from duties (whether of customs or excise) and taxes on the importation of articles which –

- (a) at or about the time when an officer or servant of the organisation first enters the Island as such an officer or servant are imported for his personal use or that of members of his family forming part of his household, including articles intended for his establishment; and
- (b) are articles which were in his ownership or possession or that of such a member of his family, or which he or such a member of his family was under contract to purchase, immediately before he so entered the Island,

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and the like privilege as to the importation of such articles as in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles is accorded to a diplomatic agent.

19. The like exemption and privileges in respect of the personal baggage of an officer or servant of the organisation as in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles are accorded to a diplomatic agent, as if in that paragraph the reference to paragraph 1 of that Article were a reference to paragraph 18 of this Schedule.

PART IV

PRIVILEGES AND IMMUNITIES OF OFFICIAL STAFFS AND OF FAMILIES OF REPRESENTATIVES, HIGH OFFICERS AND OFFICIAL STAFFS

20. In this Part of this Schedule –

- (a) “representative” means a person who is such a representative to the specified organisation or such a representative on, or member of, an organ, committee or other subordinate body of that organisation as is mentioned in Article 12(2)(a) of this Law;
- (b) “member of the official staff” means a person who accompanies a representative as part of his official staff in his capacity as a representative.

21. A member of the official staff who is recognised by the States of Jersey as holding a rank equivalent to that of a diplomatic agent shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as, by virtue of the relevant Regulations, the representative whom he accompanies is entitled to them.

22.-(1) Subject to sub-paragraph (2) of this paragraph, a member of the official staff who is not so recognised, and who is

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employed in the administrative or technical service of the representative whom he accompanies, shall be entitled to the privileges and immunities set out in paragraphs 9 and 15 of this Schedule to the like extent as, by virtue of the relevant Regulations, that representative is entitled to them.

(2) Such a member of the official staff shall not by virtue of the preceding sub-paragraph be entitled to immunity from any civil proceedings in respect of any cause of action arising otherwise than in the course of his official duties.

(3) Such a member of the official staff shall also be entitled to the exemption set out in paragraph 18 of this Schedule as if he were an officer of the specified organisation.

23. A member of the official staff who is employed in the domestic service of the representative whom he accompanies shall be entitled to the following privileges and immunities, that is to say –

- (a) immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties; and
- (b) the exemptions set out in paragraph 15 of this Schedule,

to the like extent as by virtue of Regulations made under Article 12 of this Law that representative is entitled to them, and shall be entitled to exemption from taxes on his emoluments in respect of that employment to the like extent as that representative is entitled to exemption from taxes on his emoluments as a representative.

24.-(1) Persons who are members of the family of a representative and form part of his household shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as by virtue of Regulations made under Article 12 of this Law that representative is entitled to them.

(2) Persons who are members of the family and form part of the household of an officer of the specified organisation, where that

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officer is the holder (whether permanent, temporary or acting) of an office specified in the Regulations in accordance with Article 12(2)(b) of this Law, shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as by virtue of the relevant Regulations, that officer is entitled to them.

(3) Persons who are members of the family and form part of the household of such a member of the official staff as is mentioned in paragraph 21 of this Schedule shall be entitled to the privileges and immunities set out in Part II of this Schedule to the like extent as by virtue of the relevant Regulations, that member of the official staff is entitled to them.

(4) Persons who are members of the family and form part of the household of such a member of the official staff as is mentioned in paragraph 22 of this Schedule shall be entitled to the privileges and immunities set out in paragraphs 9 and 15 of this Schedule to the like extent as by virtue of paragraph 22 of this Schedule that member of the official staff is entitled to them.