



State Immunity Act 1978

1978 CHAPTER 33

PART I

PROCEEDINGS IN UNITED KINGDOM BY OR AGAINST OTHER STATES

Supplementary provisions

14 States entitled to immunities and privileges

- (1) The immunities and privileges conferred by this Part of this Act apply to any foreign or commonwealth State other than the United Kingdom ; and references to a State include references to—
 - (a) the sovereign or other head of that State in his public capacity;
 - (b) the government of that State; and
 - (c) any department of that government,but not to any entity (hereafter referred to as a "separate entity") which is distinct from the executive organs of the government of the State and capable of suing or being sued.
- (2) A separate entity is immune from the jurisdiction of the courts of the United Kingdom if, and only if—
 - (a) the proceedings relate to anything done by it in the exercise of sovereign authority; and
 - (b) the circumstances are such that a State (or, in the case of proceedings to which section 10 above applies, a State which is not a party to the Brussels Convention) would have been so immune.
- (3) If a separate entity (not being a State's central bank or other monetary authority) submits to the jurisdiction in respect of proceedings in the case of which it is entitled to immunity by virtue of subsection (2) above, subsections (1) to (4) of section 13 above shall apply to it in respect of those proceedings as if references to a State were references to that entity.

Status: This is the original version (as it was originally enacted).

- (4) Property of a State's central bank or other monetary authority shall not be regarded for the purposes of subsection (4) of section 13 above as in use or intended for use for commercial purposes; and where any such bank or authority is a separate entity subsections (1) to (3) of that section shall apply to it as if references to a State were references to the bank or authority.
- (5) Section 12 above applies to proceedings against the constituent territories of a federal State ; and Her Majesty may by Order in Council provide for the other provisions of this Part of this Act to apply to any such constituent territory specified in the Order as they apply to a State.
- (6) Where the provisions of this Part of this Act do not apply to a constituent territory by virtue of any such Order subsections (2) and (3) above shall apply to it as if it were a separate entity.

15 Restriction and extension of immunities and privileges

- (1) If it appears to Her Majesty that the immunities and privileges conferred by this Part of this Act in relation to any State—
 - (a) exceed those accorded by the law of that State in relation to the United Kingdom ; or
 - (b) are less than those required by any treaty, convention or other international agreement to which that State and the United Kingdom are parties,Her Majesty may by Order in Council provide for restricting or, as the case may be, extending those immunities and privileges to such extent as appears to Her Majesty to be appropriate.
- (2) Any statutory instrument containing an Order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

16 Excluded matters

- (1) This Part of this Act does not affect any immunity or privilege conferred by the Diplomatic Privileges Act 1964 or the Consular Relations Act 1968 ; and—
 - (a) section 4 above does not apply to proceedings concerning the employment of the members of a mission within the meaning of the Convention scheduled to the said Act of 1964 or of the members of a consular post within the meaning of the Convention scheduled to the said Act of 1968 ;
 - (b) section 6(1) above does not apply to proceedings concerning a State's title to or its possession of property used for the purposes of a diplomatic mission.
- (2) This Part of this Act does not apply to proceedings relating to anything done by or in relation to the armed forces of a State while present in the United Kingdom and, in particular, has effect subject to the Visiting Forces Act 1952.
- (3) This Part of this Act does not apply to proceedings to which section 17(6) of the Nuclear Installations Act 1965 applies.
- (4) This Part of this Act does not apply to criminal proceedings.
- (5) This Part of this Act does not apply to any proceedings relating to taxation other than those mentioned in section 11 above.

17 Interpretation of Part I

(1) In this Part of this Act—

" the Brussels Convention " means the International Convention for the Unification of Certain Rules Concerning the Immunity of State-owned Ships signed in Brussels on 10th April 1926 ;

" commercial purposes " means purposes of such transactions or activities as are mentioned in section 3(3) above;

" ship " includes hovercraft.

(2) In sections 2(2) and 13(3) above references to an agreement include references to a treaty, convention or other international agreement.

(3) For the purposes of sections 3 to 8 above the territory of the United Kingdom shall be deemed to include any dependent territory in respect of which the United Kingdom is a party to the European Convention on State Immunity.

(4) In sections 3(1), 4(1), 5 and 16(2) above references to the United Kingdom include references to its territorial waters and any area designated under section 1(7) of the Continental Shelf Act 1964.

(5) In relation to Scotland in this Part of this Act " action in rem " means such an action only in relation to Admiralty proceedings.