



State Immunity Act 1978

1978 CHAPTER 33

PART I

PROCEEDINGS IN UNITED KINGDOM BY OR AGAINST OTHER STATES

Procedure

13 Other procedural privileges

- (1) No penalty by way of committal or fine shall be imposed in respect of any failure or refusal by or on behalf of a State to disclose or produce any document or other information for the purposes of proceedings to which it is a party.
- (2) Subject to subsections (3) and (4) below—
 - (a) relief shall not be given against a State by way of injunction or order for specific performance or for the recovery of land or other property ; and
 - (b) the property of a State shall not be subject to any process for the enforcement of a judgment or arbitration award or, in an action in rem, for its arrest, detention or sale.
- (3) Subsection (2) above does not prevent the giving of any relief or the issue of any process with the written consent of the State concerned ; and any such consent (which may be contained in a prior agreement) may be expressed so as to apply to a limited extent or generally; but a provision merely submitting to the jurisdiction of the courts is not to be regarded as a consent for the purposes of this subsection.
- (4) Subsection (2) (b) above does not prevent the issue of any process in respect of property which is for the time being in use or intended for use for commercial purposes; but, in a case not falling within section 10 above, this subsection applies to property of a State party to the European Convention on State Immunity only if—
 - (a) the process is for enforcing a judgment which is final within the meaning of section 18(1)(b) below and the State has made a declaration under Article 24 of the Convention; or
 - (b) the process is for enforcing an arbitration award.

Status: This is the original version (as it was originally enacted).

- (5) The head of a State's diplomatic mission in the United Kingdom, or the person for the time being performing his functions, shall be deemed to have authority to give on behalf of the State any such consent as is mentioned in subsection (3) above and, for the purposes of subsection (4) above, his certificate to the effect that any property is not in use or intended for use by or on behalf of the State for commercial purposes shall be accepted as sufficient evidence of that fact unless the contrary is proved.
- (6) In the application of this section to Scotland—
- (a) the reference to " injunction " shall be construed as a reference to " interdict " ;
 - (b) for paragraph (b) of subsection (2) above there shall be substituted the following paragraph—
 - “(b) the property of a State shall not be subject to any diligence for enforcing a judgment or order of a court or a decree arbitral or, in an action in rem, to arrestment or sale.”; and
 - (c) any reference to " process " shall be construed as a reference to " diligence " , any reference to " the issue of any process " as a reference to " the doing of diligence " and the reference in subsection (4) (b) above to " an arbitration award " as a reference to " a decree arbitral " .