

## SCHEDULE

Section 1(3).

### PRIVILEGES AND IMMUNITIES

#### *Premises and archives*

- 1 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.
- 2 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*

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

#### *Exemptions and reliefs*

- 4 The Treasury may by order confer in relation to the Office, to such extent as may be specified—
- (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 paragraphs 6 and 7 of Schedule 1 to the International Organisations Act 1968 (importation and supply of hydrocarbon oil and other goods or services).
- 5 The Treasury 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 specified—
- (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 section 1(6) of the Consular Relations Act 1968;
  - (c) the exemption and privilege set out in paragraph 16 of Schedule 1 to the International Organisations Act 1968 (imports);
  - (d) exemption or relief (by way of refund or otherwise) from prohibitions, restrictions, duties and taxes on the importation or purchase of motor vehicles.
- 6 (1) An order under paragraph 4 or 5 may provide for any exemption, relief or privilege to be subject to arrangements or conditions—
- (a) specified in the order, or
  - (b) to be made or imposed by the Secretary of State or the Commissioners of Customs and Excise.

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*Status: This is the original version (as it was originally enacted).*

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- (2) An order under paragraph 4 or 5 may make different provision for different cases (including different provision for different persons).
- (3) An order under paragraph 4 or 5 shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of the House of Commons.

#### *Waiver*

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

#### *Interpretation*

- 8 (1) In this Schedule—
  - “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 set out in Schedule 1 to the Consular Relations Act 1968;
  - “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 sub-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” means any office in relation to which this Act applies; and
  - “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 Schedule 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 Secretary of State 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 any provision of, or made by virtue of, this Schedule.