

## 1979 No. 458

## INTERNATIONAL IMMUNITIES AND PRIVILEGES

## The State Immunity (Overseas Territories) Order 1979

Made - - - - 11th April 1979

Coming into Operation 2nd May 1979

At the Court at Windsor Castle, the 11th day of April 1979

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 23(7) of the State Immunity Act 1978<sup>(a)</sup> or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the State Immunity (Overseas Territories) Order 1979 and shall come into operation on 2nd May 1979.
2. The provisions of the State Immunity Act 1978 shall extend to each of the territories specified in Schedule 1 to this Order with the adaptations and modifications specified in Schedule 2 to this Order.
3. For the purpose of construing the said Act as so extended as part of the law of a territory to which it extends "the Territory" means that territory and "any Territory" means any of the Territories to which it extends.

*N. E. Leigh,*  
Clerk of the Privy Council.

## SCHEDULE 1

Belize  
British Antarctic Territory  
British Virgin Islands  
Cayman Islands  
Falkland Islands and Dependencies  
Gilbert Islands  
Hong Kong  
Montserrat  
Pitcairn, Henderson, Ducie and Oeno Islands  
Sovereign Base Areas of Akrotiri and Dhekelia  
Turks and Caicos Islands

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<sup>(a)</sup> 1978 c. 33.

## SCHEDULE 2

1.—(a) For the references to the United Kingdom in sections 1(1), 2(1), 9(1), 14(2), 16(2), 18(1) and (3) and 19(1) and (3) there shall be substituted a reference to the Territory.

(b) To the reference to the United Kingdom in section 2(2) there shall be added a reference to any Territory.

2. Save as is provided otherwise, any reference to any enactment of the United Kingdom shall be construed as a reference to that enactment as applying or extended to the Territory.

3. In section 12(1) any writ or document required to be served and in section 12(5) a copy of any judgment given against a State in default of appearance shall be transmitted to the Governor of the territory (or in the case of Hong Kong to the Chief Secretary and in the case of the Sovereign Base areas of Akrotiri and Dhekelia to the Administrator) and by him to the Foreign and Commonwealth Office for onward transmission to the State concerned.

4. (a) In the application of section 16(1) to Belize, British Antarctic Territory, Cayman Islands, Falkland Islands and Dependencies and Hong Kong:—

- (i) for the words and numerals “Diplomatic Privileges Act 1964 or the Consular Relations Act 1968” there shall be substituted the words and numerals:  
“Diplomatic Privileges and Consular Conventions Ordinance (Chapter 176) or the Consular Relations Ordinance 1972” in the case of Belize;  
“Diplomatic Privileges (Extension) Ordinance (Chapter 20)” in the case of British Antarctic Territory and Falkland Islands;  
“Consular Relations and Diplomatic Immunities and Privileges Law (Revised)” in the case of the Cayman Islands;  
“International Organisations and Diplomatic Privileges Ordinance (Chapter 190) or the Consular Relations Ordinance (Chapter 259)” in the case of Hong Kong; and
- (ii) for the words and numerals “said Act of 1964” and “said Act of 1968” there shall be substituted respectively the words and numerals “Diplomatic Privileges Act 1964” and “Consular Relations Act 1968”;

(b) In the application of section 20 to Belize, British Antarctic Territory, Cayman Islands, Falkland Islands and Dependencies and Hong Kong:—

- (i) in subsection (1) for the words and numerals “Diplomatic Privileges Act 1964” there shall be substituted the words and numerals:  
“Diplomatic Privileges and Consular Conventions Ordinance (Chapter 176)” in the case of Belize;  
“Diplomatic Privileges (Extension) Ordinance (Chapter 20)” in the case of British Antarctic Territory and Falkland Islands;  
“Consular Relations and Diplomatic Immunities and Privileges Law (Revised)” in the case of the Cayman Islands;  
“International Organisations and Diplomatic Privileges Ordinance (Chapter 190)” in the case of Hong Kong; and
- (ii) in subsection (2) for the words and numerals “said Act of 1964” there shall be substituted the words and numerals “Diplomatic Privileges Act 1964 and to any corresponding restrictions in the law of the Territory”.

5. For the reference in section 20(3) to “the exemption conferred by section 8(3) of the Immigration Act 1971” there shall be substituted a reference to “exemption from immigration restrictions and regulations”.

6. For section 23(5) there shall be substituted the following subsection:—

“(5) This Act shall come into force on the coming into operation of the Order in Council extending it to the Territory.”

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order extends to the dependent territories specified in Schedule 1 the provisions of the State Immunity Act 1978, with minor adaptations set out in Schedule 2. This will enable effect to be given to the provisions of the European Convention on State Immunity (Cmnd. 5081), the International Convention for the Unification of Certain Rules concerning the Immunity of State-owned Ships (Cmd. 5672) and the Supplementary Protocol thereto (Cmd. 5673).

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