
STATUTORY INSTRUMENTS

1984 No. 1978

**The Consular Relations (Privileges and Immunities)
(People's Republic of China) Order 1984**

Members of a Consular Post and their Families

- 2.—(1) Subject to the provisions of paragraph (2) of this Article and of Article 5—
- (a) the second sentence of Article 29 in Schedule 1 to the Act of 1964 (exemption from liability to arrest or detention) shall be extended to members of a consular post of the People's Republic of China and to members of their families forming part of their households, except that in the said second sentence the words “any form of arrest or detention” shall be deleted, and the words “arrest or detention pending trial” shall be substituted therefor;
 - (b) the third sentence of Article 29 in Schedule 1 to the Act of 1964 (protection) shall be extended to consular officers of the People's Republic of China;
 - (c) the first sentence of paragraph 1 of Article 31 in Schedule 1 to the Act of 1964 (immunity from criminal jurisdiction) shall be extended to members of a consular post of the People's Republic of China and to members of their families forming part of their households;
 - (d) the second sentence of paragraph 1 (including sub-paragraphs (a), (b) and (c)) of Article 31 in Schedule 1 to the Act of 1964 (immunity from civil and administrative jurisdiction), with the omission of the word “real” in sub-paragraph (a), shall be extended to members of the service staff of a consular post of the People's Republic of China, except that the immunity from jurisdiction:—
 - (i) shall apply only in respect of any act performed by them in the exercise of consular functions; and
 - (ii) shall not apply to a civil action either:
 - (A) arising out of a contract concluded by the member of the service staff in which he did not contract, expressly or impliedly, on behalf of the People's Republic of China; or
 - (B) by a third party for damage arising from an accident in the United Kingdom caused by a vehicle, vessel or aircraft;
 - (e) paragraph 2 of Article 31 in Schedule 1 to the Act of 1964 (exemption from duty to give evidence) shall be extended to members of the families of consular officers of the People's Republic of China forming part of their households;
 - (f) paragraph 3 of Article 31 in Schedule 1 to the Act of 1964 (exemption from liability to measures of execution) shall be extended to members of a consular post of the People's Republic of China and to members of their families forming part of their households, except that the reference in the said paragraph 3 to sub-paragraph (a) of paragraph 1 of Article 31 shall be taken to be a reference to that sub-paragraph as if the word “real” had been omitted therefrom.
- (2) The provisions of paragraph (1) of this Article shall not apply to any person who satisfies the conditions referred to in Article 4 below.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

3. Subject to the provisions of Article 5, consular employees of the People's Republic of China and members of the service staff of a consular post of the People's Republic of China, even if they satisfy the conditions referred to in Article 4, shall nevertheless enjoy the immunity provided for in paragraph 3 of Article 44 in Schedule 1 to the Act of 1968 (exemption from liability to give certain evidence).

4. The conditions referred to in Articles 2 and 3 are that the person in question is:—

- (a) permanently resident in the United Kingdom; or
- (b) a British citizen, a British Dependent Territories citizen, a British Overseas citizen, a person who under the British Nationality Act 1981 is a British subject, or a British protected person (within the meaning of the said Act of 1981).

5.—(1) Any privilege or immunity conferred by the provisions of Article 2 or 3 may be waived by the People's Republic of China. Waiver must always be express. A waiver shall be deemed to have been expressed by the People's Republic of China if it has been expressed by the head, or any person for the time being performing the functions of head, of the diplomatic mission in the United Kingdom of the People's Republic of China or, if there is no such mission, of the consular post concerned. Waiver of immunity in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of execution of the judgment, for which separate waiver shall be required.

(2) Nothing in the provisions of Article 2 or 3 shall be construed as in any way prejudicing the question whether, and in what circumstances, immunity from jurisdiction can be claimed by or on behalf of the People's Republic of China.