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STATUTORY INSTRUMENTS

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**2023 No. 112**

**The State Immunity Act 1978 (Remedial) Order 2023**

**Amendments of the State Immunity Act 1978**

- 4.—(1) Section 13 (other procedural privileges) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) Subject to subsection (3) below—
- (a) where, on a complaint under section 111 of the Employment Rights Act 1996<sup>(1)</sup>, an employment tribunal finds that a member of the staff of a diplomatic mission or a member of the consular staff of a consular post was unfairly dismissed, relief shall not be given against the State concerned by way of an order under section 113 of that Act; and
- (b) where, on a complaint under Article 145 of the Employment Rights (Northern Ireland) Order 1996<sup>(2)</sup>, an industrial tribunal finds that a member of the staff of a diplomatic mission or a member of the consular staff of a consular post was unfairly dismissed, relief shall not be given against the State concerned by way of an order under Article 147 of that Order.”.
- (3) In subsection (3) for “Subsection (2) above does” substitute “Subsections (2) and (2A) above do”.
- (4) After subsection (6) insert—
- “(7) In subsection (2A) above—
- “member of the consular staff of a consular post” is to be construed in accordance with Article 1(h) of the Vienna Convention on Consular Relations done at Vienna on 24 April 1963; and
- “member of the staff of a diplomatic mission” is to be construed in accordance with Article 1(c) of the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961.”.

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(1) 1996 c. 18.

(2) S.I. 1996/1919 (N.I. 16).