



SUPPLEMENT No. 2A
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 526 of 30th May, 1979.
UNITED KINGDOM LEGISLATION
APPLICABLE
TO THE SOVEREIGN BASE AREAS

No. 11

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(a) 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

(a) 1978 c. 33.

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.

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.”.

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 (Cmnd. 5672) and Supplementary Protocol thereto (Cmnd. 5673).

(128/2/1)

PREVENTION AND SUPPRESSION OF TERRORISM

**The Internationally Protected Persons Act 1978
(Overseas Territories) Order 1979.**

Made 11th April, 1979

To be laid before Parliament

Coming into Operation 24th 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 on Her by subsection (2) of Section 4 of the Internationally Protected Persons Act 1978(a), by Section 17 of the Fugitive Offenders Act 1967(b) as extended by subsection (1) of the said Section 4 and of all other powers enabling Her in that behalf, 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 Internationally Protected Persons Act 1978 (Overseas Territories) Order 1979 and shall come into operation on 24th May, 1979.

2.—(1) Sections 1, 2 and 3 of the Internationally Protected Persons Act 1978, modified and adapted as in Schedule 1 hereto, shall extend to the Territories specified in Schedule 2 hereto.

(2) For the purpose of construing the said Act as so extended as part of the law of any Territory to which it extends "the Territory" means that Territory, including its territorial waters.

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

/SCHEDULE

(a) 1978 c. 17.

(b) 1967 c. 68.

SCHEDULE 1

Article 3.

SECTIONS 1,2 AND 3 OF THE INTERNATIONALLY PROTECTED
PERSONS ACT 1978 AS EXTENDED TO THE TERRITORIES
SPECIFIED IN SCHEDULE 2.

1.—(1) If a person, whether a citizen of the United Kingdom and Colonies or not, does outside the Territory.—

- (a) any act to or in relation to a protected person which, if he had done it in any part of the Territory, would have made him guilty of the offence of murder, manslaughter, rape, assault occasioning actual bodily harm, kidnaping, false imprisonment or an offence under section 18, 20, 21, 22, 23, 24, 28, 29, 30 or 56 of the Offences against the Person Act 1861 (a) or section 2 of the Explosive Substances Act 1883 (b) ; or
- (b) in connection with an attack on any relevant premises or on any vehicle ordinarily used by a protected person which is made when a protected person is on or in the premises or vehicle, any act which, if he had done it in any part of the Territory, would have made him guilty of an offence under section 2 of the Explosive Substances Act 1883 or section 1 of the Criminal Damage Act 1971 (c),

he shall in the Territory be guilty of the offences aforesaid of which the act would have made him guilty if he had done it there.

(2) If a person in the Territory or elsewhere, whether a citizen of the United Kingdom and Colonies or not—

- (a) attempts to commit an offence which, by virtue of the preceding subsection or otherwise, is an offence mentioned in paragraph (a) of that subsection against a protected person or an offence mentioned in paragraph (b) of that subsection in connection with an attack so mentioned ; or
- (b) aids, abets, counsels or procures the commission of such an offence or of an attempt to commit such offence,

he shall in the Territory be guilty of attempting to commit the offence in question or, as the case may be, of aiding, abetting, counselling or procuring the commission of the offence or attempt in question.

(3) If a person in the Territory or elsewhere, whether a citizen of the United Kingdom and Colonies or not—

- (a) makes to another person a threat that any person will do an act which is an offence mentioned in paragraph (a) of the preceding subsection ; or
- (b) attempts to make or aids, abets, counsels or procures the making of such a threat to another person,

with the intention that the other person shall fear that the threat will be carried out, the person who makes the threat or, as the case may be, who attempts to make it or aids, abets, counsels or procures the making of it, shall in the Territory be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding ten years and not exceeding the term of imprisonment to which a person would be liable for the offence constituted by doing the act threatened at the place where the conviction occurs and at the time of the offence to which the conviction relates.

(4) For the purposes of the preceding subsections it is immaterial whether a person knows that another person is a protected person.

(a) 1861 c. 100.

(b) 1883 c. 3.

(c) 1971 c. 48.

(5) For the purposes only of this section the said sections of the Offences against the Person Act 1861, of the Explosive Substances Act 1883 and of the Criminal Damage Act 1971 if not already in force in the Territory, shall be deemed to be in force in the Territory as they are in force in England.

(6) In this section—

“act” includes omission ;

“a protected person” means, in relation to an alleged offence, any of the following, namely—

- (a) a person who at the time of the alleged offence is a Head of State, a member of a body which performs the functions of Head of State, a Head of Government or a Minister for Foreign Affairs and is outside the territory of the State in which he holds office ;
- (b) a person who at the time of the alleged offence is a representative or an official of a State or an official or agent of an international organisation of an inter-governmental character, is entitled under international law to special protection from attack on his person, freedom or dignity and does not fall within the preceding paragraph ;
- (c) a person who at the time of the alleged offence is a member of the family of another person mentioned in either of the preceding paragraphs and—
 - (i) if the other person is mentioned in paragraph (a) above, is accompanying him,
 - (ii) if the other person is mentioned in paragraph (b) above, is a member of his household ;

“relevant premises” means premises at which a protected person resides or is staying or which a protected person uses for the purpose of carrying out his functions as such a person ; and

“vehicle” includes any means of conveyance ;

and if in any proceedings a question arises as to whether a person is or was a protected person, a certificate issued by or under the authority of the Governor and stating any fact relating to the question shall be conclusive evidence of that fact.

2.—(1) Proceedings for an offence which would not be an offence apart from the preceding section shall not be instituted in the Territory except by or with the consent of the Attorney General of the Territory.

(2) In this section the expression “Attorney General” includes the Solicitor General, and if neither of such offices exist, the expression means that officer whose functions include the general control of public prosecutions.

(3) In the Schedule to the Visiting Forces Act 1952 (a) (which specifies the offences which are offences against the person and against the property for the purposes of section 3 of that Act) as extended to the Territory—

(a) at the end of paragraph 1 there shall be inserted the following sub-paragraph—

“(c) an offence of making such a threat as is mentioned in subsection (3) (a) of section 1 of the Internationally Protected Persons Act 1978 and any of the following offences against a protected person within the meaning of that section, namely, an offence of kidnapping, an offence of false imprisonment and an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to endanger life.” ;

(b) at the end of paragraph 3 there shall be inserted the following sub-paragraph—

“(i) an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to cause serious injury to property in connection with such an attack as is mentioned in 1(1)(b) of the Internationally Protected Persons Act 1978.”.

3. An offence under section 1(3)(a) of this Act shall be deemed to be included among the description of offences set out in Schedule 1 to the Fugitive Offenders Act 1967 (b) as extended to the Territory.

S C H E D U L E 2

Article 3.

Belize.

Bermuda.

British Antarctic Territory.

British Indian Ocean Territory.

British Virgin Islands.

Cayman Islands.

Falkland Islands (Colony and Dependencies).

Gibraltar.

Gilbert Islands.

Hong Kong.

Montserrat.

Pitcairn, Henderson, Ducie and Oeno Islands.

St. Helena (Colony and Dependencies).

Sovereign Base Areas of Akrotiri and Dhekelia.

Turks and Caicos Islands.

EXPLANATORY NOTE.

(This Note is not part of the Order).

This Order extends Sections 1, 2 and 3 of the Internationally Protected Persons Act 1978, subject to exceptions, adaptations and modifications, to the territories specified in Schedule 2 hereto.

The purpose of the Act is to give effect to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, signed at New York on 14th December, 1973.

(128/2/1)

