

Subsidiary Legislation made under s.5.

**Consular Relations (Privileges and Immunities) (Polish
People's Republic) Order**

LN.1978/095

Commencement **23.9.1978**

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Title.
2. Extension of personal inviolability.

1968-27

Consular Relations

1978/095 **Consular Relations (Privileges and Immunities) (Polish People's Republic) Order**

Title.

1. This Order may be cited as the Consular Relations (Privileges and Immunities) (Polish People's Republic) Order.

Extension of personal inviolability.

2.(1) Subject to the provisions of subparagraphs (2) and (3) of this paragraph—

- (a) Article 29 in the Schedule to the Diplomatic Privileges Act (personal inviolability) shall be extended to consular officers of the Polish People's Republic;
- (b) Article 29 in the Schedule to the Diplomatic Privileges Act (personal inviolability) shall be extended to members of the families of consular officers of the Polish People's Republic, forming part of their households;
- (c) paragraphs 1 and 3 of Article 31 in the Schedule to the Diplomatic Privileges Act (immunity from jurisdiction) shall be extended to consular officers of the Polish People's Republic, except that the immunity from civil jurisdiction shall apply as if the word "real" in paragraph 1 (a) of Article 31 were deleted, and shall not apply—
 - (i) to an action arising out of a contract which was not concluded, expressly or impliedly, on behalf of the Polish People's Republic,
 - (ii) to an action brought by a third party in respect of damage arising from an accident in Gibraltar caused by a vehicle, vessel or aircraft, or
 - (iii) where a consular officer exercises the rights relating to the estate of a deceased person accorded under Articles 52 to 58 of the Consular Convention between the United Kingdom and the Polish People's Republic signed at London on the 23rd day of February, 1967, as amended by the Protocol signed at London on the 16th day of December, 1976;
- (d) paragraphs 1 and 3 of Article 31 in the Schedule to the Diplomatic Privileges Act (immunity from jurisdiction) shall be extended to members of the families of consular officers of the Polish People's Republic forming part of their households, subject to the exceptions set out in paragraph (1) (c) of this paragraph.

(2) The provisions of subparagraphs (b) and (d) of this paragraph shall not apply to any person who is a British citizen, a British Overseas Territories citizen, a British Overseas citizen, a British subject or a British protected person within the meaning of the British Nationality Act 1981 or to any person who is permanently resident in Gibraltar.

Consular Relations

1968-27

Consular Relations (Privileges and Immunities) (Polish People's Republic) Order

1978/095

(3) Any privilege or immunity conferred by the provisions of sub-paragraph (I) of this paragraph may be waived by the Polish People's Republic. Waiver must be express. A waiver shall be deemed to have been expressed by the Polish People's Republic 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 Polish People's Republic 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.

(4) Nothing in the provisions of this paragraph 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 Polish People's Republic.