
STATUTORY INSTRUMENTS

1980 No. 871

**INTERNATIONAL IMMUNITIES
AND PRIVILEGES**

The State Immunity (Guernsey) Order 1980

Made - - - - 24th June 1980
Coming into Operation 21st July 1980

At the Court at Buckingham Palace, the 24th day of June 1980

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, 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 (Guernsey) Order 1980 and shall come into operation on 21st July 1980.
2. In this Order and the Schedule hereto, the expression “the Bailiwick” means the Bailiwick of Guernsey and the territorial waters adjacent thereto.
3. The provisions of the State Immunity Act 1978 shall extend to the Bailiwick subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

N.E. Leigh
Clerk of the Privy Council

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF THE STATE IMMUNITY ACT 1978 TO THE BAILIWICK OF GUERNSEY

1. Except in sections 2(7), 4(2)(b) and (5), 8(1)(b), 13(5), 14(1), 15(1) and 19(2) and (4), or where an express modification is made, any reference to the United Kingdom shall be construed as a reference to the Bailiwick.
2. In section 4(2)(b), for the word “there” there shall be substituted the words “in the Bailiwick”.
3. In section 8(1)(b), after the words “United Kingdom”, in both places where they occur, there shall be inserted the words “or the Bailiwick”.
4. In section 11(a), after the word “agricultural” there shall be inserted the words “or horticultural”.
5. Section 13(6) shall be omitted.
6. After section 14(5) there shall be inserted the following subsection:—

“(5A) Any Order in Council made under subsection (5) above shall extend to the Bailiwick if registered in the Royal Court of Guernsey and from the date of such registration.”
7. At the end of section 15 there shall be inserted the following subsection:—

“(3) Any Order in Council made under this section shall extend to the Bailiwick if registered in the Royal Court of Guernsey and from the date of such registration.”
8. In section 16:—
 - (i) the following provision shall be substituted for subsection (1):—

“(1) This Part of this Act shall not affect any immunity or privilege customarily granted to members of a mission within the meaning of the Vienna Convention on Diplomatic Relations or members of a consular post within the meaning of the Vienna Convention on Consular Relations 1963; and

 - (a) section 4 above does not apply to proceedings concerning the employment of the members of such a mission or consular post;
 - (b) section 6(1) above does not apply to proceedings concerning a State's title to or its possession of property used for the purposes of a diplomatic mission.”;
 - (ii) in subsection (2), the words “and, in particular, has effect subject to the Visiting Forces Act 1952” shall be omitted; and
 - (iii) in subsection (3), after the words “Nuclear Installations Act 1965” there shall be inserted the words “(as extended to the Bailiwick by the Nuclear Installations (Guernsey) Order 1978)”.
9. In section 17, subsections (3), (4) and (5) shall be omitted.
10. In subsections (1) and (3) of section 18, for the words “United Kingdom”, wherever they occur, there shall be substituted the words “appropriate Government”.
11. In section 19:—
 - (i) in subsection (1), for the words “United Kingdom” there shall be substituted the words “appropriate Government”; and
 - (ii) in subsection (3), for the words “United Kingdom”, in the first two places where they occur, there shall be substituted the words “appropriate Government”.

12. Section 20 shall be omitted.
13. In section 22, the following provision shall be substituted for subsection (5):—
- “(5) In this Act, the expression ‘the appropriate Government’ means—
- (a) as respects the Island of Guernsey, the States of Guernsey;
 - (b) as respects the Island of Alderney, the States of Alderney; and
 - (c) as respects the Island of Sark, the Chief Pleas of Sark.”.

14. In section 23:—

 - (i) subsections (2), (5), (6) and (7) shall be omitted; and
 - (ii) the references in subsections (3) and (4) to the coming into force of this Act shall be construed as references to the date of the coming into operation of the State Immunity (Guernsey) Order 1980.

EXPLANATORY NOTE

This Order extends to the Bailiwick of Guernsey the provisions of the State Immunity Act 1978 subject to the exceptions, adaptations and modifications specified in the Schedule to the Order. This will enable effect to be given to the provisions of the European Convention on State Immunity (Cmnd. 5081) and the International Convention for the Unification of Certain Rules concerning the Immunity of State-owned Ships (Cmnd. 5672) and the Supplementary Protocol thereto (Cmnd. 5673).