



Jersey

# **HONG KONG ECONOMIC AND TRADE OFFICE (PRIVILEGES AND IMMUNITIES) (JERSEY) LAW 1998**

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Jersey

## **HONG KONG ECONOMIC AND TRADE OFFICE (PRIVILEGES AND IMMUNITIES) (JERSEY) LAW 1998<sup>1</sup>**

**A LAW** to provide for the conferring of privileges and immunities in relation to an economic and trade office established in the United Kingdom or in Jersey by the government of the Hong Kong Special Administrative Region

Commencement [[see endnotes](#)]

### **1 Interpretation**

- (1) In this Law, unless the context otherwise requires –

“archives of the Office” includes all the papers, documents, correspondence, books, films, tapes, discs and registers of the Office (wherever found);

“Convention” means the Articles of the Vienna Convention on Consular Relations signed in 1968 set out in Schedule 1 to the [Privileges and Immunities \(Diplomatic, Consular, etc.\) \(Jersey\) Law 1998](#);

“head of the Office” means the person charged by the government of the Hong Kong Special Administrative Region with the duty of acting in that capacity;

“member of the Office” means, subject to paragraph (3), a person employed by the government of the Hong Kong Special Administrative Region to carry on the business of the Office;

“Office” has the meaning given to it by the Schedule;

“premises of the Office” means the buildings or parts of buildings, together with any ancillary land, used exclusively for the official use of the Office.

- (2) Where this Law refers to an Article of the Convention, the Article shall be construed for the purposes of the reference as if –
- (a) references to the sending State were references to the Hong Kong Special Administrative Region; and

- (b) references to the head of a consular post or diplomatic mission were references to the head of the Office.
- (3) If the Foreign and Commonwealth Office of the United Kingdom notifies the government of the Hong Kong Special Administrative Region that a person –
  - (a) is not acceptable as a member of the Office; or
  - (b) is no longer considered to be a member of the Office,that person shall not, while the notification is in force, be regarded as a member of the Office for the purposes of this Law.

## **2 Application**

- (1) This Law applies in relation to any office established –
  - (a) in London in the United Kingdom by the government of the Hong Kong Special Administrative Region for the purposes of furthering the economic and trade interests of the Region;
  - (b) in the United Kingdom outside London to which the Foreign and Commonwealth Office of the United Kingdom has determined the Hong Kong Economic and Trade Office Act 1996 of the United Kingdom shall apply; and
  - (c) in Jersey to which the Lieutenant-Governor has determined this Law shall apply.
- (2) The Schedule shall have effect to make provision about privileges and immunities.

## **3 Evidence**

If in any proceedings any question arises whether or not any person is entitled to any privilege or immunity under this Law, a certificate issued by or under the authority of one of Her Majesty's principal Secretaries of State or the Lieutenant-Governor, as the case may be, stating any fact relating to that question shall be conclusive evidence of that fact.

## **4 Citation**

This Law may be cited as the Hong Kong Economic and Trade Office (Privileges and Immunities) (Jersey) Law 1998.

## **SCHEDULE<sup>2</sup>**

(Article 2(2))

### **INTERPRETATION**

- 1** In this Schedule –
- in paragraphs 2, 3, 5, 6 and 7(3) the “Office” means any office to which this Law applies by virtue of Article 2(1)(c), and in paragraphs 4 and 8 it means any office to which this Law applies by virtue of Article 2(1)(a) to (c);
- “prescribed” means prescribed by Order.

### **PREMISES AND ARCHIVES**

- 2** The premises and archives of the Office shall have the same inviolability as is accorded to consular premises and archives in accordance with Articles 31(1) to (4) and 33 of the Convention.
- 3** The premises of the Office and the residence of the head of the Office shall have the same exemptions as are accorded to consular premises and the residence of the career head of a consular post by virtue of Article 32 of the Convention.

### **LEGAL PROCEEDINGS**

- 4(1)** A person shall have immunity from suit and legal process in respect of things done or omitted to be done by the person in the course of the performance of official duties as a member of the Office.
- (2)** Sub-paragraph (1) shall not apply in respect of civil proceedings relating to damage alleged to have been caused by a motor vehicle belonging to, or operated by or on behalf of, a member of the Office.

### **EXEMPTIONS AND RELIEFS**

- 5** The Minister for External Relations and Financial Services may by Order confer in relation to the Office, to such extent as may be prescribed –
- (a)** exemption or relief (by way of refund or otherwise) from prohibitions, restrictions, duties and taxes on the importation of goods;
  - (b)** relief of the kinds set out in paragraph 7 of Schedule 3 to the Privileges and Immunities (Diplomatic, Consular etc.) (Jersey) Law 1998.
- 6** The Minister for External Relations and Financial Services may by Order confer in relation to members of the Office and members of their families who form part of their households, to such extent as may be prescribed –

- (a) exemption from income tax in respect of emoluments;
  - (b) the exemption set out in Article 48 of the Convention, construed in accordance with Article 7(2)(k) of the [Privileges and Immunities \(Diplomatic, Consular, etc.\) \(Jersey\) Law 1998](#);
  - (c) the exemption and privilege set out in paragraph 18 of Schedule 3 of that Law in relation to imports.
- 7(1) An Order under paragraph 5 or 6 may provide for any exemption, relief or privilege to be subject to arrangements or conditions –
- (a) specified in the Order; or
  - (b) to be made or imposed by the Agent of the Impôts.
- (2) An Order under paragraph 5 or 6 may make different provision for different cases (including different provision for different persons).
- (3) An Order under paragraph 5 or 6 shall be so framed that privileges and immunities conferred by them in relation to the Office or members of the Office and members of their families who form part of their households are no greater nor less in extent than those which, at the time the Orders take effect are conferred on the Office or members by or under the Hong Kong Economic and Trade Office Act 1996 of the United Kingdom.
- (4)

#### WAIVER

- 8 A privilege or immunity which would apply by virtue of this Law shall not apply in any case in respect of which it is waived by the head of the Office.



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Hong Kong Economic and Trade Office (Privileges and Immunities) (Jersey) Law 1998	<a href="#">L.4/1998</a>	16 January 1998
Transfer of Functions (Policy and Resources Committee) (Jersey) Act 2003	<a href="#">R&amp;O.121/2003</a>	11 November 2003
States of Jersey (Amendments and Construction Provisions No. 1) (Jersey) Regulations 2005	<a href="#">R&amp;O.42/2005</a>	9 December 2005
States of Jersey (Minister for External Relations) (Jersey) Regulations 2013	<a href="#">R&amp;O.125/2013</a>	10 September 2013
States of Jersey (Minister for Children and Education, Minister for Housing and Communities and Minister for External Relations and Financial Services) (Jersey) Order 2021	<a href="#">R&amp;O.29/2021</a>	2 March 2021
Legislation (Jersey) Law 2021	<a href="#">L.8/2021</a> ( <a href="#">R&amp;O.112/2021</a> )	28 September 2021

### Table of Renumbered Provisions

Original	Current
1(4), (5), (6)	spent, omitted from this revised edition

### Table of Endnote References

- <sup>1</sup> *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 1) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government.*
- <sup>2</sup> *Schedule amended by R&O.125/2013, R&O.29/2021, L.8/2021*