



Jersey

# **TREATY OF OPEN SKIES (PRIVILEGES AND IMMUNITIES) (JERSEY) LAW 1993**

## **Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued  
under the authority of the Legislation (Jersey) Law 2021.

17.890

Showing the law from 1 January 2019 to Current





Jersey

## **TREATY OF OPEN SKIES (PRIVILEGES AND IMMUNITIES) (JERSEY) LAW 1993**

### **Contents**

#### **Article**

1	Interpretation .....	5
2	Privileges and immunities of designated persons .....	5
3	Citation .....	6

<b>SCHEDULE</b>	<b>7</b>
-----------------	----------

THE 1961 CONVENTION ARTICLES	7
------------------------------	---

<b>ENDNOTES</b>	<b>9</b>
-----------------	----------

Table of Legislation History .....	9
Table of Renumbered Provisions .....	9
Table of Endnote References .....	9





Jersey

## **TREATY OF OPEN SKIES (PRIVILEGES AND IMMUNITIES) (JERSEY) LAW 1993**

**A LAW** to provide for the conferring of diplomatic privileges and immunities on persons exercising functions under the Treaty on Open Skies.

Commencement [[see endnotes](#)]

---

### **1 Interpretation**

In this Law unless the context otherwise requires –

“1961 Convention Articles” means the Articles (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961) set out in Schedule 1 to the Diplomatic Privileges Act 1964 of the United Kingdom relevant provisions of which are also set out in the Schedule to this Law;

“designated person” means a person designated by a State other than the United Kingdom pursuant to Article XIII, Section I, paragraph 1 of the Treaty for the purpose of carrying out duties relating to the conduct of observation flights pursuant to the Treaty for that State, but shall not include a person declared unacceptable by the United Kingdom under the circumstances provided for in Article XIII, section I, paragraph 2 of the Treaty;

“Treaty” means the Treaty on Open Skies opened for signature at Helsinki on 24th March 1992.

### **2 Privileges and immunities of designated persons**

- (1) Designated persons shall enjoy the same privileges and immunities as are enjoyed under United Kingdom law by diplomatic agents in accordance with the following provisions of the 1961 Convention Articles, namely –
  - (a) Article 29;
  - (b) paragraph 2 of Article 30;
  - (c) paragraphs 1, 2 and 3 of Article 31; and

- (d) Articles 34 and 35.
- (2) Designated persons shall, in addition, enjoy the same privileges as are enjoyed under United Kingdom law by diplomatic agents in accordance with paragraph 1(b) of Article 36 of the 1961 Articles, except in relation to articles the import or export of which is prohibited by law or controlled by quarantine regulations.
- (3) Subject to paragraph (5) the privileges and immunities accorded to designated persons by virtue of paragraphs (1) and (2) shall be enjoyed by them for the period between their arrival in Jersey for the purpose of carrying out duties relating to the conduct of observation flights and departure from Jersey and thereafter with respect to acts previously performed in the exercise of their official functions as designated persons.
- (4) Designated persons shall, in addition, enjoy in Jersey the same privileges and immunities as are enjoyed by diplomatic agents in accordance with paragraph 1 of Article 40 of the 1961 Convention Articles at any time when they are in Jersey while in transit to or from the territory of any State for the purpose of carrying out duties relating to the conduct of observation flights.
- (5) The immunity from jurisdiction enjoyed by a designated person by or by virtue of sub-paragraph (c) of paragraph (1) of this Article shall cease to be so enjoyed if expressly waived by the State of which he or she is a national.
- (6) The means of transport of designated persons in Jersey shall be accorded the same inviolability as is accorded to the means of transport of a mission in the United Kingdom in accordance with Article 22(3) of the 1961 Convention Articles.
- (7) If in any proceedings any question arises whether or not any person is entitled to any privilege or immunity by virtue of this Article, a certificate issued by the Attorney General stating any fact relating to that question shall be conclusive evidence of the fact.

### **3 Citation**

This Law may be cited as the Treaty on Open Skies (Privileges and Immunities) (Jersey) Law 1993.

**SCHEDULE**

(Article 1)

**THE 1961 CONVENTION ARTICLES****ARTICLE 22**

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

**ARTICLE 29**

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

**ARTICLE 30**

2. His papers, correspondence and, except as provided in paragraph 3 of Article 31, his property, shall likewise enjoy inviolability.

**ARTICLE 31**

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of –
  - (a) a real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
  - (b) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
  - (c) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.
2. A diplomatic agent is not obliged to give evidence as a witness.
3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under sub-paragraphs (a), (b) and (c) of paragraph 1 of this Article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

## ARTICLE 34

A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except –

- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
- (c) estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of Article 39;
- (d) dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;
- (e) charges levied for specific services rendered;
- (f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of Article 23.

## ARTICLE 35

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

## ARTICLE 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on –
  - (a) articles for the official use of the mission;
  - (b) articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.

## ARTICLE 40

1. If a diplomatic agent passes through or is in the territory of a third State, which has granted him a passport visa if such visa was necessary, while proceeding to take up or to return to his post, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges or immunities who are accompanying the diplomatic agent, or travelling separately to join him or to return to their country.



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Treaty on Open Skies (Privileges and Immunities) (Jersey) Law 1993	<a href="#">L.33/1993</a>	12 January 2007
Treaty on Open Skies (Privileges and Immunities) (Amendment) (Jersey) Law 2007	<a href="#">L.8/2007</a>	12 January 2007

### Table of Renumbered Provisions

Original	Current
3(1)	3
3(2) (as substituted by <a href="#">L.8/2007</a> )	Spent, omitted

### Table of Endnote References

*There are currently no endnote references*