



THE DIPLOMATIC AND CONSULAR PRIVILEGES ACT, 1972



CONTENTS

SECTIONS:

1. Short title, extent and commencement.
2. Provisions of conventions to have force of law.
3. Restriction of privileges and immunities.
- 4.. Certificate of Federal Government.
5. Power to amend Schedules.
6. Repeal.

FIRST SCHEDULE.

FIRST SCHEDULE.

.

THE DIPLOMATIC AND CONSULAR PRIVILEGES ACT, 1972.

¹ACT NO. IX OF 1972

[10th September, 1972]

An Act to give effect in Pakistan to the Vienna Convention on Diplomatic Relations, 1961, and the Vienna Convention on Consular Relations, 1963.

WHEREAS Pakistan has acceded to the Vienna Convention on diplomatic Relations, 1961, and the Vienna Convention on consular Relations, 1963 ;

AND WHEREAS it is necessary to give effect in Pakistan to the said Vienna Conventions ;

It is hereby enacted as follows :—

1. Short title, extent and commencement. —(1) This Act may be called the Diplomatic and Consular Privileges Act, 1972.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Provisions of Conventions to have force of law.—(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, the provisions of the Vienna Convention on Diplomatic Relations, 1961, set out in the First Schedule and Vienna Convention on Consular Relations, 1963, set out in the Second Schedule shall, subject to the other provisions of this Act, have the force of law in Pakistan.

(2) For the purposes of Article 32 of the Convention set out in the First Schedule, a waiver by the head of the mission of any State or any person for the time being performing his functions shall be deemed to be a waiver by that State.

(3) For the purposes of Articles 45 of the Convention set out in the Second Schedule and of that Article as applied by Article 58 of that Convention, a waiver shall be deemed to have been expressed by a State if it has been expressed by the head of the diplomatic mission of that State or by any person for the time being performing his functions or, if there is no such mission, by the head of the consular post concerned.

(4) Articles 35, 36 and 40 of the Convention set out in the First Schedule and Articles 50, 51, 52, 54, 62 and 67 of the Convention set out in the Second Schedule, shall be construed as granting any privilege or immunity which they require to be granted.

3. Restriction of privileges and immunities. If it appears to the Federal Government that the privileges and immunities, accorded to the mission or a consular post of Pakistan in the territory of any State, or to persons connected with that mission or consular post, are less than those conferred by this Act on the mission or a consular post of

¹For Statement of Objects and Reasons, see Gaz. of P., Ext., Pt. III, p. 380.

that State or on persons connected with that mission or consular post, the Federal Government may, by notification in the official Gazette, withdraw such of the privileges and immunities so conferred from the mission of that State or, as the case may be, from all or any of the consular posts of that State, or from such persons connected therewith as it may deem it.

4. Certificate of Federal Government. If any question arises whether or not any person is entitled to any privilege or immunity under this Act, a certificate issued by or under the authority of the Federal Government stating any fact relating to that question shall be conclusive evidence of that fact.

5. Power to amend Schedules. The Federal Government may, by notification in the official Gazette, amend either of the Schedules in conformity with any amendment duly made in the provisions of the Convention set out therein.

6. Repeal. The Diplomatic and Consular Privileges Ordinance, 1972 (XV of 1972), is hereby repealed.

THE FIRST SCHEDULE

[See section 2(1)]

ARTICLE 1

For the purposes of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

- (a) the “head of the mission” is the person charged by the sending State with the duty of acting in that capacity;
- (b) the “members of the mission” are the head of the mission and the members of the staff of the mission;
- (c) the “members of the staff of the mission” are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;
- (d) the “members of the diplomatic staff” are the members of the staff of the mission having diplomatic rank;
- (e) a “diplomatic agent” is the head of the mission or a member of the diplomatic staff of the mission;
- (f) the “members of the administrative and technical staff” are the members of the staff of the mission employed in the administrative and technical service of the mission;
- (g) the “members of the service staff” are the members of the staff of the mission on the domestic service of the mission;

- (h) a “private servant” is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;
- (i) the “premises of the mission” are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

ARTICLE 22

1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

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 23

1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific service rendered.

2. The exemption from taxation referred to in this Article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or the head of the mission.

ARTICLE 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

ARTICLE 27

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and the other missions and consulates of the sending State wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cypher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The diplomatic bag shall not be opened or detained.

4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The diplomatic courier who shall be provided with an official document indicating his status and the number of package constituting the diplomatic bag, shall be protected by the receiving State in the performance of his function. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate diplomatic couriers *ad-hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to a diplomatic courier. The mission may sent one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

ARTICLE 28

The fees and charges levied by the mission on the course of its official duties shall be exempt from all dues and taxes.

ARTICLE 29

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

ARTICLE 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

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;