



Consular Relations Act 1968

1968 CHAPTER 18

An Act to give effect to the Vienna Convention on Consular Relations; to enable effect to be given to other agreements concerning consular relations and to make further provision with respect to consular relations between the United Kingdom and other countries and matters arising in connection therewith; to restrict the jurisdiction of courts with respect to certain matters concerning or arising on board certain ships or aircraft; to enable diplomatic agents and consular officers to administer oaths and do notarial acts in certain cases; and for purposes connected with those matters. [10th April 1968]

Commencement Information

II Act partly in force at Royal Assent see [s. 16\(3\)](#); Act wholly in force at 1.1.1971.

1 Application of Vienna Convention.

(1) Subject to sections 2 and 3(2) of this Act, the provisions set out in Schedule 1 to this Act (being Articles or parts of Articles of the Vienna Convention on Consular Relations signed in 1963) shall have the force of law in the United Kingdom and shall for that purpose be construed in accordance with subsections (2) to (11) of this section.

(2) In those provisions—

“authorities of the receiving State” shall be construed as including any constable and any person exercising a power of entry to any premises under any enactment (including any enactment of the Parliament of Northern Ireland);

“grave crime” shall be construed as meaning any offence punishable (on a first conviction) with imprisonment for a term that may extend to five years or with a more severe sentence;

“Ministry for Foreign Affairs” shall be construed as meaning the Department of the Secretary of State concerned;

“national of the receiving State” shall be construed [^{F1}as meaning—

(a) a British citizen, a British Dependent Territories citizen [^{F2}, a British National (Overseas)] or a British Overseas citizen; or

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- (b) a person who under the British Nationality Act 1981 is a British subject;
or
 - (c) a British protected person (within the meaning of that Act).]
- (3) The reference in paragraph 2 of Article 17 to any privileges and immunities accorded by customary international law or by international agreements shall be construed as a reference to any privileges and immunities conferred under the ^{M1}International Organisations (Immunities and Privileges) Act 1950 [^{F3}or the ^{M2}International Organisations Act 1968].
- (4) The references in Article 44 to matters connected with the exercise of the functions of members of a consular post shall be construed as references to matters connected with the exercise of consular functions by consular officers or consular employees.
- (5) For the purposes of Article 45 and that Article as applied by Article 58 a waiver shall be deemed to have been expressed by a State if it has been expressed by the head, or any person for the time being performing the functions of head, of the diplomatic mission of that State or, if there is no such mission, of the consular post concerned.
- (6) The exemption granted by Article 48 with respect to any services shall be deemed to except those services from any class of employment [^{F4}in respect of which contributions or premiums are payable under the enactments relating to . . . ^{F5}social security, including enactments in force in Northern Ireland, but not so as to render any person liable to any contribution or premium] which he would not be required to pay if those services were not so excepted.
- (7) Article 48 shall not affect any agreement made between the United Kingdom and any other State before the commencement of this Act and shall not be taken to prevent the making of any such agreement after the commencement of this Act.
- (8) Articles 50, 51, 52, 54, 62 and 67 shall be construed as granting any privilege or immunity which they require to be granted.
- [^{F6}(8A) The references in Articles 50 and 62 to customs duties shall be construed as including references to excise duties chargeable on goods imported into the United Kingdom [^{F7}and to value added tax charged in accordance with section [^{F8}10 or 15 of the Value Added Tax Act 1994] (acquisitions from other member States and importations from outside the [^{F9}European Union])].]
- (9) The reference in Article 57 to the privileges and immunities provided in Chapter II shall be construed as referring to those provided in Section II of that Chapter.
- (10) The reference in Article 70 to the rules of international law concerning diplomatic relations shall be construed as a reference to the provisions of the ^{M3}Diplomatic Privileges Act 1964.
- (11) The references in Article 71 to additional privileges and immunities that may be granted by the receiving State or to privileges and immunities so far as these are granted by the receiving State shall be construed as referring to such privileges and immunities as may be specified by Her Majesty by Order in Council.

Textual Amendments

- F1** Words substituted by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), s. 52(6), [Sch. 7](#)
- F2** Words inserted by [S.I. 1986/948, art. 8, Sch.](#)
- F3** Words inserted by [International Organisations Act 1968 \(c. 48\)](#), s. 12(2)

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- F4** Words substituted (*prosp. as to words “or premiums” and “or premium”*) by [Social Security Act 1973 \(c. 38\)](#), [Sch. 27 para. 78](#), [S.I. 1974/164](#), art. 2(1), Sch. 1 and 1974/823, art. 2(4)(a)(b)(iii), Sch.
- F5** Words repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), [Sch. 1 Pt. I](#)
- F6** S. 1(8A) inserted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 177(1), [Sch. 4 para. 6](#)
- F7** Words in s. 1(8A) inserted (1.1.1993) by [Finance \(No. 2\) Act 1992 \(c. 48\)](#), s. 14(2), [Sch. 3 Pt. III para. 89\(1\)](#); [S.I. 1992/3261](#), art. 3.
- F8** Words in s. 1(8A) substituted (1.9.1994) by 1994 c. 23, ss. 100(1), 101(1), [Sch. 14 para. 3](#)
- F9** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [arts. 3, 4](#) (with arts. 3(2)(3), 4(2), 6(4)(5))

Modifications etc. (not altering text)

- C1** [S. 1\(8A\)](#) applied by 1994 c. 23, Sch. 9ZA para. 75(1)(c) (as inserted (17.12.2020 for specified purposes) by [Taxation \(Post-transition Period\) Act 2020 \(c. 26\)](#), s. 11(1)(e), [Sch. 2 para. 2](#) (with s. 3(4), [Sch. 2 para. 7\(7\)-\(10\)\)](#)))

Marginal Citations

- M1** 1950 c. 14.
- M2** 1968 c. 48.
- M3** 1964 c. 81.

2 Restriction of privileges and immunities.

If it appears to Her Majesty that the privileges and immunities accorded to a consular post of the United Kingdom in a territory of any State, or to persons connected with such a consular post, are less than those conferred by this Act on a consular post of that State or on persons connected with such a consular post, Her Majesty may by Order in Council withdraw such of the privileges and immunities so conferred from all or any of the consular posts of that State or from such persons connected therewith as appears to Her Majesty to be proper.

3 Agreements providing for additional or reduced privileges and immunities.

- (1) Where any agreement made, whether before or after the passing of this Act, between the United Kingdom and any other State provides for according to consular posts and persons connected with them privileges and immunities not accorded to them by the other provisions of this Act, Her Majesty may by Order in Council exercise, with respect to the consular posts of that State and persons connected with them, the powers specified in Schedule 2 to this Act so far as may be necessary to give effect to that agreement.
- (2) Where any agreement made, whether before or after the passing of this Act, between the United Kingdom and any other State provides for according to consular posts and persons connected with them some but not all of the privileges and immunities accorded to them by the other provisions of this Act, Her Majesty may by Order in Council provide for excluding, with respect to consular posts of that State and persons connected with them, any of those privileges and immunities which are not provided for by the agreement.

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4 Civil jurisdiction concerning service on board ship or aircraft.

Her Majesty may by Order in Council make provision for excluding or limiting the jurisdiction of any court in the United Kingdom to entertain proceedings relating to the remuneration or any contract of service of the master or commander or a member of the crew of any ship or aircraft belonging to a State specified in the Order, except where a consular officer of that State has been notified of the intention to invoke the jurisdiction of that court and has not objected within such time as may be specified by or under the Order.

5 Jurisdiction over offences committed on board ship.

(1) Her Majesty may by Order in Council make provision for securing that, where an offence is alleged to have been committed on board any ship by the master or a member of the crew and the ship belongs to a State specified in the Order, proceedings for the offence instituted otherwise than at the request or with the consent of a consular officer of that State are not entertained by any court in the United Kingdom, unless—

- (a) the offence is alleged to have been committed by or against a person who is a citizen of the United Kingdom and Colonies or is otherwise comprised in the definition of “national of the receiving State” in section 1(2) of this Act, or against a person other than the master or a member of the crew; or
- (b) the offence is one involving the tranquillity or safety of a port, or the law relating to safety of life at sea, public health, oil pollution, wireless telegraphy, immigration or customs or is of any other description specified in the Order; or
- (c) the offence is one comprised in the definition of “grave crime” in section 1(2) of this Act.

[^{F10}(1A) In subsection (1)(b) of this section the expression “the law relating to customs”, to the extent that it refers to the law relating to duties on goods, refers to the law relating to duties (whether of customs or excise) for the time being chargeable on goods imported into the United Kingdom.]

- (2) For the purposes of this section, an offence which affects the property of any person shall be deemed to have been committed against him.
- (3) For the purposes of this section, any document purporting to be signed by or on behalf of a consular officer and stating that he has requested or consented to the institution of any proceedings shall be sufficient proof of that fact unless the contrary is shown.

Textual Amendments

F10 S. 5(1A) inserted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 177(1), [Sch. 4 para. 7](#)

6 Detention on board ship for disciplinary offences.

Her Majesty may by Order in Council designate any State for the purposes of this section; and where a State is so designated, a member of the crew of a ship belonging to that State who is detained in custody on board for a disciplinary offence shall not be deemed to be unlawfully detained unless—

- (a) his detention is unlawful under the laws of that State or the conditions of detention are inhumane or unjustifiably severe; or

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- (b) there is reasonable cause for believing that his life or liberty will be endangered for reasons of race, nationality, political opinion or religion, in any country to which the ship is likely to go.

7 ^{F11}

Textual Amendments

F11 S. 7 repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), s. 52(8), **Sch. 9**

8 Refund of customs duty on hydrocarbon oils.

- (1) The Treasury may authorise the Secretary of State or the Commissioners of Customs and Excise to make, if he or they think fit, arrangements for securing the refund of [^{F12}duty (whether of customs or excise) paid on imported hydrocarbon oil (within the meaning of the ^{M4}Hydrocarbon Oil Duties Act 1979) or value added tax paid on the importation [^{F13}or acquisition from another member State]of such oil which is]—
- (a) bought in the United Kingdom; and
- (b) used for such purpose that, had [^{F14}it] been imported for that use, exemption from [^{F14}duty] thereon would have been required to be granted by virtue of Article 50 in Schedule 1 to this Act or by virtue of an Order under section 3(1) of this Act . . . ^{F15}
- (2) Any arrangements made under this section may impose conditions subject to which any refund is to be made.
- (3) Any amount refunded under arrangements made under this section shall be defrayed—
- (a) if the arrangements are made by the Secretary of State, out of moneys provided by Parliament; and
- (b) if the arrangements are made by the Commissioners of Customs and Excise, out of the moneys standing to the credit of the General Account of the Commissioners of Customs and Excise.

Textual Amendments

F12 Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 177(1), **Sch. 4 para. 12**

F13 Words in s. 8(1) inserted (1.1.1993) by Finance (No. 2) Act 1992 (C.48), s. 14(2), Sch. 3 Pt. III para. 89(2); [S.I. 1992/3261](#), **art.3**.

F14 Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 177(1), **Sch. 4 para. 12**.

F15 Words repealed by [Diplomatic and other Privileges Act 1971 \(c. 64\)](#), s. 4(2)(b)

Modifications etc. (not altering text)

C2 S. 8 applied by 1994 c. 23, Sch. 9ZA para. 75(2) (as inserted (17.12.2020 for specified purposes) by [Taxation \(Post-transition Period\) Act 2020 \(c. 26\)](#), s. 11(1)(e), **Sch. 2 para. 2** (with s. 3(4), Sch. 2 para. 7(7)-(10)))