



Title.

ANALYSIS

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1952, No. 72

AN ACT to confer certain immunities on the representatives in New Zealand of Commonwealth countries and the Republic of Ireland. Title.
[23 October 1952

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Diplomatic Immunities Act 1952. Short Title.

2. In this Act, unless the context otherwise requires,— Interpretation.

“ Chief representative ” means a person, whether he is known by the title of High Commissioner or by another title, who is recognized by the Government of New Zealand as the chief representative in New Zealand of a country to which this Act applies:

“ Envoy ” means the envoy of a foreign sovereign Power accredited to Her Majesty in New Zealand:

“ Minister ” means the Minister of External Affairs.

Countries to which this Act applies.

3. The countries to which this Act applies are the United Kingdom, Canada, Australia, the Union of South Africa, India, Pakistan, Ceylon, Southern Rhodesia, and the Republic of Ireland:

Provided that regulations may be made under this Act—

- (a) Declaring that any country specified in the regulations, being a country within the Commonwealth, is a country to which this Act applies:
- (b) Providing that this Act shall cease to apply to, or modifying this Act in its application to, any country on the ground that that country is failing to accord treatment to New Zealand corresponding to the treatment that New Zealand accords to that country under this Act.

Immunities of chief representatives.

4. A chief representative shall be entitled to the like immunity from suit and legal process, and the like inviolability of residence, official premises, and official archives, as are accorded to an envoy.

Immunity of members of staffs and of families.

5. A person who is—

- (a) A member of the official or domestic staff of a chief representative; or
- (b) A member of the family of a chief representative; or
- (c) A member of the family of a member of the official staff of a chief representative,—

shall be entitled to the like immunity from suit and legal process as would be accorded to him if the chief representative were an envoy:

Provided that where a person who is a member of the official or domestic staff of a chief representative is a New Zealand citizen and not a citizen of the country concerned, or is not resident in New Zealand solely for the purpose of performing his duties as such member,—

- (i) That person shall be entitled to immunity under this section only in respect of things done or omitted to be done in the course of the performance of his duties as a member of that staff:
- (ii) A member of the family of that person shall not, by reason only of his being a member of that family, be entitled to immunity under this section.

6. Regulations may be made under this Act conferring on—

- (a) Persons in the service of the Government of any country to which this Act applies; or
- (b) Persons in the service of the Government of any territory for whose international relations the Government of any such country is responsible—

Consular immunity may be conferred by regulations.

(other than persons on whom immunity is conferred by the foregoing provisions of this Act), holding such offices or classes of offices as may be specified in that behalf in the regulations, the like immunity from suit and legal process and the like inviolability of official premises and official archives as are accorded to consular officers of a foreign sovereign Power.

7. If in any proceedings any question arises whether or not any person is entitled to immunity from suit and legal process under any provision of this Act or of any regulations made under this Act, a certificate issued by the Minister stating any fact relevant to that question shall be conclusive evidence of that fact.

Certificate of Minister.

8. (1) A chief representative may waive any immunity or inviolability conferred by or under this Act on himself or on a member of his official or domestic staff, or on a member of his family or of the family of a member of his official staff.

Immunity may be waived.

(2) Any person may waive any immunity or inviolability conferred on him by or under regulations made for the purposes of section six of this Act.

9. This Act shall not affect any legal proceedings begun before the commencement of this Act.

Saving of pending proceedings.

10. The Governor-General may from time to time, by Order in Council, make regulations for any purpose for which regulations are contemplated or required by this Act, and may make all such other regulations as he thinks necessary or expedient for the purpose of giving effect to the provisions of this Act and for the due administration thereof.

Regulations.

11. (1) This Act shall be in force in the Cook Islands, the Tokelau Islands, and Western Samoa.

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(2) This Act is hereby declared to be a reserved enactment for the purposes of section nine of the Samoa Amendment Act 1947.