

THE DIPLOMATIC RIGHTS, IMMUNITIES AND PRIVILEGES LAW

No. 60 of 1965

A LAW TO MAKE PROVISION FOR THE RIGHTS, IMMUNITIES AND PRIVILEGES OF THE DIPLOMATIC MISSIONS AND DIPLOMATIC AGENTS ACCREDITED TO THE REPUBLIC OF CYPRUS AND OF CERTAIN OTHER PERSONS AND FOR MATTERS CONNECTED THEREWITH.

(14th October, 1965.)

The House of Representatives enacts as follows : —

PART I.—PRELIMINARY PROVISIONS.

1. This Law may be cited as the Diplomatic Rights, Immunities and Privileges Law, 1965. Short title.

2. In this Law, unless the context otherwise requires—

“ Council of Ministers ” means the Council of Ministers of the Republic ; Interpretation.

“ diplomatic agent ” means any High Commissioner, Ambassador, Legate, Nuncio, Envoy, Internuncio, Minister, Chargé d’Affaires, Deputy High Commissioner, Counsellor, Secretary of Embassy, or Attaché (whether diplomatic, commercial, military or otherwise) ;

“ diplomatic mission ” means any High Commission, Embassy, Apostolic Delegation, Legation or United Nations mission established and functioning in the Republic ;

“ diplomatic premises ” means any buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purpose of the diplomatic mission including the residence of the head of the mission ;

“ head of the diplomatic mission ” means any diplomatic representative accredited by the sending State with the duty of acting in that capacity ;

“ immovable property ” has the meaning assigned to such expression by section 2 of the Immovable Property (Tenure, Registration and Valuation) Law ; Cap. 224,
3 of 1960.

“ judicial proceedings ” means any proceeding had or taken in or before any Court, commission of inquiry or person in which or before whom evidence may be taken on oath, whether such Court, commission of inquiry or person takes evidence on oath or not ;

“ local staff ” means the technical, administrative and service staff of the diplomatic mission, comprised of citizens or permanent residents of the Republic ;

“ members of the diplomatic mission ” means any person who is a diplomatic agent, or belongs to the technical or administrative staff of the diplomatic mission or to the service staff thereof ;

“ private servants ” means the persons who are in the domestic service of a member of the diplomatic mission and who are not employed by the sending State ;

“ registered ” means recorded in the Land Register kept under the provisions of the Immovable Property (Tenure, Registration and Valuation) Law ; Cap. 224,
3 of 1960.

“ Republic ” means the Republic of Cyprus ;

“ sending State ” means the State to which the mission belongs ;

“ service staff ” means the members of the mission employed in the domestic service of the members of the diplomatic mission ;

“ technical and administrative staff ” means the members of the diplomatic mission who are employed in the technical and administrative service of the diplomatic mission.

PART II.—RIGHTS OF THE SENDING STATE AND OF ITS DIPLOMATIC MISSION.

Right of
the sending
State to
acquire im-
movable
property
in the
Republic.

3.—(1) A sending State shall have the right to acquire under such form of tenure as obtains for the time being in the Republic and to own, hold or occupy in its own name immovable property situated in the Republic and required by the sending State for the purpose of its diplomatic mission or for a residence for the Head of the diplomatic mission or for any other purpose to which the Republic does not object.

(2) Subject to the provisions of any Law in force for the time being, the sending State shall have the right to erect, build, maintain, demolish, rebuild or otherwise change any immovable property owned by such State which is necessary for its diplomatic mission.

(3) Notwithstanding anything to the contrary effect in any other Law in force for the time being contained, immovable property of the sending State may be registered either in its name or in the name of its diplomatic mission.

Use of
national
flag and
the State
coat-of-
arms.

4.—(1) The diplomatic mission shall have the right to fly the national flag and to display the State coat-of-arms, with an inscription identifying the diplomatic mission on its diplomatic premises.

(2) The Head of the diplomatic mission shall have the right to fly the national flag on his means of transport at any time.

PART III.—IMMUNITIES AND PRIVILEGES OF THE DIPLOMATIC MISSION.

Inviolability
of the
diplomatic
premises.

5.—(1) The diplomatic premises shall be inviolable.

(2) No act of any executive, administrative or judicial authority or organ of the Republic shall be performed within the diplomatic premises except by special permission of the head of the diplomatic mission.

(3) Nothing in this section contained shall be construed as precluding the compulsory acquisition or requisition by the Republic of any immovable property owned or otherwise held by the diplomatic mission under the provisions of the Constitution of the Republic and of any Law relating to compulsory acquisition or requisition in force for the time being.

Exemption
from taxes,
etc.

6. The sending State shall be exempted from all taxes, duties, dues, fees and any other charges imposed by the Republic in respect of its diplomatic premises, other than such as represent payment for specific services rendered.

Inviolability
of archives.

7. The diplomatic archives, documents and official correspondence shall be inviolable.

Freedom of
communi-
cation.

8.—(1) The Republic shall permit and protect free communication by whatever means of the diplomatic mission for all official purposes :

Provided that for the importation, installation and use of a wireless transmitter or receiver, a previous licence by the Republic shall be required.

(2) The official correspondence of the diplomatic mission shall be inviolable.

(3) The diplomatic pouch shall not be opened or detained, if it bears visible external marks indicating its character.

Exemption
from taxa-
tion fees
and charges.

9. The fees and charges levied by the diplomatic mission in the exercise of its official functions shall be exempted from any taxes, duties, dues, fees and any other charges.

**PART IV.—IMMUNITIES AND PRIVILEGES OF THE
DIPLOMATIC AGENTS.**

10. A diplomatic agent shall not be liable to any form of arrest or detention.
- 11.—(1) The private residence of a diplomatic agent shall be inviolable.
(2) Any document, paper and correspondence of a diplomatic agent shall be inviolable and shall not be interfered with.
- 12.—(1) A diplomatic agent shall enjoy immunity from criminal and civil jurisdiction of the Republic, except in the case of—
(a) an action in respect of immovable property owned or occupied by him otherwise than on behalf of the sending State or for the purposes of the diplomatic mission ;
(b) an action in respect of succession in which the diplomatic agent is involved as executor, administrator, heir or legatee, otherwise than in his official capacity ;
(c) an action in respect of the exercise of any profession or the carrying on of any trade or business by the diplomatic agent in his private capacity.
(2) Save with the consent of the head of the diplomatic mission, a diplomatic agent shall not be required to give evidence in any civil or criminal proceeding.
(3) No execution shall be levied in respect of a diplomatic agent except in the case of paragraphs (a), (b) or (c) of sub-section (1) :
Provided that in such a case execution may be levied without infringing the inviolability of the person or residence of the diplomatic agent.
(4) The immunity from civil and criminal jurisdiction of a diplomatic agent under this section may be waived by the head of the diplomatic mission :
Provided that in the case of execution of a judgment a specific waiver shall be required.
- 13.—(1) A diplomatic agent shall be exempted from the requirements of any law and regulation relating to registration of aliens and so long as he performs his official functions he shall not be subject to any limitation or restriction imposed by such laws and regulations.
(2) A diplomatic agent shall be exempted from any provision in force for the time being relating to social insurance.
- 14.—(1) A diplomatic agent shall be exempted from all taxes, duties, dues, fees and any other charges other than import duties, levied by the Republic.
(2) A diplomatic agent shall not be exempted from—
(a) any indirect taxes, duties, dues, fees or any other charges which are normally incorporated in the price of goods or services ;
(b) any taxes, duties, dues, fees or any other charges on or in respect of immovable property owned or occupied by him unless he holds such property on behalf of the sending State for the purposes of its diplomatic mission ;
(c) any taxes, duties, dues, fees or any other charges levied by the Republic in the event of succession :
Provided that in the event of the death of a diplomatic agent the Republic shall permit the withdrawal of the movable property of the deceased, with the exception of any property in the Republic the export of which was prohibited at the time of his death

No arrest,
etc., of a
diplomatic
agent.

Inviolability
of residence,
etc.

Immunity
from criminal
and civil
jurisdiction.

Exemption
from the
provisions
of certain
Laws.

Exemption
from taxation,
etc.

and the presence of which in the Republic was due to the presence of the deceased ;

- (d) any taxes, duties, dues, fees or any other charges on private income having its source in the Republic and on investments made in commercial undertakings in the Republic ;
- (e) any charges levied for specific services rendered.

Exemption from import duties and inspection of personal baggage.

15.—(1) The Republic shall, in accordance with the provisions of any law or regulation in force for the time being, permit importation of, and grant exemption from all customs duties, dues and any other charges, other than charges for storage or similar services, on—

- (a) any goods imported by a diplomatic agent for the official use of the diplomatic mission ;
- (b) any goods imported in the name of the diplomatic agent in reasonable quantities for his personal use, or for the use of members of his family forming part of his household ;

Provided that in the case of the importation of a motor car for the personal use of the diplomatic agent or of his family there shall be permitted the importation and use, free of customs duties, dues and any other charges, of only one motor car so imported or of any other in replacement thereof.

(2) The personal baggage of a diplomatic agent shall be exempted from inspection, unless there are reasonable grounds for believing that it contains any goods not covered by the exemptions mentioned in sub-section (1), or any goods the importation or exportation of which is prohibited or controlled ;

Provided that such inspection shall be conducted in the presence of the diplomatic agent or of his authorised representative.

Privileges of members of the family of the diplomatic agent.

16. The members of the family of the diplomatic agent forming part of his household shall, if they are not citizens of the Republic or permanent residents therein, enjoy the privileges and immunities specified in sections 10, 11, 12, 13, 14 and 15.

PART V.—MISCELLANEOUS.

Privileges of the members of the technical and administrative staff.

17.—(1) Any member of the technical and administrative staff of the diplomatic mission performing the duties of archivist or cypher officer together with members of his family forming part of his household shall, if they are not citizens of the Republic or permanent residents therein, subject to sub-sections (2) and (3) enjoy the privileges and immunities specified in articles 10, 11, 12, 13 and 14.

(2) Any person mentioned in sub-section (1) shall not enjoy immunity from any criminal or civil jurisdiction, as provided in sub-section (1) of section 12, for any act or omission committed by him outside the course of his official duties.

Privileges of technical and administrative staff in respect of imported goods.

18. Any member of the technical and administrative staff of the diplomatic mission together with the members of his family forming part of his household shall, if they are not citizens of the Republic or permanent residents therein, enjoy the privileges specified in sub-section (1) of section 15 in respect of goods imported on first arrival or within three months of such arrival, if such goods are declared to the Customs Authorities of the Republic on such arrival.

Privileges of service staff.

19. A member of the service staff of the diplomatic mission and a private servant who is not a citizen of the Republic or permanent resident therein shall enjoy the same privileges, subject to the same terms and conditions, as a member of the technical and administrative staff of the diplomatic mission.

20. The Council of Ministers may, by order published in the official *Gazette* of the Republic, confer on the technical, administrative or service staff of the diplomatic mission any other rights, immunities or privileges.

Extension of privileges.

21.—(1) A member of the diplomatic mission shall enjoy the rights, privileges and immunities provided by this Law from the moment he enters the territory of the Republic on proceeding to take up his duties or if already in the Republic from the moment when his appointment is notified to the Ministry of Foreign Affairs of the Republic.

Commencement and end of rights, immunities and privileges.

(2) When the functions of a member of the diplomatic mission enjoying the rights, privileges and immunities provided by this Law shall come to an end, such rights, privileges and immunities shall normally cease at the moment when he leaves the Republic or on the expiration of a reasonable period in which to do so.

(3) In the case of the death of a member of a diplomatic mission the members of his family forming part of his household shall continue to enjoy the rights, privileges and immunities provided by this Law until the expiration of a reasonable period in which to leave the Republic.

22.—(1) Subject to the provisions of this Law, any member of the diplomatic mission shall obey and be bound by the provisions of any law in force for the time being and of any public instrument made thereunder.

Members of the mission bound by the laws, etc.

(2) A member of the diplomatic mission shall not practice in the Republic for profit any profession or carry on any trade or business.

23. Any right, immunity or privilege conferred by this Law shall be on the condition of reciprocity by the sending State.

Rule of reciprocity.

24. Customary International Law shall continue to regulate any matter for which no express provision is made in this Law.

Customary International Law to continue to apply.

25.—(1) Notwithstanding the provisions of this Law, bilateral international agreements may be concluded by the Republic or accession may be made to multilateral international agreements in respect of any matters regulated by this Law.

Conclusion of bilateral agreements, etc.

(2) The provisions of any international agreement concluded by the Republic under sub-section (1) or of any international agreement applying in the Republic in respect of any matters regulated by this Law shall continue to be in force and to bind the Republic.

26. The Council of Ministers may make Regulations to be published in the official *Gazette* of the Republic for the better carrying out of the provisions of this Law.

Regulations.

27.—(1) Any provision in any other law inconsistent with any of the provisions of this Law shall cease to have effect.

Inconsistent provisions.

(2) Without prejudice to the generality of sub-section (1), items A. 3 (a), (b) and (c) and the conditions referring to such items of Part II of the Second Schedule to the Customs Tariff Law, 1961, shall have effect subject to the provisions of this Law.

32 of 1961.

28. Nothing in this Law contained shall be taken to be in derogation of any of the provisions of the Diplomatic Privileges (Extension) Law and of the Diplomatic Privileges (European Commission of Human Rights) Law.

Saving.
Cap. 237.
Cap. 238.