

TXA/400/14

The Vice Marshal of the Diplomatic Corps presents his compliments to all foreign and Commonwealth diplomatic missions in London and has the honour to state that, as a result of the Government's Review of the Vienna Convention, we have made a number of changes to the procedures for the notification of staff changes in diplomatic missions. The revisions involve a closer alignment with the provisions of Article 10 of the Vienna Convention and include two new points: Name of Person being replaced (if any) and Private Servants. A supply of revised TX9 forms is enclosed. It would be appreciated if these could be used henceforth.

The Vice Marshal would like to remind missions that full and accurate information should be provided on the status and classification of staff; and that all staff so notified should have duties fully compatible with the functions of the mission as set out in Articles 3 and 42. The total number of staff should not be in excess of what is necessary for, or consistent with, the role of the mission.

He would also like to draw attention to Article 10.2 which indicates that, where possible, prior notification of arrival and final departure should be given. Notification of change of circumstances should include any changes of private address. It should also include any new information on the arrival or departure, or status, of members of the family forming part of the household. Where appropriate it should include information on members of staff who become UK nationals or permanently resident, for instance following marriage to British citizens.

As regards members of the family forming part of the household, it is normal practice in the UK to accept spouses and minor children under 18, ie sons and daughters. Other relatives may

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be accepted in some cases but the circumstances must be fully explained to enable a decision to be taken. These include children aged 18 or over if they are clearly resident with the member of the mission concerned and not engaged in paid employment; and in certain cases dependent parents living with the member of the mission.

A serious view will be taken of any misleading or inaccurate notification or of a failure to notify changes of circumstances. Members of staff and dependants who claim diplomatic immunity under false pretences or on the basis of a notification which is no longer accurate will not be immune from prosecution for any offences they may commit. It is for a court to rule on individual status in the light of the evidence placed before it.

In certain cases reclassification or withdrawal of a notification may be sought. When an appointment is terminated, the need for a successor may be questioned. Additions to the overall level of staff are also liable to be queried. If serious doubts exist about a person's designation or functions it may be necessary to declare such a person non grata or unacceptable in accordance with Article 9 of the Vienna Convention.

Finally the Vice Marshal takes this opportunity of expressing concern about the practice of Missions that employ as private servants or as other members of the staff persons who would not otherwise be permitted to work in the UK (eg visitors or students). In accordance with their obligation to respect UK laws and regulations Heads of Mission and members of the diplomatic staff are requested to ensure that they are complying with Home Office rules. In cases of doubt missions should consult Appointments Section of Protocol Department.

The Vice Marshal of the Diplomatic Corps avails himself of

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this opportunity to express to all foreign and Commonwealth diplomatic missions in London the assurance of his highest consideration.

Protocol and Conference Department
FOREIGN AND COMMONWEALTH OFFICE
27 March 1985

