

Re B (A Child) (Care Proceedings: Diplomatic Immunity)

[2003] Fam 16

17/07/2002

Barristers

Private: Jonathan Cohen QC

Court

Family Division

Facts

The local authority applied for an interim care order in respect of a child aged 13 who, following a school referral to social services, had been found to have significant non-accidental injuries consistent with having been repeatedly and severely beaten. The child's father, a foreign national, was employed by his country's embassy as a driver. During the proceedings a preliminary issue arose as to whether the immunity conferred by the Vienna Convention on Diplomatic Relations 1961 as incorporated into English law by the Diplomatic Privileges Act 1964¹ deprived the court of jurisdiction to entertain the application.

Held

Held , that, since, by virtue of the exception contained in article 37(2) of the Vienna Convention, members of the administrative and technical staff of a mission were not immune from civil proceedings in respect of acts performed outside the course of their duties, there was no bar to the making of an interim care order as against such a person in public law proceedings; that the immunity conferred on the private residence of a diplomatic agent by article 30(1) related to the premises themselves and not to the consequences of acts done by individuals in those premises; and that, accordingly, the court had jurisdiction to make an interim care order (post, paras 32 , 34 , 37).

Intro Properties (UK) Ltd v Sauvel [1983] QB 1019, CA, In re P (Children Act: Diplomatic Immunity) [1998] 1 FLR 624 distinguished.

Permission

Reproduced with kind permission from Justis 