



Foreign &  
Commonwealth  
Office

**Written Ministerial Statement  
4 March 2013**

**Special Mission Immunity**

**The Secretary of State for Foreign and Commonwealth Affairs (Mr William Hague):**

I wish to inform the House of a new pilot process by which the Government will be informed of inward visits which may qualify for special mission immunity status

A special mission is a temporary mission, representing a State, which is sent by one State to another with the consent of the latter, in order to carry out official engagements on behalf of the sending State.

In the case of *Khurts Bat v. the Federal Court of Germany* [2011] EWHC 2029 (Admin) the High Court recognised that, under customary international law, members of a special mission enjoy immunities, including immunity from criminal proceedings and inviolability of the person, and that these immunities have effect in the United Kingdom by virtue of the common law. However, the Court made clear that not everyone representing a State on a visit of mutual interest is entitled to the immunities afforded to members of a special mission but only where a visit is consented to by as a special mission. In the case of inward missions to the United Kingdom, the Court affirmed that it is a matter for Her Majesty's Government to decide whether to recognise a mission as a special mission.

In order to avoid uncertainty as to the status of particular missions, the Government will put in place a new pilot process so that the Government's consent to a special mission can be addressed expressly before the mission arrives in the UK. Embassies and High Commissions in London will be invited to inform the FCO of forthcoming visits in cases where they wish to seek the Government's express consent as a special mission. The FCO will respond with Government's consent or otherwise to the visit as a special mission. Any legal consequences would ultimately be a matter for the courts.