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## Editorial

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### No Telex for the Ambassador

Popular understanding of diplomatic immunity was once only a belief that it apparently enabled diplomats to park their cars where they liked. Anyone walking through St James's Square today will not be thinking of parking tickets. Recent events, however, do not alter the basic truth that the business of nations depends upon embassies who must have some immunity. How much immunity is now being discussed.

The law today is very much as it was in 1880 when Brett LJ said, "each and every state declines to exercise by means of its courts any of its territorial jurisdiction over the public property of any State, which is destined for public use". In deference to this principle the Court of Appeal refused to hear a controversy about a collision involving a ship owned by the King of the Belgians. A modern application came before the House of Lords this March in an appeal against Court of Appeal approval of a garnishee order over the bank account of the Colombian Embassy.

The issue was the interpretation of the State Immunity Act of 1978, which denies immunity to the property of foreign states used for commercial purposes. The House decided the Embassy bank account did enjoy immunity, although in fact the garnishee

order and the default judgment that gave rise to it had already been discharged. It was, however, a decision of outstanding international importance, although that probably did not greatly interest the plaintiff after spending some thousands of pounds in legal fees.

Lord Diplock remarked on costs, which, he said, "to the discredit of our legal system" already exceeded the amount of the judgment debt even before the appeal reached the House. The judgment debt was over £41,000. The House of Lords ordered that each party should bear its own costs, both in the lower courts and in the House, so neither side will have gained much financially. But that it a common outcome of legal proceedings.

The day-to-day work of the Embassy nearly came to an end when the garnishee order was made: even the use of the telex stopped. All this emphasises the powerful effect of a garnishee order on a bank account, and the Master of the Rolls said that he could quite see that the Embassy might be brought to a standstill. "This is a very remarkable result and one which will not have been intended by Parliament".

Legislation does not always reveal the intentions of Parliament and perhaps there is something to be said for the American rule that courts may look at the legislative history of a statute.