

specifies the cases where immunity does not apply, in the form of specific exceptions to the general rule of immunity from jurisdiction.

In regard to the execution of judgments, the Act states that properties used or intended for use in a commercial activity are not immune from attachment and execution, whether or not they are the subject of the case, except in certain specific instances. However, the property of a foreign central bank that is not used or intended for use in a commercial activity is immune from attachment and execution.

Certain constraining measures may not be taken against a state without its written consent. The Act also codifies the procedures relating, among other things, to service on a foreign state.

The principle of reciprocity between states is respected in the power conferred on the Governor in Council to restrict immunity. Under the Act, a certificate issued by the Secretary of State for External Affairs is admissible in evidence as conclusive proof of the status of a foreign state, its territories or subdivisions.

In recognizing certain privileges and immunities traditionally granted to foreign states, the Act does not derogate from the Act respecting Diplomatic and Consular Privileges and Immunities¹ or from the Visiting Forces Act.²

There have been a dozen or so actions brought against foreign states since the State Immunity Act came into force. Service on the foreign states in question has been made in two of these.

1. S.C. 1976-77, c. 31, amended by S.C. 1980-81-82-83, c. 74

2. R.S.C. 1970, c. V-6, amended by S.C. 1972, c. 13