

## CHAPTER 131

THE IMMUNITIES AND PRIVILEGES (INTER-  
NATIONAL ORGANISATIONS AND  
OVERSEAS COUNTRIES) ACT, 1959.

## ARRANGEMENT OF SECTIONS

*Section*

1. Short title and application.
2. Interpretation.
3. Immunities, privileges and capacities of certain international organisations and persons connected therewith.
4. Immunities, privileges and capacities under agreements for financial or other assistance.
5. Publication of lists of persons entitled to immunities and privileges under sections 3 and 4.
6. Immunities and privileges of judges of, and suitors to, the International Court of Justice.
7. Diplomatic immunities of representatives attending international conferences.
8. Reciprocal treatment
9. Provisions as to Orders.

**AN ACT** to provide for the immunities, privileges and capacities of international organisations and of certain overseas countries that agree to provide assistance to the Federation; and to define the status of persons attending international conferences in the Federation. <sup>Act 4/1959.</sup>

*Date of Assent* .. .. . 9th July, 1959

*Commencement* .. .. . 9th July, 1959

1. (1) This Act may be cited as the Immunities and Privileges (International Organisations and Overseas Countries) Act, 1959. <sup>Short title and application.</sup>

(2) This Act shall apply to the Cayman Islands and the Turks and Caicos Islands.

2. In this Act unless the context otherwise requires, the expression "overseas country" means any country outside the Federation whether a sovereign Power or a dependent territory. <sup>Interpretation.</sup>

Immunities, privileges and capacities of certain international organisations and persons connected therewith.

3. (1) This section shall apply to any organisation declared by Order of the Governor-General to be an organisation of which the United Kingdom or Her Majesty's Government therein or the Federation or the Government thereof and one or more overseas countries or the government or governments thereof are members. [Amd. Act 1/1961]

(2) The Governor-General may by Order—

(a) provide that any organisation to which this section applies (hereinafter referred to as "the organisation") shall have the legal capacities of a body corporate and shall also have such immunities and privileges as may be set out in the Order;

(b) confer upon—

- (i) any persons who are representatives (whether of government or not) on any organ of the organisation or are members of any committee of the organisation or of an organ thereof;
- (ii) such number of officers of the organisation as may be specified in the Order, being the holders of such high offices in the organisation as may be so specified;
- (iii) such persons employed on missions on behalf of the organisation as may be so specified;
- (iv) such other classes of officers and servants of the organisation as may be so specified; and
- (v) the staff of such representatives and members as are mentioned in sub-paragraph (i) of this paragraph and the families of officers of the organisation;

such immunities and privileges as may be set out in the Order:

Provided that the Order shall be so framed as to secure that there are not conferred on any person any immunities or privileges greater in extent than those which, at the time of the making of the Order, are required to be conferred on that person in order to give effect to any international agreement in that behalf and shall not confer any immunity or privilege upon any person as the representative of the Government of the Federation or as a member of the staff of such a representative.

[Amd. Act  
1/1961]

4. (1) This section shall apply in respect of any agreement declared by Order of the Governor-General to be an agreement between the Federation or the Government thereof and—

(a) any overseas country or the government thereof, or

(b) any overseas government agency,

for the provision of financial, technical or other assistance to the Federation.

(2) For the purposes of this Act, the expression "overseas government agency" means any body or institution which is recognised by the government of an overseas country to be an agency of that government.

(3) The Governor-General may by Order—

(a) provide that in respect of any agreement to which this section applies such immunities and privileges as may be set out in the Order shall operate, and where the party to such agreement is an overseas government agency such overseas government agency shall also have the capacities of a body corporate;

(b) confer upon—

(i) any persons who are assigned for duty in the Federation otherwise than by the Federation or the Government thereof in pursuance of an agreement to which this section applies; and

Immunities, privileges and capacities under agreements for financial or other assistance.

- (ii) the family of any person upon whom immunities and privileges are conferred under sub-paragraph (i) of this paragraph,

such immunities and privileges as may be set out in the Order:

Provided that the Order shall be so framed as to secure that the immunities and privileges to be enjoyed by any overseas country, overseas government agency or persons by virtue of the Order are not greater than those which, at the time of the making of the Order, are necessary to give effect to the agreement to which the Order relates.

Publication of lists of persons entitled to immunities and privileges under sections 3 and 4.

5. (1) Where immunities and privileges are conferred on any persons by an Order made under subsection (2) of section 3 or sub-section (3) of section 4 of this Act, the Governor-General—

[Amd. Act 1/1961]

- (a) in the case of an Order made under subsection (2) of section 3 of this Act, shall compile a list of persons entitled to immunities and privileges conferred under sub-paragraphs (i), (ii) and (iii) of paragraph (b) of that subsection, and may compile a list of the persons entitled to immunities and privileges conferred under sub-paragraph (iv) of paragraph (b) of that subsection;
- (b) in the case of an Order made under subsection (3) of section 4 of this Act, shall compile a list of the persons entitled to immunities and privileges conferred under sub-paragraph (i) of paragraph (b) of that subsection;
- (c) shall cause any list compiled under this subsection to be published in the Gazette;
- (d) whenever any person ceases or begins to be entitled to the immunities and privileges to which any such list relates, shall amend the

list and cause a notice of the amendment or, if he thinks fit, an amended list to be so published.

(2) Every list or notice published under subsection (1) of this section shall state the date from which the list or notice takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to the immunities and privileges in question may, if a list of such persons has been published, be conclusively proved by producing the Gazette containing the list or, as the case may be, the last list taking effect before that time together with the Gazettes, if any, containing the notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

6. (1) The Governor-General may, by Order, confer on the judges and registrars of the International Court, and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations.

Immunities and privileges of judges of, and suitors to, the International Court of Justice.

(2) In this section the expression "the International Court" means the International Court of Justice set up under the Charter of the United Nations.

7. (1) Where a conference is held in the Federation and is attended by the representatives of Her Majesty's Government in the United Kingdom, or the Government of the Federation and the government or governments of one or more foreign sovereign Powers, and it appears to the Governor-General that doubts may arise as to the extent to which the representatives of such foreign Powers and members of their official staffs are entitled to diplomatic immunities, he may—

Diplomatic immunities of representatives attending international conferences.

- (a) compile a list of the persons aforesaid who are entitled to such immunities, and cause that list to be published in the Gazette; and
- (b) whenever it appears to the Governor-General that any person ceases or begins to be

entitled to such immunities, amend the list and cause a notice of the amendment or, if he thinks fit, an amended list to be published as aforesaid;

and every representative of a foreign Power who is for the time being included in the list shall, for the purpose of any enactment and rule of law or custom relating to the immunities of an envoy of a foreign Power accredited to Her Majesty, and of the retinue of such an envoy, be treated as if he were such an envoy, and such of the members of his official staffs as are for the time being included in the list shall be treated for the purpose aforesaid as if they were his retinue.

(2) Every list or notice published under the foregoing subsection in relation to any conference shall include a statement of the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to diplomatic immunities as representatives attending the conference or as members of the official staff of any such representative may, if a list of those persons has been so published, be conclusively proved by producing the Gazette containing the list or, as the case may be, the last list taking effect before that time, together with the Gazettes, if any, containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

Reciprocal  
treatment.

8. Nothing in the foregoing provisions of this Act shall be construed as precluding the Governor-General from declining to accord immunities or privileges to, or from withdrawing immunities or privileges from, nationals or representatives of any overseas country on the ground that that overseas country is failing to accord corresponding immunities or privileges to nationals or representatives of any part of the Commonwealth.

Provisions  
as to  
Orders.

9. (1) Every Order made by the Governor-General <sup>[Amd. Act 1/1961]</sup> under this Act shall be laid before both chambers of the Federal Legislature as soon as may be after it is made, and

if either chamber, within the period of twenty-one days beginning with the day on which such Order is laid before it, resolves that such Order be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new Order.

(2) In reckoning the said period of twenty-one days, no account shall be taken of any time during which the Federal Legislature is dissolved or prorogued, or during which the chamber in question is adjourned for more than seven days.

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**THE TECHNICAL AID AGREEMENT (UNITED STATES INTERNATIONAL COOPERATION ADMINISTRATION) ORDER, 1959.**

ARRANGEMENT OF ARTICLES

*Article*

1. Citation.
2. Interpretation.
3. Declaration within the terms of the Act.
4. Institute, a body corporate.
5. Institute to have exemption from customs duties etc, on goods.
6. Institute to have other exemptions.
7. Exemption from tax on income.
8. Exemption from purchase tax, etc.
9. Exemption from customs duties, etc. on household goods, etc.

**AN ORDER** made by the Governor-General in exercise of the powers conferred on him by section 4 of the Immunities and Privileges <sup>S.I.</sup> 23/1959. (International Organisations and Overseas Countries) Act, 1959, and of all other powers him thereunto enabling.

*Date of making* .. .. . 12th December, 1959

*Date of publication* .. .. . 18th December, 1959

1. This Order may be cited as the Technical Aid Agreement (United States International Cooperation Administration) Order, 1959. <sup>Citation.</sup>

2. In this Order, unless the context otherwise requires— <sup>Interpretation.</sup>

“the Act” means the Immunities and Privileges (International Organisations and Overseas Countries) Act, 1959,

“the Agreement” means the agreement dated twenty-sixth day of February, 1959, between the Federal Government and the Institute executed by Robert L. Bradshaw, Minister of Finance, on behalf of the Federal Government and by Rollin S. Atwood, President of the Institute, on behalf of the Institute;

“the Federal Government” means the Government of the Federation of The West Indies;

“the Institute” means the Institute of Inter-American Affairs of the United States International Cooperation Administration;

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[Statutory Instrument]

TECHNICAL AID AGREEMENT (UNITED STATES INTERNATIONAL COOPERATION ADMINISTRATION) ORDER

"Institute personnel" means persons other than permanent residents of the Federation who are assigned by the Institute to carry out technical or administrative duties in the Federation in pursuance of the Agreement, and includes the wife of any such person and the children of any such person under the age of 21 years, living with such person in the Federation.

Declaration within the terms of the Act.

3. The Agreement is hereby declared to be an agreement between the Federal Government and an agency of the Government of the United States of America for the provision of technical and other assistance to the Federation.

Institute, a body corporate.

4. The Institute shall have the capacity of a body corporate.

Institute to have exemption from customs duties, etc. on goods.

5. The Institute shall have exemption from customs duties, import and export taxes and any taxes on the purchase, ownership or use of goods and any other taxes or similar charges on goods where such goods are required for the purposes of the Agreement; and when such goods are no longer required, the Institute shall have exemption from taxes on the disposition or exportation of such goods:

Provided that any exemption from customs duties or import taxes under this paragraph shall be subject to compliance with such conditions as the Governor-General may impose for the protection of the Revenue.

Institute to have other exemptions.

6. The Institute shall have exemption from any taxes or levies or any investment or deposit requirements on—

(a) the importation, exportation, use or ownership of any funds in any currency required for the purposes of the Agreement, or

(b) the disposition or exportation of any such funds imported or acquired in the Federation and no longer required for the aforesaid purposes:

Provided that such exemption shall be subject to compliance with such conditions as the Governor-General may impose for the protection of the Revenue and of the currency of the Federation.

Exemption from tax on income.

7. Institute personnel shall have exemption from tax on any income on which they are required by law to pay any tax of a similar kind in the United States.

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[Statutory Instrument]

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8. Institute personnel shall have exemption from taxes on the purchase, ownership or use of personal property required by such persons for their own use. Exemption from purchase tax, etc.

9. Institute personnel shall have exemption from customs duties, export and import taxes, consular fees and similar taxes and fees on household goods, baggage and personal effects and other articles required by such persons for their own use: Exemption from customs duties, etc. on household goods, etc.

Provided that such exemption from customs duties or import taxes shall be subject to compliance with such conditions as the Governor-General may impose for the protection of the Revenue.

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THE TECHNICAL AID AGREEMENT (GOVERNMENT OF CANADA) ORDER, 1959

ARRANGEMENT OF ARTICLES

Article

1. Citation.
2. Interpretation.
3. Agreement declared an agreement within the terms of section 4(1) of the Act.
4. Exemptions in favour of the personnel concerned.
5. Other exemptions in favour of the personnel concerned.

**AN ORDER** made by the Governor-General in exercise of the powers S.I. conferred on him by section 4 of the Immunities and Privileges 24/1959. (International Organisations and Overseas Countries) Act, 1959, and of all other powers him thereunto enabling.

*Date of making* .. .. . 12th December, 1959

*Date of publication* .. .. . 18th December, 1959

1. This Order may be cited as the Technical Aid Agreement Citation. (Government of Canada) Order, 1959.

2. In this Order, unless the context otherwise requires— Interpreta-  
tion.

“the Act” means the Immunities and Privileges (International Organisations and Overseas Countries) Act, 1959;

“the Agreement” means the agreement between the Federal Government and the Government of Canada based upon the document entitled “Statement of Principles Agreed by the Government of Canada and the Government of The West Indies for the Canada—West Indies Aid Programme” which Statement was agreed upon by the Prime Minister of the Federation on behalf of the Federal Government and by the Prime Minister of Canada on behalf of the Government of Canada by the exchange of letters each dated the 18th day of October, 1958;

“the Federal Government” means the Government of the Federation of The West Indies;

“the personnel concerned” means persons other than permanent residents of the Federation who are assigned by the Government of Canada to carry out technical or administrative duties in the Federation in pursuance of the Agreement, and includes the wife of any such person and the children of any such person under the age of 21 years, living with such person in the Federation.

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[Statutory Instrument]

TECHNICAL AID AGREEMENT (GOVERNMENT OF CANADA) ORDER

Declaration within the terms of the Act. 3. The Agreement is hereby declared to be an agreement between the Federal Government and the Government of Canada for the provision of financial, technical and other assistance to the Federation.

Exemptions in favour of the personnel concerned. 4. The personnel concerned shall be exempt from—  
(a) tax on any income on which they are required by law to pay any tax of a similar kind in Canada.  
(b) taxes on the ownership or use of personal property required by them for their own use.

Other exemptions in favour of the personnel concerned. 5. The personnel concerned shall be exempt from customs duties and export and import taxes on household goods, baggage and personal effects required by them for their own use:

Provided that such exemption from customs duties or import taxes shall be subject to the compliance with such conditions as the Governor-General may impose for the protection of the Revenue.

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**THE IMMUNITIES AND PRIVILEGES (CARIBBEAN ORGANIZATION) ORDER, 1961.**

ARRANGEMENT OF ARTICLES

*Article*

1. Citation.
2. Caribbean Organization declared an organization within the terms of section 3(1) of the Act.
3. The Caribbean Organization, a body corporate. Immunity from suit and legal process.
4. Inviolability of official archives and premises.
5. Exemption from taxes and rates, other than taxes on the importation of goods.
6. Exemption from taxes on the importation of goods.
7. Exemption from prohibitions and restrictions on importation or exportation of goods.
8. Privilege in respect of telegraphic communications.
9. Privileges and immunities of representatives on organs of the Caribbean Organization and of members of committees and organs thereof.
10. Interpretation of "delegates".
11. Privileges and immunities of high officers.
12. Privileges and immunities of persons on missions.
13. Privileges and immunities of other officers and servants.

**AN ORDER** made by the Governor-General in exercise of the powers *S.I.* conferred on him by section 3 of the Immunities and Privileges *17/1961* (International Organizations and Overseas Countries) Act, 1959, and of all other powers him thereunto enabling.

*Date of making* .. .. . 6th September, 1961  
*Commencement* .. .. . 6th September, 1961

1. This Order may be cited as the Immunities and Privileges Citation, (Caribbean Organization) Order, 1961.

[Statutory Instrument]

## IMMUNITIES AND PRIVILEGES (CARIBBEAN ORGANIZATION) ORDER

Caribbean Organization declared an organization within the terms of section 3(1) of the Act.

2. The Caribbean Organization established by the Statute annexed to the Agreement done at Washington the 21st day of June, 1960 between the Government of the Republic of France, the Government of the Kingdom of the Netherlands, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America, is an organization of which Her Majesty's Government in the United Kingdom and the governments of overseas countries are members.

The Caribbean Organization, a body corporate. Immunity from suit and legal process.

3. The Caribbean Organization shall have the legal capacity of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and legal process.

Inviolability of official archives and premises.

4. The Caribbean Organization shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty.

Exemption from taxes and rates other than taxes on the importation of goods.

5. The Caribbean Organization shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.

Exemption from taxes on the importation of goods.

6. The Caribbean Organization shall have exemption from taxes on the importation of goods directly imported by the Organization for its official use in the Federation or for exportation, or on the importation of any publications of the Organization directly imported by it, such exemption to be subject to compliance with such conditions as the Governor-General may impose for the protection of the revenue.

Exemption from prohibitions and restrictions on importation or exportation of goods.

7. The Caribbean Organization shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organization for its official use and in the case of any publications of the Organization directly imported or exported by it.

Privilege in respect of telegraphic communication.

8. The Caribbean Organization shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places

## IMMUNITIES AND PRIVILEGES (CARIBBEAN ORGANIZATION) ORDER

outside the Federation or between one Territory and another), of any reduced rates applicable for the corresponding service in the case of press telegrams.

## REPRESENTATIVES

9. Except in so far as in any particular case any privilege or immunity is waived by any representative or member, delegates to the Caribbean Council and other representatives on organs of the Caribbean Organization, members of any committee of the Caribbean Organization or any organ thereof and their official staff accompanying them as such representatives or members shall be accorded the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty. They shall also enjoy exemption from immigration restrictions, aliens' registration or national service obligations: Provided that this Article shall not confer any immunity or privilege upon any person as the representative of the Government of the Federation or as a member of the staff of such a representative.

*Privileges and immunities of representatives on organs of the Caribbean Organization and of members of committees and organs thereof.*

10. For the purposes of the application of Article 9, "delegates" shall include members of any delegation, alternate delegates or members of any delegation, observers and advisers.

*Interpretation of "delegates".*

## HIGH OFFICERS

11. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General or the Deputy Secretary-General, the Secretary-General and the Deputy Secretary-General of the Caribbean Organization shall be accorded in respect of themselves, their spouses and children under the age of twenty-one, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, his spouse and children. They shall also enjoy in respect of themselves, their spouses and children under the age of twenty-one exemption from immigration restrictions, aliens' registration or national service obligations.

*Privileges and immunities of high officers.*

## PERSONS ON MISSIONS

12. Except in so far as in any particular case any privilege or immunity is waived by any person employed on a mission, persons employed on missions on behalf of the Caribbean Organization shall be accorded the like immunity from suit and legal process, the like

*Privileges and immunities of persons on missions.*



[Statutory Instrument]

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inviolability of residence and the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty. They shall also enjoy exemption from immigration restrictions, aliens' registration or national service obligations.

## OTHER OFFICERS AND SERVANTS

Privileges  
and  
immunities  
of other  
officers and  
servants.

13. Except in so far as in any particular case any privilege or immunity is waived by an officer or servant, officers of the Caribbean Organization (other than those referred to in Article II above) and servants of the Organization shall enjoy —

- (a) immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties;
- (b) exemption from income tax in respect of emoluments received as an officer or servant of the Organization and from customs duties or any import taxes on baggage and other goods imported for their use and for the use of their families, such exemption from customs duties or import taxes to be subject to compliance with such conditions as the Governor-General may impose for the protection of the Revenue;
- (c) exemption, together with their spouses and children under the age of twenty-one from immigration restrictions, aliens' registration or national service obligations.