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Fourth Session Eighth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 21 of 2006

[L.S.]

AN ACT to give effect to the Protocol on Privileges
and Immunities of the Caribbean Examinations
Council

[Assented to 28th September, 2006]

Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:—

PART I

PRELIMINARY

Short title **1.** This Act may be cited as the Caribbean Examinations Council (Privileges and Immunities) Act, 2006.

Interpretation **2.** In this Act—

“Caribbean Examinations Council Agreement” means the Agreement Establishing the Caribbean Examinations Council signed by Trinidad and Tobago on May 18, 1972; and

“Council” means the Caribbean Examinations Council established in the Caribbean Examinations Council Agreement.

PART II

PRIVILEGES AND IMMUNITIES

Privileges and immunities of the Caribbean Examinations Council

3. (1) The Caribbean Examinations Council shall enjoy the following privileges:

- (a) the inviolability of the premises of the Council;
- (b) the inviolability of the archives of the Council;
- (c) exemption from foreign exchange controls;
- (d) exemption from taxes, customs duties and import or export duties; and
- (e) facilitation in respect of its communications and the right to despatch or receive papers and correspondence by courier in sealed bags.

(2) The Caribbean Examinations Council shall enjoy the following immunities:

- (a) immunity from legal process; and
- (b) from search, acquisition, confiscations, expropriation and any other form of interference whether legislative, administrative or judicial in respect of property, funds and assets.

4. (1) Members of the Council shall enjoy the following privileges:

Privileges and immunities of Members of the Council

- (a) inviolability of all papers, documents and materials related to the work of the Council;
- (b) exemption from immigration restrictions, alien registration requirements and national service obligations;
- (c) the same protection and repatriation facilities in times of international crisis as are afforded representatives of foreign Governments on temporary official missions; and
- (d) the same privileges and facilities in respect of currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions.

(2) Members of the Council shall enjoy the following immunities:

- (a) immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) immunity from personal arrest or detention in relation to acts performed by them in their official capacity; and

(c) immunity from inspection and seizure of personal and official baggage.

(3) Immunity under subsection (2)(a) shall continue although the person concerned may have ceased to exercise his functions with the Council.

(4) Immunity under subsection (2)(c) does not extend to cases of *flagrante delicto*.

(5) Where a situation of *flagrante delicto* exists the Registrar of the Council shall be informed immediately.

(6) Where personal baggage is to be inspected it shall be conducted in the presence of the Member concerned or his authorized representative.

(7) Where official baggage is to be inspected it shall be conducted in the presence of an authorized representative of the Registrar.

Privileges and
immunities of
officials of
the Council

5. (1) Officials of the Council shall enjoy the following privileges:

- (a) exemption from immigration restrictions, alien registration requirements and national service obligations;
- (b) inviolability of all papers, documents and materials related to the work of the Council;
- (c) the same privileges and facilities in respect of currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions; and
- (d) the same repatriation facilities in times of international crisis as are accorded to members of diplomatic missions of comparable rank.

(2) Officials of the Council shall enjoy the following immunities:

- (a) immunity from legal process in respect of words spoken or written and all acts done by them in the course of the performance of official duties; and
- (b) immunity from personal arrest or detention in relation to acts performed by them in their official capacity.

(3) The immunity under subsection (2)(a) shall continue although the person concerned may have ceased to be an official of the Council.

6. (1) Experts employed on missions on behalf of the Council shall enjoy the following privileges:

Privileges and immunities of experts on missions on behalf of the council

- (a) inviolability of all papers, documents and materials related to the work of the Council;
- (b) exemption from immigration restrictions, alien registration requirements and national service obligations; and
- (c) the same privileges and facilities in respect of currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions.

(2) Experts employed on missions on behalf of the Council shall enjoy the following immunities:

- (a) immunity from legal process in respect of words spoken or written and all acts done by them in the course of the performance of official duties; and
- (b) immunity from personal arrest or detention in relation to acts performed by them in their official capacity.

(3) The immunity under subsection (2)(a) shall continue although the person concerned may have ceased to be an expert employed on missions on behalf of the Council.

Legal capacity of
the Council

7. The Council shall possess such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes in accordance with the Caribbean Examinations Council Agreement and in particular, it shall have the capacity to—

- (a) contract;
- (b) acquire and dispose of movable and immovable property; and
- (c) institute legal proceedings.

Settlement of
disputes

8. Notwithstanding sections 3, 4, 5 and 6 of this Act, the Council shall make appropriate provisions for the settlement of—

- (a) disputes arising out of contracts and other disputes of a private law character to which the Council is a party; and
- (b) disputes involving any member or official of the Council or an expert employed in missions on behalf of the Council who, by reason of his official position, enjoys immunity, if such immunity has not been waived by the Council or the Registrar, as the case may be.

Passed in the House of Representatives this 14th day of July, 2006.

J. SAMPSON
Clerk of the House

Passed in the Senate this 12th day of September, 2006.

N. JAGGASSAR
Clerk of the Senate