

LEGAL NOTICE No. 201

REPUBLIC OF TRINIDAD AND TOBAGO

THE PRIVILEGES AND IMMUNITIES (DIPLOMATIC, CONSULAR AND INTERNATIONAL ORGANISATIONS) ACT, CHAP. 17:01

ORDER

MADE BY THE PRESIDENT UNDER SECTION 9 OF THE PRIVILEGES AND IMMUNITIES (DIPLOMATIC, CONSULAR AND INTERNATIONAL ORGANISATIONS) ACT

THE PRIVILEGES AND IMMUNITIES (CARIBBEAN AGRICULTURAL RESEARCH AND DEVELOPMENT INSTITUTE) ORDER, 1989

1. This Order may be cited as the Privileges and Immunities (Caribbean Agricultural Research and Development Institute) Order, 1989. Citation

2. In this Order—
“the Act” means the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act; Interpretation Chap. 17:01
“the Institute” means the Caribbean Agricultural Research and Development Institute.

3. The Institute shall be accorded all the privileges and immunities set out in Part I of the Schedule. Privileges and immunities of the Institute Schedule

4. The members of the Board of Governors of the Institute, members of the Board of Directors of the Institute and officials of the Institute and members of their immediate families forming part of their household shall be accorded all the privileges and immunities set out in Part II of the Schedule. Other privileges and immunities

SCHEDULE

PART I

PRIVILEGES AND IMMUNITIES OF THE INSTITUTE

1. The Institute shall enjoy in respect of its official communications, treatment no less favourable than that accorded by the Government to any other international organisation in Trinidad and Tobago.

2. The Institute shall be immune from censorship of its correspondence or other communications. Such immunity from censorship shall extend to printed matter, photographs, slides, films and sound recordings, this list being subject to amplification. The Institute shall have the right to dispatch and receive correspondence whether by courier or in sealed bags which shall have the same immunities and privileges as diplomatic couriers and bags.

3. Nothing in paragraph 2 shall preclude the adoption after consultation with the Executive Director of the Institute of appropriate security measures in the interest of the State of Trinidad and Tobago.

4. The Institute and its property, wherever located and by whomsoever held in Trinidad and Tobago shall enjoy immunity from legal process except in specific cases where such immunity is expressly waived by the Board of Directors. No waiver of immunity shall subject the property of the Institute to any measures of execution.

5. The Institute, its Head and Officials shall comply with any requirements imposed by the law of the Government of the Republic of Trinidad and Tobago in respect of insurance against third party risks arising from the use of any vehicle, vessel or aircraft.

6. The Institute shall take whatever steps as are necessary for the appropriate settlement of disputes arising out of contracts or other disputes of a private law character to which the Institute is a party, and disputes involving any official of the Institute with reference to which immunity is enjoyed where the immunity has not been waived in accordance with paragraph 18.
7. The property of the Institute wherever located and by whomsoever held, in Trinidad and Tobago, shall be immune from confiscation, expropriation or any other form of interference.
8. The archives of the Institute shall be inviolable.
9. The property of the Institute shall be exempt from—
- (a) any form of direct taxation provided that the Institute will not claim exemption from taxes which are in fact not more than charges for public utility services;
 - (b) customs duties, purchase taxes and stamp duties and related charges and from prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Institute for its official use. It is understood, however, that articles imported under such exemption shall not be sold within Trinidad and Tobago except under conditions agreed by the Government and the Institute.
10. The Government shall grant to the Institute facilities for the opening and maintenance of an external account in any Commercial Bank in Trinidad and Tobago in accordance with Foreign Exchange Control Regulations.

PART II

PRIVILEGES AND IMMUNITIES OF MEMBERS OF THE BOARD OF GOVERNORS OF THE INSTITUTE, MEMBERS OF THE BOARD OF DIRECTORS OF THE INSTITUTE AND OFFICIALS OF THE INSTITUTE AND MEMBERS OF THEIR IMMEDIATE FAMILIES FORMING PART OF THEIR HOUSEHOLD

11. Subject to paragraph 12, the Government agrees not to impose any impediment to transit to or from the Headquarters Premises of the Institute of the following persons:
- (a) Members of the Board of Governors of the Institute;
 - (b) Members of the Board of Directors of the Institute; and
 - (c) Officials of the Institute and members of their immediate families forming part of their household.
12. The Executive Director shall communicate to the Government the names of persons mentioned in paragraph 11.
13. Paragraphs 11 to 14 shall not apply to general interruptions of transportation and shall not impair the effectiveness of generally applicable rules and regulations as they apply to the operation of means of transportation.
14. The requirement to submit to quarantine, health regulations or security checks at ports of entry shall not be considered an imposition of an impediment within the meaning of paragraph 11.
15. Nothing in paragraph 11 shall preclude the adoption of appropriate security measures in the interest of the State of Trinidad and Tobago.
16. Officials of the Institute shall enjoy in Trinidad and Tobago—
- (a) exemption in respect of themselves and members of their immediate families forming part of their household from registration as aliens, immigration restrictions and fees;
 - (b) exemption from work permit obligations only in respect of their official duties at the Institute;
 - (c) immunity from national service obligations for themselves and their children and dependents forming part of their household;

- (d) exemption from any form of direct taxation on salaries and emoluments paid to them by the Institute;
- (e) the right to import free from all customs duties, purchase taxes, stamp duties and related charges other than charges for storage, cartage and similar services, personal and household effects, including one automobile for personal use, subject to such import being made within six months of arrival, to assume duties in Trinidad and Tobago, or within such period which, in the discretion of the Permanent Secretary of the Ministry with responsibility for external affairs may be made available to the official for such importation. The sale or disposal of such motor vehicles shall be subject to the same terms and conditions governing the sale or disposal of motor vehicles of members of international organisations who are resident in Trinidad and Tobago; and
- (f) immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity.

17. The privileges and immunities described in subparagraphs (a), (b), (c), (d) and (e) of paragraph 16 shall not apply to nationals of Trinidad and Tobago employed by the Institute.

18. The privileges and immunities accorded by this Agreement are in the interest of the Institute and not for the personal benefit of individuals themselves. The Executive Director may waive the immunity of any person entitled thereto in any case where, in his opinion, such immunity impedes or is likely to impede the course of justice and can be waived without prejudice to the interests of the Institute. In the case of the Executive Director, the Board of Directors shall have the power to waive his immunity.

19. Without prejudice to paragraph 16 above, the Head of the Institute residing in Trinidad and Tobago, as well as members of his family living with him, shall enjoy the privileges, immunities, exemptions and facilities as are granted to the Heads of International Organisations accredited to Trinidad and Tobago.

20. In the event of the Head of the Institute being a national of Trinidad and Tobago the privileges and immunities referred to in paragraph 19 would be subject to modification after agreement between the Government of Trinidad and Tobago and the Institute.

21. The Executive Director shall notify the Ministry with responsibility for external affairs of the officials who are entitled to the privileges and immunities conferred by this Order.

22. Officials of the Institute who are entitled to enjoy the privileges and immunities conferred by this Order shall be provided with Identity Cards by the Government to certify their entitlement.

23. The Government shall recognize and accept as a valid and sufficient document for the travel of officials of the Institute out of and into Trinidad and Tobago the *laissez-passer* issued by the Executive Director, specimen copies of which are to be deposited with and approved by the Government of Trinidad and Tobago.

Made this 13th day of September, 1989.

K. BOSWELL INNIS
Secretary to Cabinet

Approved by the House of Representatives this 24th day of November, 1989.

N. COX
Acting Clerk of the House

Approved by the Senate this 28th day of November, 1989.

R. CUMBERBATCH
Acting Clerk of the Senate