

LEGAL NOTICE No. 129

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 COMMUNITY
AND CARIBBEAN COMMON MARKET) ORDER, 1990

1. This Order may be cited as the Privileges and Immunities (Caribbean Citation
Community and Caribbean Common Market) Order, 1990.

2. In this Order—

“the Act” means the Privileges and Immunities (Diplomatic, Consular
and International Organisations) Act;

Interpre-
tation

Chap. 17:01

“archives of the Community” means the records, correspondence,
documents, manuscripts, photographs, slides, films and sound
recordings belonging to or held by the Community;

“the Common Market” means the Caribbean Common Market
established by the Treaty done at Chaguaramas on 4th July, 1973;

“the Community” means the Caribbean Community established by
the Treaty done at Chaguaramas on 4th July, 1973, but does not
include Associate Institutions of the Community;

“Community’s Headquarters Agreement” means the Agreement
between the Government of Guyana and the Community relating
to the privileges and immunities to be granted in connection with
the Secretariat;

“Conference” means the Heads of Government of the Member States;

“Member States” means the States which are members of the
Community;

“Official of the Community” means the Secretary General and staff of
the Secretariat;

“property” means all forms of property, including funds and assets
belonging to or held or administered by the Community, and in
general all income accruing to the Community;

“representatives” shall be deemed to include all alternates,
advisers, technical experts and secretaries of delegations;

“Secretary General” means the Secretary General as appointed under
paragraph 2 of Article 15 of the Treaty;

“Treaty” means the Treaty done at Chaguaramas on 4th July, 1973
establishing the Community and the Common Market.

Privileges
and
immunities
of the
Community
and the
Common
Market
Schedule

3. Subject to the provisions of Part III of the Schedule the Community and the Common Market shall be accorded all the privileges and immunities set out in Part I of the Schedule.

Other
privileges
and
immunities

4. Subject to the provisions of Part III of the Schedule the representatives of Member States, the officials of the Community and the Common Market and experts on missions shall be accorded all the privileges and immunities set out in Part II of the Schedule.

SCHEDULE

PART I

Property, Funds and Assets

1. The Community, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. No waiver of immunity shall extend to any measure of execution.

2. The premises of the Community shall be inviolable. The property of the Community wherever located and by whomsoever held shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative or judicial action.

3. The archives of the Community and in general documents belonging to or held by it shall be inviolable wherever located.

4. Without being restricted by financial controls, regulations or moratoria of any kind—

- (a) the Community may hold funds, gold or currency of any kind and operate accounts in any currency;
- (b) the Community may freely transfer its funds, gold or currency from one country to another or within any country and convert any currency held by it into any other currency.

5. In exercising its rights under paragraph 4, the Community shall pay due regard to any representations made by the Government of the Republic of Trinidad and Tobago and shall give effect to such representations in so far as it is considered possible to do so without detriment to the interest of the Community.

6. The property of the Community shall be exempt from—

- (a) any form of direct taxation; but the Community shall not claim exemption from taxes which are in fact, no more than charges levied for specific services rendered;
- (b) customs duties and from prohibition and restrictions on imports and exports in respect of articles imported or exported by the Community for its official use; but articles imported under such exemption shall not be sold within the Republic of Trinidad and Tobago except under conditions agreed to with the Government of the Republic of Trinidad and Tobago;
- (c) customs duties and other levies and prohibitions and restrictions in respect of the import, sale and export of its publications.

Facilities in respect of Communications

7. The Community shall enjoy in the Republic of Trinidad and Tobago for its official communications, treatment not less favourable than that accorded by the Government of the Republic of Trinidad and Tobago to any other Government, international organisation or foreign diplomatic mission if any.

8. The Community shall be immune from censorship of its official correspondence and other official communications.

9. The Community shall have the right to use codes and despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

10. Nothing in this Article shall be construed so as to preclude the adoption of appropriate security measures in the interest of the Government of the Republic of Trinidad and Tobago.

PART II

Representatives

11. Any representative of a Member State, party to the Protocol on the Privileges and Immunities of the Caribbean Community and to the Protocol on the Privileges and Immunities of the Caribbean Common Market, while present on the business of the Community in the Republic of Trinidad and Tobago shall, in the discharge of his duties, enjoy—

- (a) the same immunity from personal arrest and detention and from seizure of his personal and official baggage, and the same inviolability for all papers and documents as is accorded to a diplomatic agent in accordance with international law;
- (b) the right to use codes and to receive and send papers or correspondence by courier or in sealed bags;
- (c) exemption in respect of himself and members of his family forming part of his household from immigration restrictions, alien registration and national service obligations;
- (d) the same facilities in respect of currency or exchange restrictions and in respect of his personal and official baggage as are accorded to a representative of a foreign Government on a temporary official mission.

12. Any such representative shall also enjoy in respect of words spoken or written and all acts done by him in the course of the performance of official duties the same immunity from legal process of every kind as is accorded to a diplomatic agent in accordance with international law. This immunity shall continue although the person concerned has ceased to be a representative.

Officials of the Community and Experts on Missions

13. The Conference of the Community shall specify the classes of officials to whom paragraphs 15 and 16 apply and shall inform the Government of the Republic of Trinidad and Tobago of its decision.

14. The names of the officials included in these classes shall be made known from time to time to the Government of the Republic of Trinidad and Tobago.

15. Officials of the Community of the specified classes shall enjoy—

- (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. This immunity shall continue although the person concerned has ceased to be an official of the Community;
- (b) exemption from any form of taxation on salaries and emoluments received as officials of the Community;
- (c) immunity from national service obligations;
- (d) exemption for themselves, members of their families and dependents forming part of their household from immigration restrictions and alien registration;
- (e) the same facilities in respect of currency and exchange restrictions as are accorded to members of diplomatic missions of comparable rank;
- (f) the same repatriation facilities in time of international crisis for themselves, their families and dependents forming part of their household accorded to members of diplomatic missions of comparable rank;

- (g) the right, where they are nationals or residents of Trinidad and Tobago, to export from Trinidad and Tobago free of duty and taxes their personal and household effects including one motor vehicle for any one official of the Community, at the time of first taking up their posts as officials of the Community in another Member State;
- (h) the right, where they are nationals or residents of Trinidad and Tobago, to import free of duty and taxes into Trinidad and Tobago their personal and household effects including one motor vehicle for any one official of the Community on termination of their duties in another Member State.

16. The rights conferred in subparagraphs (g) and (h) above are subject to the conditions considered to be necessary by the Government of the Republic of Trinidad and Tobago.

17. In addition to the privileges and immunities specified in paragraphs 15 and 16, the Secretary-General shall be accorded in respect of himself, his spouse and children, the privileges and immunities normally accorded to heads of diplomatic missions in accordance with international law.

Experts on Missions on behalf of the Community

18. Experts employed on missions on behalf of the Community, while present in the Republic of Trinidad and Tobago shall in the discharge of their duties, enjoy—

- (a) immunity from personal arrest and detention in respect of official acts and from seizure of their personal baggage, and the same inviolability for all papers and documents relating to the work on which they are engaged for the Community;
- (b) the same facilities in respect of currency and exchange regulations as are accorded to representatives of foreign Governments on temporary official missions.

19. Such experts shall enjoy in respect of words spoken or written and all acts done by them in the course of the performance of official duties the same immunity from legal process of every kind as is accorded to a diplomatic agent in accordance with international law. This immunity shall continue although the person concerned has ceased to be employed on a mission on behalf of the Community.

Laissez-Passer

20. (1) The Secretary-General may, subject to any conditions which may be laid down by the Conference from time to time, issue *laissez-passer* to officials of the Community. These *laissez-passer* shall be recognised and accepted as valid and sufficient travel documents by the Government of the Republic of Trinidad and Tobago.

(2) Upon the presentation of the *laissez-passer* by an official of the Community, travelling on the official business of the Community, such official shall not be subject to customs and immigration formalities except where such formalities are required for statistical purposes; so, however, that nothing in this provision shall exempt such baggage from inspection in accordance with international law when there are serious grounds for presuming that it contains articles, the import or export of which is prohibited by law or controlled by quarantine regulations. Any such inspection shall be conducted only in the presence of the official concerned.

21. Applications for visas from experts and other persons who though not holders of the Community *laissez-passer* present a certificate under the hand of the Secretary General certifying that they are travelling on business of the Community shall be dealt with as speedily as possible.

22. Officials of the Community travelling on Community *laissez-passer* on the business of the Community shall be granted the same facilities as are accorded to officials of comparable rank forming part of the diplomatic missions to the Government of the Republic of Trinidad and Tobago.

PART III

Waiver of Immunities and Privileges

23. The privileges and immunities accorded by this Order are granted in the interest of the Community and the Common Market and not for the personal benefit of the individuals themselves. The Secretary General 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 interest of the Community and the Common Market. In the case of the Secretary General, the Conference shall have the power to waive his immunity.

24. Nothing in the provision of this Order shall be construed as obliging the Government of the Republic of Trinidad and Tobago to grant any of the privileges or immunities referred to therein to any person who is its national or who is permanently resident in its territory, whether as a representative or an official except immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of his functions.

Made this 22nd day of May, 1990.

K. BOSWELL INNISS
Secretary to Cabinet

Approved by the House of Representatives this 29th day of June, 1990.

R. CUMBERBATCH
Acting Clerk of the House

Approved by the Senate this 12th day of June, 1990.

J. SAMPSON
Acting Clerk of the Senate