

LEGAL NOTICE No. 199

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 (MULTILATERAL  
INVESTMENT GUARANTEE AGENCY) ORDER, 1994

1. This Order may be cited as the Privileges and Immunities Citation  
(Multilateral Investment Guarantee Agency) Order, 1994.

2. In this Order—

“Agency” means the Multilateral Investment Guarantee Interpre-  
tation  
Agency;

“Assets” include the assets of the Sponsorship Trust Fund  
referred to in Annex I to the Convention and other assets  
administered by the Agency in furtherance of its objective;

“Convention” means the Convention establishing the  
Multilateral Investment Guarantee Agency which was  
signed and ratified by the Government of Trinidad and  
Tobago in 1991;

“Member” means a State which is a party to the Convention.

3. Subject to paragraphs 11 and 12 of Part 3 of the Schedule the Privileges and  
Immunities of  
the Agency  
Schedule  
Agency shall be accorded all the privileges and immunities set out in  
Part I of the Schedule.

4. Subject to paragraph 12 of Part 3 of the Schedule, officials of the Privileges and  
Immunities of  
officials of the  
Agency  
Agency shall be accorded all the privileges and immunities set out in  
Part 2 of the Schedule.

SCHEDULE

PART 1

PRIVILEGES AND IMMUNITIES OF THE AGENCY

LEGAL PERSONALITY AND CAPACITY

1. The Agency shall have legal personality and such legal capacity as may be  
necessary for the exercise of its functions and the fulfillment of its purposes in accordance  
with its constituent instrument and, in particular, it shall have the capacity—

(a) to contract;

(b) to acquire and dispose of real and personal property; and

(c) to be a party to legal proceedings.

PROPERTY AND ASSETS OF THE AGENCY

2. The property and assets of the Agency shall, wherever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of the final judgment or award against the Agency.

ASSETS

3. The property and assets of the Agency, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

4. To the extent necessary to carry out its operations under the Convention, all property and assets of the Agency shall be free from restrictions, regulations, controls and moratoria of any nature, so however, that property and assets acquired by the Agency as successor to or subrogee of a holder of a guarantee, a reinsured entity or an investor insured by a reinsured entity shall be free from applicable foreign exchange restrictions, regulations and controls in force in Trinidad and Tobago to the extent that the holder, entity or investor to whom the Agency was subrogated was entitled to such treatment.

ARCHIVES AND COMMUNICATIONS

5. The archives of the Agency shall be inviolable, wherever they may be.

6. The official communications of the Agency shall be accorded the same treatment that is accorded the official communications of the International Bank for Reconstruction and Development (the World Bank).

TAXES

7. The Agency, its assets, property and income, and its operations and transactions authorized by the Convention, shall be immune from all taxes and customs duties. The Agency shall also be immune from liability for the collection or payment of any tax or duty.

8. Except in the case of nationals of Trinidad and Tobago, no tax shall be levied on or in respect of expense allowances paid by the Agency to Governors and their Alternates or on or in respect of salaries, expense allowances or other emoluments paid by the Agency to the Chairman of the Board, Directors, their Alternates, the President or staff of the Agency.

9. No taxation of any kind shall be levied on any investment guaranteed or reinsured by the Agency, including any earnings therefrom, or any insurance policies reinsured by the Agency, including any premiums and other revenues therefrom, by whomsoever held—

- (a) which discriminates against such investment or insurance policy solely because it is guaranteed or reinsured by the Agency; or
- (b) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Agency.

PART 2

PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE AGENCY

10. All Governors, Directors, Alternates, the President and staff of the Agency—
- (a) shall be immune from legal process with respect to acts performed by them in their official capacity;
  - (b) not being nationals of Trinidad and Tobago, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations, and the same facilities as regards exchange restrictions as are accorded in Trinidad and Tobago to the representatives, officials and employees of comparable rank of other members; and

- (c) shall be granted the same treatment in respect of travelling facilities as is accorded in Trinidad and Tobago to representatives, officials and employees of comparable rank of other members.

PART 3

11. Actions other than those within the scope of Articles 57 and 58 of the Convention may be brought against the Agency only in a court of competent jurisdiction in Trinidad and Tobago if the Agency has an office or has appointed an agent for the purpose of accepting service or notice of process in the country. No such action against the Agency shall be brought—

- (a) by members or persons acting for or deriving claims from members; or  
(b) in respect of personnel matters.

12. The privileges, immunities and exemptions accorded in this Order are granted in the interests of the Agency and may be waived to such extent upon such conditions as the Agency may determine, in cases where such a waiver would not prejudice its interests. The Agency may waive the immunity of any of its staff in cases where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Agency.

Dated this 23rd day of September , 1994.

C. SOOKRAM  
*Secretary to Cabinet*

Laid in the House of Representatives this 17th day of October, 1994.

N. COX  
*Acting Clerk of the House*

Laid in the Senate this 17th day of October, 1994.

R. CUMBERBATCH  
*Acting Clerk of the Senate*