

LEGAL NOTICE No. 156

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
TELECOMMUNICATIONS UNION) ORDER, 1995

1. This Order may be cited as the Privileges and Immunities Citation
(Caribbean Telecommunications Union) Order, 1995.

2. In this Order—

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

Interpre-
tation

“Executive Council” means the decision-making body of the
Union between the Sessions of the General Conference and
within the limits of the powers delegated to it by the
General Conference;

“General Conference” means the supreme Organ of the Union
and comprises the Ministerial representatives of the
Union;

“Government” means the Government of the Republic of
Trinidad and Tobago;

“Head of the Union” means the Secretary General of the Union;

“Headquarters Premises of the Union” means the premises
occupied by the Union in Trinidad and Tobago;

“Officials” means the Secretary General, and any other
members of staff so designated by the Secretary General
and approved by the Ministry of Foreign Affairs;

“Property” means all forms of property including funds or
assets belonging to or held or administered by the Union;

“Union” means the Caribbean Telecommunications Union
established by Agreement done at Nassau, Commonwealth
of the Bahamas, 28th April, 1989.

Privileges
and
Immunities of
the Union
Schedule

3. The Union shall be accorded all the privileges and immunities set out in Part 1 of the Schedule.

Privileges
and
Immunities of
personnel of
the Union

4. The following persons shall be accorded the respective privileges and immunities set out in Part 2 of the Schedule:

- (a) the Head of the Union;
- (b) members of the General Conference of the Union;
- (c) members of the Executive Council of the Union; and
- (d) officials of the Union and members of their immediate family forming part of their household.

SCHEDULE

PART 1

PRIVILEGES AND IMMUNITIES OF THE UNION

LEGAL PERSONALITY AND CAPACITY

1. The Union shall have legal personality and such legal capacity as may be necessary for the exercise of its functions and the fulfilment 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.

COMMUNICATIONS

2. The Union 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.

3. (1) The Union shall be immune from censorship of its correspondence or other communications, which immunity shall extend to printed matter, photographs, slides, films and sound recordings.

(2) The list of items entitled to immunity under subclause (1) may be amplified.

(3) The Union 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.

4. Nothing in clause 3 shall preclude the adoption after consultation with the Secretary General of the Union of appropriate security measures in the interest of the State of Trinidad and Tobago.

PROPERTY AND TAXATION

5. (1) The Union 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 Executive Council.

(2) No waiver of immunity under subclause (1) shall subject the property of the Union to any measures of execution.

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

7. The property of the Union 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 Union shall be inviolable.

9. The property of the Union shall be exempt from—

(a) any form of direct taxation, but the Union shall not claim exemption from taxes which are in fact not more than charges for public utility services;

(b) customs duties and related charges and from prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Union for its official use where articles imported under such exemption are not sold within Trinidad and Tobago except under conditions agreed by the Government and the Union.

10. The Union shall be entitled to a refund of Value Added Taxes paid in Trinidad and Tobago on articles acquired for its official use.

PART 2

PRIVILEGES AND IMMUNITIES OF PERSONNEL OF THE UNION

TRANSIT

11. Subject to clause 12, the Government agrees not to impose any impediment to transit to or from the Headquarters Premises of the Union of the following persons:

(a) Members of the General Conference of the Union;

(b) Members of the Executive Council of the Union; and

(c) Officials of the Union and members of their immediate families forming part of their household.

12. The Secretary General shall communicate to the Government the names of persons mentioned in clause 11.

13. Clauses 11 to 15 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 impediment within the meaning of clause 11.

15. Nothing in clause 11 shall preclude the adoption of appropriate measures in the interest of the State of Trinidad and Tobago.

PRIVILEGES AND IMMUNITIES

16. Officials of the Union 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 Union;
- (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 Union;
- (e) the right to import free from all customs duties, Value Added Tax 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 (6) 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 of Foreign 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;
- (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 clause 16(a) to (e) shall not apply to nationals of Trinidad and Tobago employed by the Union.

18. The privileges and immunities accorded by this Order are in the interests of the Union and not for the personal benefit of 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 interests of the Union. In the case of the Secretary General, the Executive Council shall have the power to waive his immunity.

19. Without prejudice to clause 16, the Head of the Union 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 Union being a national of Trinidad and Tobago the privileges and immunities referred to in clause 19 shall be subject to modification after agreement between the Government and the Union.

21. The Secretary General shall notify the Ministry of Foreign Affairs of the Officials who are entitled to the privileges and immunities of this Order.

22. Officials of the Union who are entitled to enjoy the privileges and immunities conferred by this Agreement 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 Union out of and into Trinidad and Tobago the *laissez-passer* issued by the Secretary General, specimen copies of which are to be deposited with and approved by the Government.

Made this 17th day of July, 1995.

C. SOOKRAM
Secretary to Cabinet

Approved by the House of Representatives this 27th day of
September, 1995.

J. SAMPSON
Clerk of the House

Approved by the Senate this 2nd day of October, 1995.

D. DOLLY
Acting Clerk of the Senate