

LEGAL NOTICE No. 164

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 (CARICOM FISHERIES
RESOURCES ASSESSMENT AND MANAGEMENT PRO-
GRAMME—RESOURCE ASSESSMENT UNIT) ORDER, 1996

1. This Order may be cited as the Privileges and Immunities ^{Citation}
(CARICOM Fisheries Resources Assessment and Management
Programme—Resource Assessment Unit) Order, 1996.

2. In this Order—

“Agreement” means the agreement between the Government of ^{Interpreta-}
Trinidad and Tobago and the Caribbean Community ^{tion}
relating to the support, privileges and immunities to be
granted in connection with the Caribbean Fisheries
Resources Assessment and Management Programme;

“Archives of the Programme” means the records, corres-
pondence, documents, manuscripts, photographs, slides,
films and sound recordings belonging to the Programme;

“CARICOM” means the Caribbean Community;

“Competent authorities” means national or local authorities of
Trinidad and Tobago as may be appropriate in the context
and in accordance with the laws of Trinidad and Tobago;

“Government” means the Government of Trinidad and Tobago;

“Official of the Programme” means any member of the staff of
the Programme;

“Premises of the Programme” means the premises occupied by
the Programme referred to in paragraph 1 of Article 2 of
this Agreement;

“Programme” means the CARICOM Fisheries Resources
Assessment and Management Programme;

“Programme Director” means the officer responsible for
implementation of the Programme;

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

“Secretariat” means the Caribbean Community Secretariat referred to in Article 15 of the Treaty;

“Secretary General” means the holder of the office established by Article 15 of the Treaty;

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

Privileges and immunities of the Programme

3. Subject to Part IV of the Schedule the Programme shall be accorded the privileges and immunities set out in Part I of the Schedule.

Privileges and immunities of officials of the Programme

4. Subject to Part V of the Schedule, officials of the Programme shall be accorded the privileges and immunities set out in Parts II and III of the Schedule.

Other privileges and immunities

5. Representatives of Member States of the Programme, persons, other than officials of the Programme, performing missions for the Programme and members of their families forming part of their household shall be accorded the privileges and immunities set out in Part III of the Schedule.

SCHEDULE

PART I

PREMISES OF THE PROGRAMME

1. (1) The premises of the Programme shall be inviolable and shall be under the control and authority of the Programme as provided for in this Agreement.

(2) Officials of the Government whether administrative, judicial, military or police, shall not enter the premises of the Programme to perform any official duties therein except with the consent of and under conditions agreed to by the Programme Director acting on behalf of the Secretary General.

(3) The service of legal process, including the seizure of private property, may take place within the premises of the Programme only with the consent of and under conditions approved by the Secretary General.

COMMUNICATIONS

2. The Programme shall enjoy in Trinidad and Tobago in respect of its official communications, treatment no less favourable than that accorded by the Government to any Government or foreign diplomatic mission or International Organisation in Trinidad and Tobago.

3. All correspondence or other communication of the Programme shall be immune from censorship. Such immunity from censorship shall extend to printed matter, photographs, slides, films, sound recordings, magnetic tapes and computer diskettes, this list being subject to amplification by agreement. The Programme 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 2 of this Part shall preclude the adoption, after consultation with the Programme Director acting on behalf of the Secretary General, of appropriate security measures in the interest of Trinidad and Tobago.

PART I—Continued

ARCHIVES

5. The Archives of the Programme shall be inviolable.

PROPERTY AND TAXATION

6. The Programme and its property wherever located and by whomsoever held, shall enjoy immunity from legal process except in specified cases where such immunity is expressly waived by the Secretary General. No waiver of immunity shall subject the property of the Programme to any measure of execution.

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

8. The property of the Programme shall be exempt from—

- (a) any form of direct or indirect taxation; it is understood however, that the Programme shall not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) customs duties and, subject to any quarantine or health regulations for the time being in force, from prohibition and restrictions on imports and exports in respect of articles imported or exported by the Programme 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 to between the Government and the Programme.

FINANCIAL AND EXCHANGE FACILITIES

9. The Government of Trinidad and Tobago shall not subject the Programme to any financial control, regulation or moratorium and the Programme shall be entitled—

- (a) to purchase from authorised dealers, hold and make use of negotiable currencies; to operate foreign currency and external accounts and to purchase, through authorised dealers, hold and make use of funds and securities;
- (b) to transfer its funds, securities and foreign currencies to or from Trinidad and Tobago or within Trinidad and Tobago itself and to convert any currency held by it into any other currency.

10. The Programme, in exercising its rights under clause 1 of this Part, shall pay due regard to any representations made by the Government, and shall give effect to such representations so far as this is possible without detriment to the interest of the Programme.

PUBLIC SERVICES AND PROTECTION OF THE PREMISES OF THE PROGRAMME

11. The competent authorities shall provide to the extent requested by the Secretary General public services designed to ensure that the premises of the Programme shall be supplied on equitable terms with the necessary public services including electricity, water, post, telephone, telegraph, transportation and fire protection.

12. In case of any interruption or threatened interruption of any such service, the competent authorities shall consider the needs of the premises of the Programme as being of equal importance with the similar needs of essential agencies of the government, and shall take steps accordingly to ensure that the work of the Programme is not prejudiced.

13. The competent authorities shall exercise reasonable care to ensure that the tranquillity of the premises of the Programme is not disturbed by the unauthorised entry of any person or group of persons upon the premises.

PART I—*Continued*PUBLIC SERVICES AND PROTECTION OF THE PREMISES OF THE PROGRAMME—*Continued*

14. If so requested by the Secretary General, the competent authorities shall provide a sufficient number of police officers for the preservation of law and order in the premises of the Programme. The Programme shall, if requested, enter into arrangements with the competent authorities to reimburse them for the reasonable cost of such services.

PART II

PRIVILEGES AND IMMUNITIES

1. Officials of the Programme shall enjoy in Trinidad and Tobago the following privileges and immunities:

- (a) immunity against personal arrest and detention;
- (b) inviolability of their personal and official baggage;
- (c) immunity from legal process of any kind in respect of words spoken or written and of all acts performed by them in their official capacity, the immunity concerning such official acts shall continue although the persons concerned have ceased to be officials of the Programme;
- (d) exemption for officials, other than citizens of Trinidad and Tobago from any form of direct taxation on salaries, remuneration and allowances, paid by the Programme;
- (e) exemption for officials, other than citizens of Trinidad and Tobago from any form of direct taxation on income derived from sources outside Trinidad and Tobago;
- (f) exemption in respect of themselves and members of their families forming part of their household from registration as aliens and from immigration restrictions;
- (g) the necessary permits for the proper discharge of their duties;
- (h) work permits and visas for spouses of staff of the Programme to permit them to undertake gainful employment where qualified or other competent nationals of Trinidad and Tobago are not available;
- (i) freedom for officials of the Programme other than citizens of Trinidad and Tobago to maintain within Trinidad and Tobago foreign securities, external accounts and moveable and immovable property and on termination of their appointment with the Programme the right to take out of Trinidad and Tobago without restriction, funds accruing to them in connection with their employment with the Programme, after taking into account a reasonable amount of living expenses together with any amount brought into or transferred to Trinidad and Tobago by them through authorised dealers;
- (j) such other privileges and immunities similar to those enjoyed by diplomatic personnel and, in particular, exemption from payment of customs duties on imports in respect of articles imported for their official and private use, save that this subparagraph shall not apply to citizens of Trinidad and Tobago.

2. Officials of the Programme who are entitled to enjoy the privileges and immunities under this Part shall be provided with identity documents by the Government to certify their entitlements.

PART III

TRANSIT

1. The competent authorities shall not impose any impediments to transit to or from the premises of the Programme to the following persons:

- (a) representatives of Member States of the Programme;
- (b) officials of the Programme and the members of their families forming part of their household;

PART III—*Continued*

TRANSIT—*Continued*

- (c) persons, other than officials of the Programme performing missions for the Programme and members of their families forming part of their household;
- (d) other persons invited to the premises of the Programme on official business.

2. The Secretary General shall communicate to the Government the names of the persons mentioned in clause 1 of this Part.

3. This Part shall not apply to general interruptions of transportation and shall not impair the effectiveness of general applicable laws and regulations as to the operation of means of transport.

4. Visas required by the persons referred to in clause 1 of this Part shall be granted free of charge.

5. A person claiming the rights granted under this Part may be required to produce evidence to establish his entitlement to be included in any of the categories specified in clause 1 of this Part.

6. A requirement to submit to quarantine health regulations shall not be considered an imposition or an impediment within the meaning of clause 1 of this Part.

PART IV

The Programme shall prevent the premises of the Programme from becoming a refuge either for fugitives from justice, or persons who are endeavoring to avoid service of legal process or judicial proceedings.

PART V

1. The privileges and immunities accorded by this Agreement are granted in the interest of the Programme 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 interests of the Programme.

2. Officials of the Programme shall co-operate at all times with the competent authorities to facilitate the proper administration of justice, to ensure the observance of all regulations and to prevent the occurrence of any abuses in the exercise of the privileges and immunities specified in this Agreement.

Made this 27th day of March, 1996.

C. SOOKRAM
Secretary to Cabinet

Approved by the House of Representatives this 9th day of August, 1996.

J. SAMPSON
Clerk of the House

Approved by the Senate this 17th day of September, 1996.

N. COX
Clerk of the Senate