

LAWS OF TRINIDAD AND TOBAGO

PRIVILEGES AND IMMUNITIES
(DIPLOMATIC, CONSULAR AND INTERNATIONAL
ORGANISATIONS) ACT

CHAPTER 17:01

Act

23 of 1965

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LAWS OF TRINIDAD AND TOBAGO

Index of Subsidiary Legislation

| | <i>Page</i> |
|---|-------------|
| Privileges and Immunities (European Economic Commission) Order (GN 107/1977) | 52 |
| Privileges and Immunities (Conventions of Lomé) Order (LN 199/1989) ... | 53 |
| Privileges and Immunities (Conventions of Lomé) (No. 2) Order (LN 200/1989) | 54 |
| Privileges and Immunities (Caribbean Agricultural Research and Development Institute) Order (LN 201/1989) | 55 |
| Privileges and Immunities (Conventions of Lomé) Order (LN 88/1990) ... | 60 |
| Privileges and Immunities (Conventions of Lomé) (No. 2) Order (LN 89/1990) | 61 |
| Privileges and Immunities (Caribbean Community and Caribbean Common Market) Order (LN 129/1990) | 63 |
| Privileges and Immunities (Caribbean Financial Action Task Force) Order (LN 64/1994) | 70 |
| Privileges and Immunities (Multilateral Investment Guarantee Agency) Order (LN 199/1994) | 71 |
| Privileges and Immunities (Commission of the European Communities) Order (LN 6/1995) | 75 |
| Privileges and Immunities (Caribbean Telecommunications Union) Order (LN 156/1995) | 77 |
| Privileges and Immunities (CARICOM Fisheries Resources Assessment and Management Programme—Resource Assessment Unit) Order (LN 164/1996) | 83 |
| Privileges and Immunities (Andean Development Corporation) Order (LN 166/1996) | 90 |
| Privileges and Immunities (Caribbean Export Development Agency) Order (LN 193/1997) | 95 |
| Privileges and Immunities (Conventions of Lomé) Order (LN 48/1999) ... | 103 |
| Privileges and Immunities (Diplomatic, Consular and International Organisations)(Inter-American Institute for Co-operation on Agriculture) Order (LN 101/2001) | 104 |

CHAPTER 17:01

**PRIVILEGES AND IMMUNITIES
(DIPLOMATIC, CONSULAR AND INTERNATIONAL
ORGANISATIONS) ACT**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.

PART I

DIPLOMATIC PRIVILEGES AND IMMUNITIES

3. Application of Vienna Convention.
4. Restriction, variation and revocation of privileges and immunities.

PART II

CONSULAR PRIVILEGES AND IMMUNITIES

5. Application of Vienna Convention on Consular Relations.
6. Application of section 4.

PART III

**PRIVILEGES AND IMMUNITIES OF
THE UNITED NATIONS**

7. Application of the General Convention.

PART IV

**PRIVILEGES AND IMMUNITIES OF THE SPECIALISED
AGENCIES OF THE UNITED NATIONS**

8. Application of the Convention.

PART V

**PRIVILEGES AND IMMUNITIES OF OTHER
INTERNATIONAL ORGANISATIONS AND AGENCIES**

9. Privileges and immunities of specified international organisations and agencies.
10. Bilateral arrangements for additional privileges and immunities.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

4

Chap. 17:01

ARRANGEMENT OF SECTIONS—*Continued*

SECTION

PART VI

GENERAL

11. Certificate of Minister is conclusive evidence.
12. Use, etc., of official seal of United Nations.
13. Regulations.

FIRST SCHEDULE.

SECOND SCHEDULE.

THIRD SCHEDULE.

FOURTH SCHEDULE.

FIFTH SCHEDULE.

CHAPTER 17:01

**PRIVILEGES AND IMMUNITIES (DIPLOMATIC,
CONSULAR AND INTERNATIONAL
ORGANISATIONS) ACT**

An Act to confer certain privileges and immunities on members of the diplomatic services, the consular services and on the Specialised Agencies of the United Nations by giving the force of law to certain articles of the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialised Agencies of the United Nations; and for purposes connected therewith. 23 of 1965.

[16TH NOVEMBER 1965]

Commencement.

1. This Act may be cited as the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act. Short title.

2. In this Act—

Interpretation.

“the convention” means the Convention on the Privileges and Immunities of the Specialised Agencies approved by the General Assembly of the United Nations on the 21st November 1947;

“the Convention on Consular Relations” means the Vienna Convention on Consular Relations signed at Vienna on the 24th April 1963;

“the General Convention” means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on the 13th February 1946;

“the Vienna Convention” means the Vienna Convention on Diplomatic Relations signed at Vienna on the 18th April 1961.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

6

Chap. 17:01

PART I

DIPLOMATIC PRIVILEGES AND IMMUNITIES

Application of
Vienna
Convention.
First Schedule.

3. (1) Subject to this Act, the Articles set out in the First Schedule, being Articles of the Vienna Convention shall have the force of law in Trinidad and Tobago and shall be construed in accordance with the provisions of this section.

(2) In the Articles referred to in subsection (1)—

“agents of the receiving State” shall be construed as including any constable and any person exercising power of entry to any premises under any written law in force in Trinidad and Tobago;

“member of the family” shall be construed as meaning in relation to any person, the spouse or any dependant relative of that person;

“Ministry of Foreign Affairs or such other Ministry as may be agreed” shall be construed as meaning the Ministry of External Affairs of the Government of Trinidad and Tobago;

“mission” shall be construed as meaning any Embassy or High Commission;

“national of the receiving State” shall be construed as meaning any citizen of Trinidad and Tobago or any person entitled to be registered as such.

(3) For the purpose of Article 32 a waiver by the head of the mission of any State or any person performing his function shall be deemed to be a waiver by that State.

(4) The references in Articles 37 and 38 to the extent to which any privileges and immunities are admitted by the receiving State and to additional privileges and immunities that may be granted by the receiving State shall be construed as referring respectively to the extent to which any privileges and immunities which the President may specify by Order and to any additional privileges and immunities that may be so specified.

4. (1) If it appears to the President that the privileges and immunities accorded to a mission of Trinidad and Tobago in the Territory of any State or to the persons connected with that mission are less than those conferred by this Act on the mission of that State or on persons connected with that mission, the President may by Order withdraw such of the privileges and immunities so conferred from the mission of that State or from such persons connected with it as appears to the President to be proper.

Restriction, variation and revocation of privileges and immunities.

(2) When any privileges and immunities are withdrawn from any State by the President under subsection (1), the President may reinstate such privileges to that State at any time if it appears to him to be proper to do so.

PART II

CONSULAR PRIVILEGES AND IMMUNITIES

5. (1) Subject to this Act, the Articles set out in the Second Schedule (being Articles of the Vienna Convention on Consular Relations signed in 1963) shall have the force of law in Trinidad and Tobago and shall be construed in accordance with the provisions of this section.

Application of Vienna Convention on Consular Relations. Second Schedule.

(2) In the Articles referred to in subsection (1)—

“agents of the receiving State” shall be construed as including any constable and any person exercising power of entry to any premises under any written law in force in Trinidad and Tobago;

“member of the family” shall be construed as meaning in relation to any person, the spouse or any dependant relative of that person;

“mission” shall be construed as meaning any Embassy or High Commission;

“national of the receiving State” shall be construed as meaning any citizen of Trinidad and Tobago or any person entitled to be registered as such.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

8

Chap. 17:01

Application of
section 4.

6. The provisions of section 4 which relate to the withdrawal of privileges and immunities to diplomatic officers shall apply *mutatis mutandis* to consular officers.

PART III

PRIVILEGES AND IMMUNITIES OF THE
UNITED NATIONS

Application of
the General
Convention.
Third Schedule.

7. (1) Subject to this Act, the Articles set out in the Third Schedule (being Articles of the General Convention) shall have the force of law in Trinidad and Tobago and shall be construed in accordance with the provisions of this section.

(2) In the Articles referred to in subsection (1)—

(a) the reference in Article 1 to the effect that the United Nations shall possess juridical personality shall be construed as meaning that the United Nations is a body corporate within the meaning of section 37 of the Interpretation Act;

(b) the term “a national” in relation to Trinidad and Tobago shall be construed as meaning a citizen of Trinidad and Tobago or any person entitled to be registered as such.

Ch. 3:01.

PART IV

PRIVILEGES AND IMMUNITIES OF THE SPECIALISED
AGENCIES OF THE UNITED NATIONS

Application of
the Convention.
Fourth
Schedule.

8. (1) Subject to this Act, the Articles set out in the Fourth Schedule being Articles of the Convention shall have the force of law in Trinidad and Tobago and shall be construed in accordance with this section.

(2) In the Articles referred to in subsection (1)—

(a) the reference in section 3 of Article II to the effect that the Specialised Agencies shall possess juridical personality shall be construed as meaning that the Specialised Agencies are

bodies corporate within the meaning of section 37 of the Interpretation Act; Ch. 3:01.

- (b) the term “a national” in relation to Trinidad and Tobago shall be construed as meaning a citizen of Trinidad and Tobago or any person entitled to be registered as such.

PART V

**PRIVILEGES AND IMMUNITIES OF OTHER
INTERNATIONAL ORGANISATIONS AND AGENCIES**

9. (1) This section shall apply to any international or regional organisation or agency, other than those to which Part III and Part IV apply, declared by an Order of the President to be an organisation or agency to which specified privileges and immunities have been accorded. Privileges and immunities of specified international organisations and agencies. [18 of 1988 8 of 1994].

(2) The President may, from time to time by Order, declare that any international or regional organisation or agency (herein referred to as “the organisation”) named and described in such Order shall, to such extent as may be specified in the Order, be accorded the privileges and immunities set out in Part I of the Fifth Schedule. Part I.
Fifth Schedule.

(2A) An Order made under subsection (2) may confer juridical personality on the organisation, investing it with the status of a body corporate within the meaning of section 37 of the Interpretation Act. Ch. 3:01.

- (3) An Order made under subsection (2)—
- (a) may confer upon—
- (i) any persons who are representatives of any organ of the organisation or are members of any committee of the organisation or of an organ thereof;
 - (ii) such number of officers of the organisation as may be specified in the Order, being the holders of such high offices in the organisation as may be so specified;

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

10

Chap. 17:01

Part II.
Fifth Schedule.

(iii) such persons employed on missions on behalf of the organisation as may be so specified,

to such extent as may be specified in the Order, the immunities and privileges set out in Part II of the Fifth Schedule;

(b) may confer upon such other classes of officers and servants of the organisation as may be specified in the Order, to such extent as may be so specified the immunities and privileges set out in Part III of the Fifth Schedule,

Part III.
Fifth Schedule.

Part IV.
Fifth Schedule.

and Part IV of the Fifth Schedule shall have effect for the purpose of extending to the staffs of such representatives and members as are mentioned in paragraph (a)(i) and to the families of officers of the organisation any privileges and immunities conferred on the representatives, members or officers under that paragraph, except in so far as the operation of Part IV is excluded by the Order conferring privileges and immunities.

(3A) An Order made under subsection (2) may, notwithstanding anything contained in that subsection or in any other written law, confer on the organisation or on such persons or classes of persons as are referred to in subsection (3), or on persons who have entered into contracts financed by the organisation, such immunities, privileges or exemptions as the case may be, as are required to give effect to any international treaty or convention in that behalf to which Trinidad and Tobago is or has been a party.

(3B) An Order referred to in subsection (3A) may specify such conditions for protecting the revenue as the President may deem necessary or expedient.

(4) Where privileges and immunities are conferred on any person by an Order made under subsection (2), the Permanent Secretary in the Ministry of External Affairs—

(a) shall compile a list of the persons entitled to privileges and immunities conferred under

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

11

subsections (3) (a) and (3A) and may compile a list of the persons entitled to privileges and immunities conferred under subsection (3) (b) and shall compile a list of the parties to the contracts referred to in subsection (3A);

- (b) shall cause any list compiled under this subsection to be published in the *Gazette*; and
- (c) whenever any person ceases or begins to be entitled to the privileges and immunities to which any such list relates, shall amend the list and cause a notice of the amendment, or, if he thinks fit, an amended list, to be published as aforesaid.

(5) Every list or notice published under subsection (4) shall state the date from which the list or amendment takes or took effect, and the fact that any person is or was included or not included at any time among the persons entitled to the privileges and immunities in question may, if a list of those persons has been so published, be conclusively proved by producing the *Gazette* containing the list, or, as the case may be, the last list taking effect before that time, together with the *Gazette* (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the list.

(6) Every Order made under subsection (2) shall be subject to affirmative resolution of Parliament.

10. The President may on behalf of the Government of Trinidad and Tobago enter into any special agreement or arrangement with the Government of any State for conferring on a mission of the Government of Trinidad and Tobago privileges and immunities in addition to those conferred by Part I or Part II; and the provisions of any such agreement or arrangement shall, so long as that agreement or arrangement continues in force, be deemed to have the force of law in Trinidad and Tobago.

Bilateral
arrangements
for additional
privileges and
immunities.

Part I.
Part II.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

12

Chap. 17:01

PART VI
GENERAL

Certificate of
Minister is
conclusive
evidence.

11. If in any proceedings any question arises whether or not any person is entitled to any privilege or immunity under this Act, a certificate issued by or under the authority of the Minister stating any fact relating to that question shall be conclusive evidence of that fact.

Use, etc., of
official seal of
United Nations.

12. (1) No person shall assume or use in connection with any trade, business, calling or profession, the name, official seal or emblem of the United Nations or any of its Specialised Agencies or any seal or emblem so nearly resembling any such seal or emblem as to be likely to deceive.

(2) A facsimile copy of each seal and emblem in relation to which subsection (1) applies shall be published in the *Gazette*.

(3) Evidence of any seal or emblem in relation to which subsection (1) applies may be given by the production of the *Gazette* purporting to contain a copy of the seal or emblem.

(4) Any person who contravenes subsection (1) is liable on summary conviction to a fine of one thousand five hundred dollars and to imprisonment for one year.

Regulations.

13. The President may make Regulations prescribing all matters which may be necessary for giving effect to this Act.

FIRST SCHEDULE

Section 3.

**ARTICLES OF VIENNA CONVENTION HAVING THE
FORCE OF LAW IN TRINIDAD AND TOBAGO**

Article 1

For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

- (a) the “head of the mission” is the person charged by the sending State with the duty of acting in that capacity;
- (b) the “members of the mission” are the head of the mission and the members of the staff of the mission;
- (c) the “members of the staff of the mission” are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;
- (d) the “members of the diplomatic staff” are the members of the staff of the mission having diplomatic rank;
- (e) the “diplomatic agent” is the head of the mission or a member of the diplomatic staff of the mission;
- (f) the “members of the administrative and technical staff” are the members of the staff of the mission employed in the administrative and technical service of the mission;
- (g) the “members of the service staff” are the members of the staff of the mission in the domestic service of the mission;
- (h) the “private servant” is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;
- (i) the “premises of the mission” are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

Article 22

1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

14

Chap. 17:01

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

Article 23

1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this Article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or the head of the mission.

Article 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

Article 27

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The diplomatic bag shall not be opened or detained.

4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

15

6. The sending State or the mission may designate diplomatic couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorised port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

Article 28

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

Article 29

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

Article 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

2. His papers, correspondence and, except as provided in paragraph 3 of Article 31, his property, shall likewise enjoy inviolability.

Article 31

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of—

- (a) a real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
- (b) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

16

Chap. 17:01

(c) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.

2. A diplomatic agent is not obliged to give evidence as a witness.

3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under subparagraphs (a), (b) and (c) of paragraph 1 of this Article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

Article 32

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under Article 37 may be waived by the sending State.

2. Waiver must always be express.

3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under Article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

Article 33

1. Subject to the provisions of paragraph 3 of this Article, a diplomatic agent shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall also apply to private servants who are in the sole employ of a diplomatic agent, on condition—

(a) that they are not nationals of or permanently resident in the receiving State; and

(b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

17

3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State.

5. The provisions of this Article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

Article 34

A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except—

- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
- (c) estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of Article 39;
- (d) dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;
- (e) charges levied for specific services rendered;
- (f) registration, Court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of Article 23.

Article 35

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all

LAWS OF TRINIDAD AND TOBAGO

Privileges and Immunities (Diplomatic, Consular and International Organisations)

18

Chap. 17:01

Customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on—

- (a) articles for the official use of the mission;
- (b) articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.

2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this Article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorised representative.

Article 37

1. The members of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in Articles 29 to 36.

2. Members of the administrative and technical staff of the mission together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in Articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of Article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in Article 36, paragraph 1, in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption contained in Article 33.

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

19

Article 38

1. Except in so far as additional privileges and immunities may be granted by the receiving State, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other Ministry as may be agreed.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In the case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his family forming part of his household, the receiving State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

20

Chap. 17:01

movable property and presence of which in the receiving State was due solely to the presence there of the deceased as a member of the mission or as a member of the family of a member of the mission.

Article 40

1. If a diplomatic agent passes through or is in the territory of a third State, which has granted him a passport visa if such visa was necessary, while proceeding to take up or to return to his post, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges or immunities who are accompanying the diplomatic agent, or travelling separately to join or to return to their country.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the passage of members of the administrative and technical or service staff of a mission, and of members of their families, through their territories.

3. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as is accorded by the receiving State. They shall accord to diplomatic couriers, who have been granted a passport visa if such visa was necessary, and diplomatic bags in transit the same inviolability and protection as the receiving State is bound to accord.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and diplomatic bags, whose presence in the territory of the third State is due to *force majeure*.

SECOND SCHEDULE

Section 5.
[45 of 1979].

**ARTICLES OF THE VIENNA CONVENTION ON
CONSULAR RELATIONS HAVING THE FORCE OF LAW
IN TRINIDAD AND TOBAGO**

Article 1

DEFINITIONS

1. For the purposes of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

- (a) “consular post” means any consulate-general, consulate, vice-consulate or consular agency;
- (b) “consular district” means the area assigned to a consular post for the exercise of consular functions;
- (c) “head of consular post” means the person charged with the duty of acting in that capacity;
- (d) “consular officer” means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;
- (e) “consular employee” means any person employed in the administrative or technical service of a consular post;
- (f) “member of the service staff” means any person employed in the domestic service of a consular post;
- (g) “members of the consular post” means consular officers, consular employees and members of the service staff;
- (h) “members of the consular staff” means consular officers, other than the head of a consular post, consular employees and members of the service staff;
- (i) “member of the private staff” means a person who is employed exclusively in the private service of a member of the consular post;
- (j) “consular premises” means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;
- (k) “consular archives” includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safekeeping.

CHAPTER II

**FACILITIES, PRIVILEGES AND IMMUNITIES RELATING
TO CONSULAR POSTS, CAREER CONSULAR OFFICERS
AND OTHER MEMBERS OF A CONSULAR POST**

SECTION I

**FACILITIES, PRIVILEGES AND IMMUNITIES RELATING
TO A CONSULAR POST**

Article 31

INVIOLABILITY OF THE CONSULAR PREMISES

1. Consular premises shall be inviolable to the extent provided in this Article.

2. The authorities of the receiving State shall not enter that part of the consular premises which is used exclusively for the purpose of the work of the consular post except with the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action.

3. Subject to the provisions of paragraph 2 of this Article, the receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

4. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If expropriation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State.

Article 32

EXEMPTION FROM TAXATION OF CONSULAR PREMISES

1. Consular premises and the residence of the career head of consular post of which the sending State or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph (1) of this Article shall not apply to such dues and taxes if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

Article 33

INVIOLABILITY OF THE CONSULAR ARCHIVES AND DOCUMENTS

The consular archives and documents shall be inviolable at all times and wherever they may be.

Article 35

FREEDOM OF COMMUNICATION

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this Article, they may request that the bag be opened in their presence by an authorised representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State he shall be neither a national of the receiving State, nor, unless he is a national of the sending State, a permanent resident of the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

24

Chap. 17:01

6. The sending State, its diplomatic missions and its consular posts may designate consular couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

7. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorised port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

Article 36

**COMMUNICATION AND CONTACT WITH NATIONALS OF
THE SENDING STATE**

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State—

- (a) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State;
- (b) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this subparagraph;
- (c) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgment.

Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

2. The rights referred to in paragraph 1 of this Article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this Article are intended.

Article 37

**INFORMATION IN CASES OF DEATHS, GUARDIANSHIP OR
TRUSTEESHIP, WRECKS AND AIR ACCIDENTS**

If the relevant information is available to the competent authorities of the receiving State, such authorities shall have the duty—

- (a) in the case of the death of a national of the sending State, to inform without delay the consular post in whose district the death occurred;
- (b) to inform the competent consular post without delay of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a national of the sending State. The giving of this information shall, however, be without prejudice to the operation of the laws and regulations of the receiving State concerning such appointments;
- (c) if a vessel, having the nationality of the sending State, is wrecked or runs aground in the territorial sea or internal waters of the receiving State, or if an aircraft registered in the sending State suffers an accident on the territory of the receiving State, to inform without delay the consulate post nearest to the scene of the occurrence.

Article 39

CONSULAR FEES AND CHARGES

1. The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.

2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this Article, and the receipts for such fees and charges, shall be exempted from all dues and taxes in the receiving State.

SECTION II

**FACILITIES, PRIVILEGES AND IMMUNITIES RELATING
TO CAREER CONSULAR OFFICERS AND OTHER
MEMBERS OF A CONSULAR POST**

Article 40

PROTECTION OF CONSULAR OFFICERS

The receiving State shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity.

Article 41

PERSONAL INVIOABILITY OF CONSULAR OFFICERS

1. Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.

2. Except in the case specified in paragraph 1 of the Article, consular officers shall not be committed to prison or liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

3. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with respect due to him by reason of his official position and, except in the case specified in paragraph 1 of this Article, in a manner which will hamper the exercise of consular functions as little as possible. When, in the circumstances mentioned in paragraph 1 of this Article, it has become necessary to detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.

Article 43

IMMUNITY FROM JURISDICTION

1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.

2. The provisions of paragraph 1 of this Article shall not, however, apply in respect of civil action either—

- (a) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State; or

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)* **Chap. 17:01**

27

- (b) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

Article 44

LIABILITY TO GIVE EVIDENCE

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this Article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

Article 45

WAIVER OF PRIVILEGES AND IMMUNITIES

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in Articles 41, 43 and 44.

2. The waiver shall in all cases be express except as provided in paragraph 3 of this Article, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under Article 43 shall preclude him from invoking immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

28

Chap. 17:01

Article 46

**EXEMPTION FROM REGISTRATION OF ALIENS AND
RESIDENCE PERMITS**

1. Consular officers and consular employees and members of their families forming part of their households shall be exempted from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

2. The provisions of paragraph 1 of this Article shall not, however, apply to any consular employee who is not a permanent employee of the sending State or who carries on any private gainful occupation in the receiving State or to any member of the family of any such employee.

Article 47

EXEMPTION FROM WORK PERMITS

1. Members of the consular post shall, with respect to services rendered for the sending State, be exempt from any obligations in regard to work permits imposed by the laws and regulations of the receiving State concerning the employment of foreign labour.

2. Members of the private staff of consular officers and of consular employees shall, if they do not carry on any other gainful occupation in the receiving State, be exempt from the obligations referred to in paragraph 1 of this Article.

Article 48

SOCIAL SECURITY EXEMPTION

1. Subject to the provisions of paragraph 3 of this Article, members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition—

- (a) that they are not nationals of or permanently resident in the receiving State; and
- (b) that they are covered by the social security provisions which are in force in the sending State or a third State.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

29

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

Article 49

EXEMPTION FROM TAXATION

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except—

- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of Article 32;
- (c) estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph (b) of Article 51;
- (d) dues and taxes on private income, including capital gains, having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State;
- (e) charges levied for specific services rendered;
- (f) registration, Court or record fees, mortgage dues and stamp duties, subject to the provisions of Article 32.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

3. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose upon employers concerning the levying of income tax.

Article 50

EXEMPTIONS FROM CUSTOMS DUTIES AND INSPECTION

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all Customs duties,

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

30

Chap. 17:01

taxes, and related charges other than charges for storage, cartage and similar services, on—

- (a) articles for the official use of the consular post;
- (b) articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilisation by the persons concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this Article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in subparagraph (b) of paragraph 1 of this Article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

Article 51

**ESTATE OF A MEMBER OF THE CONSULAR POST OR OF A
MEMBER OF HIS FAMILY**

In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State—

- (a) shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death;
- (b) shall not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

Article 52

EXEMPTION FROM PERSONAL SERVICES AND CONTRIBUTION

The receiving State shall exempt members of the consular post and members of their families forming part of their households from all personal

services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 53

**BEGINNING AND END OF CONSULAR PRIVILEGES
AND IMMUNITIES**

1. Every member of the consular post shall enjoy the privileges and immunities provided in the present Convention from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

2. Members of the family of a member of the consular post forming part of his household and members of his private staff shall receive the privileges and immunities provided in the present Convention from the date from which he enjoys privileges and immunities in accordance with paragraph 1 of this Article or from the date of their entry into the territory of the receiving State or from the date of their becoming a member of such family or private staff, whichever is the latest.

3. When the functions of a member of the consular post have come to the end, his privileges and immunities and those of a member of his family forming part of his household or a member of his private staff shall normally cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period in which to do so, whichever is the sooner, but shall subsist until that time, even in case of armed conflict. In the case of the persons referred to in paragraph 2 of this Article, their privileges and immunities shall come to an end when they cease to belong to the household or to be in the service of a member of the consular post provided, however, that if such persons intend leaving the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. However, with respect to acts performed by a consular officer or a consular employee in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the members of his family forming part of his household shall continue to enjoy the

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

32

Chap. 17:01

privileges and immunities accorded to them until they leave the receiving State or until the expiry of a reasonable period enabling them to do so, whichever is the sooner.

Article 54

OBLIGATIONS OF THIRD STATES

1. If a consular officer passes through or is in the territory of a third State, which has granted him a visa if a visa was necessary, while proceeding to take up or return to his post or when returning to the sending State, the third State shall accord to him all immunities provided for by the other Articles of the present Convention as may be required to ensure his transit or return. The same shall apply in the case of any member of his family forming part of his household enjoying such privileges and immunities who are accompanying the consular officer or travelling separately to join him or to return to the sending State.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the transit through their territory of other members of the consular post or of members of their families forming part of their households.

3. Third States shall accord to official correspondence and to other official communications in transit, including messages in code or cipher, the same freedom and protection as the receiving State is bound to accord under the present Convention. They shall accord to consular couriers who have been granted a visa, if a visa was necessary, and to consular bags in transit, the same inviolability and protection as the receiving State is bound to accord under the present Convention.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and to consular bags, whose presence in the territory of the third State is due to *force majeure*.

Article 56

INSURANCE AGAINST THIRD PARTY RISKS

Members of the consular post shall comply with any requirement imposed by the laws and regulations of the receiving State in respect of insurance against third party risks arising from the use of any vehicle, vessel or aircraft.

Article 57

**SPECIAL PROVISIONS CONCERNING PRIVATE
GAINFUL OCCUPATION**

2. Privileges and immunities provided in this Chapter shall not be accorded—

- (a) to consular employees or to members of the service staff who carry on any private gainful occupation in the receiving State;
- (b) to members of the family of a person referred to in subparagraph (a) of this paragraph or to members of his private staff;
- (c) to members of the family of a member of a consular post who themselves carry on any private gainful occupation in the receiving State.

CHAPTER III

**REGIME RELATING TO HONORARY CONSULAR
OFFICERS AND CONSULAR POSTS HEADED BY
SUCH OFFICERS**

Article 58

**GENERAL PROVISIONS RELATING TO FACILITIES, PRIVILEGES
AND IMMUNITIES**

1. Articles 28, 29, 30, 34, 35, 36, 37 and 39, paragraph 3 of Article 54, and paragraphs 2 and 3 of Article 55 shall apply to consular posts headed by an honorary consular officer. In addition, the facilities, privileges and immunities of such consular posts shall be governed by Articles 59, 60, 61 and 62.

2. Articles 42 and 43, paragraph 3 of Article 44, Articles 45 and 53, and paragraph 1 of Article 55 shall apply to honorary consular officers. In addition, the facilities, privileges and immunities of such consular officers shall be governed by Articles 63, 64, 65, 66 and 67.

3. Privileges and immunities provided in the present Convention shall not be accorded to members of the family of an honorary consular officer or of a consular employee at a consular post headed by an honorary consular officer.

4. The exchange of consular bags between two consular posts headed by honorary consular officers in different States shall not be allowed without the consent of the two receiving States concerned.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

34

Chap. 17:01

Article 60

EXEMPTION FROM TAXATION OF CONSULAR PREMISES

1. Consular premises of a consular post headed by an honorary consular officer of which the sending State is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the laws and regulations of the receiving State, they are payable by the person who contracted with the sending State.

Article 61

INVIOABILITY OF CONSULAR ARCHIVES AND DOCUMENTS

The consular archives and documents of a consular post headed by an honorary consular officer shall be inviolable at all times and wherever they may be, provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of a consular post and of any person working with him, and from the materials, books or documents relating to their profession or trade.

Article 62

EXEMPTION FROM CUSTOMS DUTIES

The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of, and grant exemption from all Customs duties, taxes, and related charges other than charges for storage, cartage and similar services on the following articles, provided that they are for the official use of a consular post headed by an honorary consular officer: coats-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending State to the consular post.

Article 63

CRIMINAL PROCEEDINGS

If criminal proceedings are instituted against an honorary consular officer he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except when he is under arrest or detention, in a manner which will hamper the exercise of consular functions as little as possible. When it has become necessary to detain an honorary consular officer, the proceedings against him shall be instituted with the minimum of delay.

Article 64

PROTECTION OF HONORARY CONSULAR OFFICERS

The receiving State is under a duty to accord to an honorary consular officer such protection as may be required by reason of his official position.

Article 65

**EXEMPTION FROM REGISTRATION OF ALIENS AND
RESIDENCE PERMITS**

Honorary consular officers, with the exception of those who carry on for personal profit any professional or commercial activity in the receiving State, shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

Article 66

EXEMPTION FROM TAXATION

An honorary consular officer shall be exempt from all dues and taxes on the remuneration and emoluments which he receives from the sending State in respect of the exercise of consular functions.

Article 67

EXEMPTION FROM PERSONAL SERVICES AND CONTRIBUTIONS

The receiving State shall exempt honorary consular officers from all personal services and from all public services of any kind whatsoever and from military obligations such as those connected with requisitioning military contributions and billeting.

Article 71

**NATIONALS OR PERMANENT RESIDENTS OF THE
RECEIVING STATE**

1. Except in so far as additional facilities, privileges and immunities may be granted by the receiving State, consular officers who are nationals of or permanently resident in the receiving State shall enjoy only immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their functions, and the privilege provided in paragraph 3 of Article 44. So far as these consular officers are concerned, the receiving State shall likewise be bound by the obligation laid down in Article 42. If criminal proceedings are instituted against such a consular officer, the proceedings shall, except when he is under arrest or detention, be conducted in a manner which will hamper the exercise of consular functions as little as possible.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

36

Chap. 17:01

2. Other members of the consular post who are nationals of or permanently resident in the receiving State and members of their families, as well as members of the families of consular officers referred to in paragraph 1 of this Article, shall enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. Those members of the families of members of the consular post and those members of the private staff who are themselves nationals of or permanently resident in the receiving State shall likewise enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. The receiving State shall, however, exercise its jurisdiction over those persons in such a way as not to hinder unduly the performance of the functions of the consular post.

Section 7.

THIRD SCHEDULE

**ARTICLES OF THE CONVENTION ON THE
PRIVILEGES AND IMMUNITIES OF THE UNITED
NATIONS HAVING THE FORCE OF LAW IN TRINIDAD
AND TOBAGO**

Article I

JURIDICAL PERSONALITY

Section 1. The United Nations shall possess juridical personality.

It shall have the capacity—

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

Article II

PROPERTY, FUNDS AND ASSETS

Section 2. The United Nations, 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. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

37

Section 3. The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 4. The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Section 5. Without being restricted by financial controls, regulations or moratoria of any kind—

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

Section 6. In exercising its rights under section 5 overleaf, the United Nations shall pay due regard to any representations made by the Government of any Member in so far as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

Section 7. The United Nations, its assets, income and other property shall be—

- (a) exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) exempt from Customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;
- (c) exempt from Customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Section 8. While the United Nations will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and

LAWS OF TRINIDAD AND TOBAGO

Privileges and Immunities (Diplomatic, Consular and International Organisations)

38

Chap. 17:01

immovable property which form part of the price to be paid, nevertheless when the United Nations is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article III

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 9. The United Nations shall enjoy in the territory of each Member for its official communications treatment not less favourable than that accorded by the Government of that Member to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

Section 10. The United Nations shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article IV

THE REPRESENTATIVES OF MEMBERS

Section 11. Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, shall while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;
- (b) inviolability for all papers and documents;
- (c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (d) exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations in the state they are visiting or through which they are passing in the exercise of their functions;

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

39

- (e) the same facilities in respect of currency or exchange restrictions as are accorded representatives of foreign governments on temporary official missions;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys; and also
- (g) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from Customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

Section 12. In order to secure, for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

Section 13. Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences by the United Nations are present in a state for the discharge of their duties shall not be considered as periods of residence.

Section 14. Privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the United Nations. Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 15. The provisions of sections 11, 12, and 13 are not applicable as between a representative and the authorities of the state of which he is a national or of which he is or has been the representative.

Section 16. In this Article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

40

Chap. 17:01

Article V

OFFICIALS

Section 17. The Secretary-General will specify the categories of officials to which the provisions of this Article and Article VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.

Section 18. Officials of the United Nations shall—

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) be exempt from taxation on the salaries and emoluments paid to them by the United Nations;
- (c) be immune from national service obligations;
- (d) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;
- (f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Section 19. In addition to the immunities and privileges specified in section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 20. Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and duty

to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

Section 21. The United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.

Article VI

EXPERTS ON MISSIONS FOR THE UNITED NATIONS

Section 22. Experts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded—

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;
- (c) inviolability for all papers and documents;
- (d) for the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

Section 23. Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

42

Chap. 17:01

individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

Article VIII

UNITED NATIONS LAISSEZ-PASSER

Section 24. The United Nations may issue United Nations *laissez-passer* to its officials. These *laissez-passer* shall be recognised and accepted as valid travel documents by the authorities of Members, taking into account the provisions of section 25.

Section 25. Applications for visas (where required) from the holders of United Nations *laissez-passer*, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 26. Similar facilities to those specified in section 25 shall be accorded to experts and other persons who, though not the holders of United Nations *laissez-passer*, have a certificate that they are travelling on the business of the United Nations.

Section 27. The Secretary-General, Assistant Secretaries General and Directors travelling on United Nations *laissez-passer* on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

FOURTH SCHEDULE

Section 8.

**ARTICLES OF THE CONVENTION ON THE PRIVILEGES
AND IMMUNITIES OF THE SPECIALISED AGENCIES
HAVING THE FORCE OF LAW IN
TRINIDAD AND TOBAGO**

Article I

DEFINITIONS AND SCOPE

Section 1. In this Convention—

- (i) The words “standard clauses” refer to the provisions of Articles II to IX.
- (ii) The words “specialised agencies” mean—
 - (a) the International Labour Organisation;
 - (b) the Food and Agriculture Organisation of the United Nations;
 - (c) the United Nations Educational, Scientific and Cultural Organisation;
 - (d) the International Civil Aviation Organisation;
 - (e) the International Monetary Fund;
 - (f) the International Bank for Reconstruction and Development;
 - (g) the World Health Organisation;
 - (h) the Universal Postal Union;
 - (i) the International Telecommunication Union; and
 - (j) any other agency in relationship with the United Nations in accordance with Articles 57 and 63 of the Charter.
- (iii) The word “Convention” means, in relation to any particular specialised agency, the standard clauses as modified by the final (or revised) text of the annex transmitted by that agency in accordance with sections 36 and 38.
- (iv) For the purposes of Article III, the words “property and assets” shall also include property and funds administered by a specialised agency in furtherance of its constitutional functions.
- (v) For the purposes of articles V and VII, the expression “representatives of members” shall be deemed to include all representatives, alternates, advisers, technical experts and secretaries of delegations.

LAWS OF TRINIDAD AND TOBAGO

Privileges and Immunities (Diplomatic, Consular and International Organisations)

44

Chap. 17:01

- (vi) In sections 13, 14, 15 and 25, the expression “meetings convened by a specialised agency” means meetings—
(1) of its assembly and of its executive body (however designated), and (2) of any commission provided for in its constitution; (3) of any international conference convened by it; and (4) of any committee of any of these bodies.
- (vii) The term “executive head” means the *principal executive official* of the specialised agency in question, whether designated “Director-General” or otherwise.

Article II

JURIDICAL PERSONALITY

Section 3. The specialised agencies shall possess juridical personality. They shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, (c) to institute legal proceedings.

Article III

PROPERTY FUNDS AND ASSETS

Section 4. The specialised agencies, their 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 they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 5. The premises of the specialised agencies shall be inviolable. The property and assets of the specialised agencies, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 6. The archives of the specialised agencies, and in general all documents belonging to them or held by them, shall be inviolable, wherever located.

Section 7. Without being restricted by financial controls, regulations or moratoria of any kind—

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

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

45

Section 9. The specialised agencies, their assets, income and other property shall be—

- (a) exempt from all direct taxes; it is understood, however, that the specialised agencies will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) exempt from Customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the specialised agencies for their official use; it is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed to with the Government of that country;
- (c) exempt from duties and prohibitions and restrictions on imports and exports in respect of their publications.

Section 10. While the specialised agencies will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which forms part of the price to be paid, nevertheless when the specialised agencies are making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, State parties to this Convention will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article IV

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 11. Each specialised agency shall enjoy, in the territory of each State party to this Convention in respect of that agency, for its official communications, treatment not less favourable than that accorded by the Government of such State to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

Section 12. No censorship shall be applied to the official correspondence and other official communications of the specialised agencies.

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

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

46

Chap. 17:01

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Convention and a specialised agency.

Article V

REPRESENTATIVES OF MEMBERS

Section 13. Representatives of members at meetings convened by a specialised agency shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;
- (b) inviolability for all papers and documents;
- (c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the State which they are visiting or through which they are passing in the exercise of their functions;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

Section 14. In order to secure for the representatives of members of the specialised agencies at meetings convened by them complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 15. Where the incidence of any form of taxation depends upon residence, periods during which the representatives of members of the specialised agencies at meetings convened by them are present in a member State for the discharge of their duties shall not be considered as periods of residence.

Section 16. Privileges and immunities are accorded to the representatives of members, not for the personal benefit of the individuals themselves, but in

order to safeguard the independent exercise of their functions in connection with the specialised agencies. Consequently, a member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 17. The provisions of sections 13, 14 and 15 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

Article VI

OFFICIALS

Section 18. Each specialised agency will specify the categories of officials to which the provisions of this Article and of Article VIII shall apply. It shall communicate them to the Governments of all States party to this Convention in respect of that agency and to the Secretary-General of the United Nations. The names of the officials included in these categories shall from time to time be made known to the above-mentioned Governments.

Section 19. Officials of the specialised agencies shall—

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the specialised agencies and on the same conditions as are enjoyed by officials of the United Nations;
- (c) be immune, together with their spouses and relatives dependent upon them, from immigration restrictions and alien registration;
- (d) be accorded the same privileges in respect of exchange of facilities as are accorded to officials of comparable rank of diplomatic missions;
- (e) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;
- (f) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Section 20. The officials of the specialised agencies shall be exempt from national service obligations, provided that, in relation to the States of which

LAWS OF TRINIDAD AND TOBAGO

Privileges and Immunities (Diplomatic, Consular and International Organisations)

48

Chap. 17:01

they are nationals, such exemption shall be confined to officials of the specialised agencies whose names have, by reason of their duties, been placed upon a list compiled by the executive head of the specialised agency and approved by the State concerned.

Should other officials of specialised agencies be called up for national service, the State concerned shall, at the request of the specialised agency concerned, grant such temporary deferment in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

Section 21. In addition to the immunities and privileges specified in sections 19 and 20, the executive head of each specialised agency, including any official acting on his behalf during his absence from duty, shall be accorded in respect of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 22. Privileges and immunities are granted to officials in the interests of the specialised agencies only and not for personal benefit of the individuals themselves. Each specialised agency shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the specialised agency.

Section 23. Each specialised agency shall co-operate at all times with the appropriate authorities of member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities mentioned in this Article.

Article VII

ABUSES OF PRIVILEGE

Section 25. 1. Representatives of members at meetings convened by specialised agencies, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of section 18, shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country provided that—

2. (I) Representatives of members, or persons who are entitled to diplomatic immunity under section 21, shall not be required to leave

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

49

the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country.

(II) In the case of an official to whom section 21 is not applicable, no order to leave the country shall be issued other than with the approval of the Foreign Minister of the Country in question, and such approval shall be given only after consultation with the executive head of the specialised agency concerned; and, if expulsion proceedings are taken against an official, the executive head of the specialised agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

LAISSEZ-PASSER

Section 26. Officials of the specialised agencies shall be entitled to use the United Nations *laissez-passer* in conformity with administrative arrangements to be concluded between the Secretary-General of the United Nations and the competent authorities of the specialised agencies to which agencies special powers to issue *laissez-passer* may be delegated. The Secretary-General of the United Nations shall notify each State party of this Convention of each administrative arrangement so concluded.

Section 28. Applications for visas, where required, from officials of specialised agencies holding United Nations *laissez-passer*, when accompanied by a certificate that they are travelling on the business of a specialised agency, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 29. Similar facilities to those specified in section 28 shall be accorded to experts and other persons who, though not the holders of United Nations *laissez-passer* have a certificate that they are travelling on the business of a specialised agency.

Section 30. The executive heads, assistant executive heads, heads of departments and other officials of a rank not lower than head of department of the specialised agencies, travelling on United Nations *laissez-passer* on the business of the specialised agencies, shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

50

Chap. 17:01

Section 9.

FIFTH SCHEDULE

PART I

**PRIVILEGES AND IMMUNITIES OF THE
ORGANISATION**

1. Immunity from suit and legal process.
2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power.
3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.
4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in Trinidad and Tobago or for exportation, or on the importation of any publications of the organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs and Excise may prescribe for the protection of the Revenue.
5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it.
6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Trinidad and Tobago), of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II

**PRIVILEGES AND IMMUNITIES OF REPRESENTATIVES,
MEMBERS OF COMMITTEES, HIGH OFFICERS AND
PERSONS ON MISSIONS**

1. The like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power.
2. The like inviolability of residence as is accorded to such an envoy.
3. The like exemption of relief from taxes as is accorded to such an envoy.

PART III

**PRIVILEGES AND IMMUNITIES OF OTHER OFFICERS
AND SERVANTS**

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.
2. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

PART IV

**PRIVILEGES AND IMMUNITIES OF OFFICIAL STAFF
AND OF HIGH OFFICERS' FAMILIES**

1. Where any person is entitled to any such privileges and immunities as are mentioned in Part II of this Schedule as a representative on any organ of the organisation or a member of any committee of the organisation or of an organ thereof, his official staff accompanying him as such a representative or member shall also be entitled to those privileges and immunities to the same extent as the retinue of an envoy of a foreign sovereign Power.
 2. Where any person is entitled to any such privileges and immunities as are mentioned in Part II of this Schedule as an officer of the organisation, that person's wife or husband and children under the age of twenty-one shall also be entitled to those privileges and immunities to the same extent as the wife or husband or children of an envoy of a foreign sovereign Power accredited to Her Majesty are entitled under the law of England to the privileges and immunities accorded to the envoy.
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LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

52

Chap. 17:01

SUBSIDIARY LEGISLATION

107/1977.

***PRIVILEGES AND IMMUNITIES (EUROPEAN
ECONOMIC COMMISSION) ORDER**

made under section 9(2)

Citation.

1. This Order may be cited as the Privileges and Immunities (European Economic Commission) Order.

Interpretation.

2. In this Order “the Commission” means the European Economic Commission.

Privileges and immunities. Fifth Schedule.

3. The Commission shall be accorded all the privileges and immunities set out in Part I of the Fifth Schedule to the Act.

Commission Delegate and member of family.

4. The Commission Delegate in Trinidad and Tobago and the members of his family only shall be granted the same continuing privileges as are granted to the Heads of International Organisations in Trinidad and Tobago, that is to say, the customary privileges and immunities set out in Part II of the Fifth Schedule to the Act.

Non-nationals officers of Commission.

5. The Officers of the Commission who are not nationals of Trinidad and Tobago shall be granted only the privileges and immunities set out in paragraphs (c) to (g) of section 17 under Article V of the Third Schedule to the Act, so however that the provisions of Part III of the Fifth Schedule shall not apply on a continuing basis.

Fifth Schedule.

6. For the purposes of this Order the privileges and immunities referred to in paragraph 1, Part IV of the Fifth Schedule shall not apply.

* This Order was also published as GN 219/1977.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

53

[Subsidiary]

**PRIVILEGES AND IMMUNITIES (CONVENTIONS OF
LOMÉ) ORDER**

199/1989.

made under section 9

1. This Order may be cited as the Privileges and Immunities
(Conventions of LOMÉ) Order. Citation.

2. The firm Messrs. Pont-A-Mousson S. A. of Nancy, France
is hereby exempted from the payment of Customs duty, purchase
tax and stamp duty due in importing all pipes and fittings, inclusive
of spares, c.i.f. Port-of-Spain, valued at one million, nine hundred
and ninety-one thousand and sixty-eight francs and seventy-four
centimes in the currency of France required for Project
No. 4200.072.54.011, the Lambeau Hill Water Supply Project
in the island of Tobago approved for funding under the
LOMÉ 1/Fourth European Development Fund. Privilege of
firms.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

54

Chap. 17:01

[Subsidiary]

200/1989.

**PRIVILEGES AND IMMUNITIES (CONVENTIONS OF
LOMÉ) (NO. 2) ORDER**

made under section 9

Citation.

1. This Order may be cited as the Privileges and Immunities (Conventions of LOMÉ) (No. 2) Order.

Interpretation.

2. In this Order “ACP-EEC” means the African Caribbean Pacific-European Economic Community.

Privileges of
experts.

3. All the foreign experts assigned by the European Economic Community on the following projects:

- (a) the Plum Mitan Rice Study; and
- (b) the Restoration of Quarry Sites/River Basin Management, shall, in accordance with Protocol 6 of the second and third ACP-EEC Conventions of LOMÉ, be accorded the following privileges, namely, full exemption:
 - (i) from the payment of—
 - A. income tax; and
 - B. Customs duty, purchase tax, stamp duty and any other direct or indirect tax on personal and household effects imported, within six months of their arrival, for their personal use; and
 - (ii) from work permit requirements.

Privileges of
foreign
contractors.

4. All the foreign contractors engaged in the projects under clause 3(a) and (b) shall, in accordance with Protocol 6 of the second and third ACP-EEC Conventions of LOMÉ, be accorded the following privileges, namely, full exemption from:

- (a) the payment of Customs duty, purchase tax on imported goods and stamp duty; and
- (b) work permit requirements.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

55

[Subsidiary]

**PRIVILEGES AND IMMUNITIES (CARIBBEAN
AGRICULTURAL RESEARCH AND DEVELOPMENT
INSTITUTE) ORDER**

201/1989.

made under section 9

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

2. In this Order— Interpretation.
“the Act” means the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act; Ch. 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.

LAWS OF TRINIDAD AND TOBAGO

56

Chap. 17:01 *Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

[Subsidiary]

*Privileges and Immunities (Caribbean Agricultural Research
and Development Institute) Order*

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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

57

*Privileges and Immunities (Caribbean Agricultural Research
and Development Institute) Order*

[Subsidiary]

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.

LAWS OF TRINIDAD AND TOBAGO

58

Chap. 17:01 *Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

[Subsidiary]

*Privileges and Immunities (Caribbean Agricultural Research
and Development Institute) Order*

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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

59

*Privileges and Immunities (Caribbean Agricultural Research
and Development Institute) Order*

[Subsidiary]

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 recognise 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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

60

Chap. 17:01

[Subsidiary]

88/1990.

**PRIVILEGES AND IMMUNITIES (CONVENTIONS
OF LOMÉ) ORDER**

made under section 9

Citation.

1. This Order may be cited as the Privileges and Immunities (Conventions of Lomé) Order.

Interpretation.

2. In this Order—

“ACP-EEC” means the African Caribbean Pacific-European Economic Community;

*“the Tourism Development Authority” means the Trinidad and Tobago Tourism Development Authority established under section 3 of the Trinidad and Tobago Tourism Development Authority Act, 1989.

2 of 1989.

Privileges
of staff.

3. (1) The two members of staff of the firm of Foerster and Reimann of the Federal Republic of Germany provided by the EEC and assigned to the Tourism Development Authority—

(a) one of whom will be based in Trinidad and Tobago and will function as an executive director and will, *inter alia*, be responsible for assisting with the setting up of an organisational structure for the Tourism Development Authority, and

(b) the other of whom will be based in the United Kingdom and Europe and will function as a Marketing executive and will be responsible for assessing the marketing needs of the Tourism Development Authority in Europe and devising strategies for filling those needs,

shall, in accordance with Protocol 6 of the second and third ACP-EEC Conventions of Lomé, be accorded the privileges set out in subparagraph (2).

(2) The privileges referred to in subparagraph (1) are full exemption from the payment to the Government of Trinidad and Tobago of—

(a) income tax;

(b) Customs duty;

(c) stamp duty; and

(d) any other direct or indirect tax as specified by the Minister with responsibility for Finance.

*Act No. 2 of 1984 has been repealed by Act No. 4 of 1995.

**PRIVILEGES AND IMMUNITIES (CONVENTIONS OF
LOMÉ) (NO. 2) ORDER**

89/1990.

made under section 9

1. This Order may be cited as the Privileges and Immunities
(Conventions of Lomé) (No. 2) Order. Citation.

2. In this Order— Interpretation.

“ACP-EEC” means the African Caribbean Pacific-European
Economic Community;

*“the Export Development Corporation” means the Trinidad and
Tobago Export Development Corporation established under
section 3 of the Trinidad and Tobago Export Development
Corporation Act, 1984. 2 of 1984.

3. (1) The eight members of staff of the firm of TEDS
Consultancy of Ireland assigned to the Trinidad and Tobago
Export Development Corporation under the programme of
technical assistance who are to function respectively as— Privileges.

(a) an executive marketing adviser for a period of
twenty-four months;

(b) a business development adviser for a period of
twenty-four months; and

(c) six short-term experts for a period of ten months,

shall, in accordance with Protocol 6 of the second and third ACP-
EEC Conventions of Lomé, be accorded the privileges set out in
subparagraph (2).

(2) The privileges referred to in subparagraph (1) are full
exemption from the payment of—

(a) income tax;

(b) Customs duty;

(c) stamp duty; and

(d) any other direct or indirect tax as specified by
the Minister with responsibility for Finance.

*Act No. 2 of 1984 has been repealed by Act No. 4 of 1995.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

62

Chap. 17:01

[Subsidiary]

Privileges and Immunities (Conventions of Lomé) (No. 2) Order

(3) The firm of TEDS Consultancy of Ireland shall be exempt from the payment of—

- (a) Customs duty;
- (b) stamp duty; and
- (c) any other direct or indirect tax as specified by the Minister with responsibility for Finance,

with respect to the importation, for the programme of technical assistance, of the items listed in subparagraph (4).

(4) The items referred to in subparagraph (3) are—

- (a) minor assets;
- (b) a trade exhibition display system; and
- (c) graphics software,

which collectively are estimated to cost ECU \$50,000.00.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

63

[Subsidiary]

**PRIVILEGES AND IMMUNITIES (CARIBBEAN
COMMUNITY AND CARIBBEAN COMMON
MARKET) ORDER**

129/1990.

made under section 9

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

2. In this Order— Interpretation.

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

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

64

Chap. 17:01

[Subsidiary]

*Privileges and Immunities (Caribbean Community and
Caribbean Common Market) Order*

“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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

65

*Privileges and Immunities (Caribbean Community and
Caribbean Common Market) Order*

[Subsidiary]

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.

LAWS OF TRINIDAD AND TOBAGO

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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

67

*Privileges and Immunities (Caribbean Community and
Caribbean Common Market) Order*

[Subsidiary]

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.

LAWS OF TRINIDAD AND TOBAGO

68 **Chap. 17:01** *Privileges and Immunities (Diplomatic, Consular and International Organisations)*

[Subsidiary] *Privileges and Immunities (Caribbean Community and Caribbean Common Market) Order*

**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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

69

*Privileges and Immunities (Caribbean Community and
Caribbean Common Market) Order*

[Subsidiary]

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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

70

Chap. 17:01

[Subsidiary]

64/1994.

**PRIVILEGES AND IMMUNITIES (CARIBBEAN
FINANCIAL ACTION TASK FORCE) ORDER**

made under section 9

Citation.

1. This Order may be cited as the Privileges and Immunities (Caribbean Financial Action Task Force) Order.

Interpretation.

2. In this Order “Task Force” means the Caribbean Financial Action Task Force.

Privileges and immunities of Task Force and Secretariat. Fifth Schedule.

3. The Task Force and its Secretariat being a regional agency are hereby accorded all the privileges and immunities set out in Part I of the Fifth Schedule to the Act.

Privileges and immunities of head of Task Force Secretariat and members of family.

4. The head of the Task Force Secretariat in Trinidad and Tobago and members of his family together with persons employed on missions on behalf of the Task Force are hereby granted the same privileges and immunities as are granted to the Heads of International Organisations in Trinidad and Tobago, that is to say, the customary privileges and immunities set out in Part II and clause 2 of Part IV of the Fifth Schedule to the Act.

Privileges and immunities of other officers and servants of Task Force.

5. Officers and servants of the Task Force not granted privileges and immunities under paragraph 4 are hereby granted the privileges and immunities set out in Part III of the Fifth Schedule to the Act save that those officers and servants who are nationals or residents of Trinidad and Tobago are hereby granted only the privileges and immunities set out in clause 1 of Part III of that Schedule.

Privileges and immunities of representatives of organs or members of committees of Task Force.

6. All persons who are representatives on any organ of the Task Force or are members of any committee or organ of the Task Force are hereby granted the privileges and immunities set out in Part II and clause 1 of Part IV of the Fifth Schedule to the Act.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

71

[Subsidiary]

**PRIVILEGES AND IMMUNITIES (MULTILATERAL
INVESTMENT GUARANTEE AGENCY) ORDER**

199/1994.

made under section 9

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

2. In this Order— Interpretation.

“Agency” means the Multilateral Investment Guarantee 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 Agency shall be accorded all the privileges and immunities set out in Part 1 of the Schedule. Privileges and Immunities of the Agency. Schedule.

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

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

72

Chap. 17:01

[Subsidiary]

*Privileges and Immunities (Multilateral Investment
Guarantee Agency) Order*

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 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.

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).

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

73

*Privileges and Immunities (Multilateral Investment
Guarantee Agency) Order*

[Subsidiary]

TAXES

7. The Agency, its assets, property and income, and its operations and transactions authorised 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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

74

Chap. 17:01

[Subsidiary]

*Privileges and Immunities (Multilateral Investment
Guarantee Agency) Order*

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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

75

[Subsidiary]

**PRIVILEGES AND IMMUNITIES (COMMISSION OF THE
EUROPEAN COMMUNITIES) ORDER** 6/1995.

made under section 9

1. This Order may be cited as the Privileges and Immunities (Commission of the European Communities) Order. Citation.

2. In this Order— Interpretation.

“Commission” means the Commission of the European Communities;

“the Vienna Convention” means the Vienna Convention on Diplomatic Relations signed at Vienna on 18th April 1961.

3. (1) The European Communities shall have legal personality and such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes and, in particular, it shall have the capacity— Juridical personality.

(a) to contract;

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

(c) to be a party to legal proceedings.

(2) In exercising its functions under subparagraph (1) the European Communities shall be represented by the Commission.

4. Subject to paragraphs 5 and 6, the delegation of the Commission, its head and members together with members of their families forming part of their respective households are hereby granted the same privileges and immunities as are granted to diplomatic missions accredited to the Government of Trinidad and Tobago and their heads and members and to members of their families forming part of their respective households under the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act subject to the same conditions and obligations in conformity with the provisions of the Vienna Convention. Privileges and immunities of the Commission. Ch. 17:01.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

76

Chap. 17:01

[Subsidiary]

Privileges and Immunities (Commission of the European Communities) Order

Conditions applicable to conferral of privileges and immunities.

5. The privileges and immunities referred to in paragraph 4 shall be accorded on condition that the member states of the European Communities accord the same privileges and immunities to the Mission of the Government of Trinidad and Tobago to the European Communities, to its head and to its members, as well as to the members of their families forming part of their respective households in conformity with the provisions of Article 17 of the Protocol on the Privileges and Immunities of the European Communities annexed to the Treaty establishing a single Council and a single Commission of the European Communities done at Brussels on April 8, 1965.

Non-applicability of privileges and immunities.

6. The privileges and immunities accorded to the head and members of the delegation of the Commission and to members of their families forming part of their respective households under paragraph 4 shall not be accorded to members of the staff, other than the diplomatic agents, who are nationals of or permanently resident in Trinidad and Tobago or are recruited locally.

Laissez-passer.

7. The *laissez-passer* issued by the European Communities to officials and other servants of its institutions shall be recognised as valid travel documents.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

77

[Subsidiary]

**PRIVILEGES AND IMMUNITIES (CARIBBEAN
TELECOMMUNICATIONS UNION) ORDER**

156/1995.

made under section 9

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

2. In this Order— Interpretation.

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

“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.

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

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

78

Chap. 17:01

[Subsidiary]

Privileges and Immunities (Caribbean Telecommunications Union) Order

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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

79

Privileges and Immunities (Caribbean Telecommunications Union) Order

[Subsidiary]

(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.

LAWS OF TRINIDAD AND TOBAGO

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;

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

81

Privileges and Immunities (Caribbean Telecommunications Union) Order

[Subsidiary]

- (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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

82

Chap. 17:01

[Subsidiary]

Privileges and Immunities (Caribbean Telecommunications Union) 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 recognise 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.

**PRIVILEGES AND IMMUNITIES (CARICOM FISHERIES
RESOURCES ASSESSMENT AND MANAGEMENT
PROGRAMME—RESOURCE ASSESSMENT
UNIT) ORDER**

164/1996.

made under section 9

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

2. In this Order— Interpretation.

“Agreement” means the agreement between the Government of Trinidad and Tobago and the Caribbean Community 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, correspondence, 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 I 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;

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

84

Chap. 17:01

[Subsidiary]

*Privileges and Immunities (CARICOM Fisheries Resources Assessment
and Management Programme—Resource Assessment Unit) Order*

“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. Schedule.

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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

85

*Privileges and Immunities (CARICOM Fisheries Resources Assessment
and Management Programme—Resource Assessment Unit) Order*

[Subsidiary]

(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.

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;

LAWS OF TRINIDAD AND TOBAGO

86

Chap. 17:01 *Privileges and Immunities (Diplomatic, Consular and International Organisations)*

[Subsidiary]

Privileges and Immunities (CARICOM Fisheries Resources Assessment and Management Programme—Resource Assessment Unit) Order

- (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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

87

*Privileges and Immunities (CARICOM Fisheries Resources Assessment
and Management Programme—Resource Assessment Unit) Order*

[Subsidiary]

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.

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

LAWS OF TRINIDAD AND TOBAGO

88

Chap. 17:01 *Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

[Subsidiary]

*Privileges and Immunities (CARICOM Fisheries Resources Assessment
and Management Programme—Resource Assessment Unit) Order*

- 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;
 - (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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

89

*Privileges and Immunities (CARICOM Fisheries Resources Assessment
and Management Programme—Resource Assessment Unit) Order*

[Subsidiary]

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 endeavouring 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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

90

Chap. 17:01

[Subsidiary]

166/1996.

**PRIVILEGES AND IMMUNITIES (ANDEAN
DEVELOPMENT CORPORATION) ORDER**

made under section 9

Citation.

1. This Order may be cited as the Privileges and Immunities (Andean Development Corporation) Order.

Interpretation.

2. In this Order—

“Agreement” means the operating conditions agreement between the Government of the Republic of Trinidad and Tobago and the Corporación Andina de Fomento, the Andean Development Corporation;

“Corporation” means the Andean Development Corporation;

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

Privileges and immunities of the Corporation. Schedule.

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

Privileges and immunities of officials of the Corporation.

4. The foreign staff of the Corporation shall be accorded all the privileges and immunities set out in Part 2 of the Schedule.

Privileges and immunities to apply in certain circumstances.

5. (1) With the exception of the privileges and immunities applicable only to the foreign staff of the Corporation in a representative office in Trinidad and Tobago, the privileges and immunities accorded to the Corporation shall apply whether or not the Corporation maintains an office, agent, manager, representative or any other staff in Trinidad and Tobago.

(2) The President may, by Order, grant to a wholly-owned investment subsidiary of the Corporation any of the privileges and immunities accorded to the Corporation under this Order.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

91

Privileges and Immunities (Andean Development Corporation) Order

[Subsidiary]

SCHEDULE

PART 1

**PRIVILEGES AND IMMUNITIES OF THE CORPORATION
LEGAL PERSONALITY AND CAPACITY**

1. Subject to paragraphs 2 and 3 the Corporation shall have legal personality and the legal capacity –

- (a) to contract;
- (b) to acquire and dispose of real and personal property; and
- (c) to sue and be sued in a Court of competent jurisdiction.

2. A judicial action against the Corporation may only be filed in Trinidad and Tobago if it has established an office in Trinidad and Tobago or has appointed an agent or a representative empowered to accept service or note of process in Trinidad and Tobago or where it may have issued or guaranteed securities.

3. The Government and the persons who represent or derive their rights from it may not file any legal action against the Corporation save that the Government as a shareholder of the Corporation may assert such rights pursuant to special procedure which may be designated in the Agreement, in the regulations of the Corporation or in the contracts entered into by both parties in order to settle any controversies that may arise between the Government and the Corporation.

4. The Corporation is not required to be licensed under the Moneylenders Act, or the Financial Institutions Act, and is not required to be registered under the Companies Act.

Ch. 84:04.
Ch. 79:09.
Ch. 81:01.

ASSETS

5. The property and other assets of the Corporation, wherever located, shall enjoy immunity from expropriation, search, requisition, confiscation, seizure, sequestration, attachment, retention or any other form of forceful seizure which disturbs the Corporation's dominion on the property and other assets by reason of executive or administrative action of the Government.

6. The property and other assets of the Corporation shall have identical immunity and are exempt with respect to judicial action until a final judgment has been pronounced against the Corporation.

LAWS OF TRINIDAD AND TOBAGO

Privileges and Immunities (Diplomatic, Consular and International Organisations)

92

Chap. 17:01

[Subsidiary]

Privileges and Immunities (Andean Development Corporation) Order

7. The property and other assets of the Corporation shall be exempt from any type of restrictions, regulations, controls and moratory measures to the extent necessary for the accomplishment of the Corporation's objectives and functions.

ARCHIVES AND COMMUNICATIONS

8. The Government undertakes to recognise the inviolability of the Corporation's archives.

9. The Government undertakes to accord to the official communications of the Corporation the same treatment given to the official communications of diplomatic agents of member countries of the Corporation.

10. The Corporation's correspondence, including packages and printed matter, when bearing its franchise seal, shall circulate postage free through the mail of Trinidad and Tobago.

TAXES AND DUTIES

11. In respect of the Corporation's operations in Trinidad and Tobago, the Government undertakes to procure that—

- (a) the Corporation shall be exempt from all direct or indirect taxes, duties, levies, deductions or other imposts of any kind imposed in Trinidad and Tobago;
- (b) the Government, governmental agencies, public and private companies in Trinidad and Tobago which make payments of interests, dividends, fees or other monies to the Corporation shall not be obliged to withhold or make any deduction on account of any such taxes, levies or imposts;
- (c) no tax of any kind shall be levied on any obligations or securities issued by the Corporation, including any dividend or interest thereon, by whomsoever held—
 - (i) if such taxes discriminate against such obligations or securities solely because they are issued by the Corporation; or
 - (ii) if the sole jurisdictional basis for such taxes is the place or currency issued, made payable or paid, or the location of any office or place of business maintained by the Corporation;

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

93

Privileges and Immunities (Andean Development Corporation) Order

[Subsidiary]

- (d) there shall not be tax of any kind levied on any obligations or securities guaranteed by the Corporation, including any dividend or interest thereon, by whomsoever held—
 - (i) if such taxes discriminate against such obligations or securities solely because they are guaranteed by the Corporation;
 - (ii) if the sole jurisdictional basis for such taxes is the location of an office or place of business maintained by the Corporation.

12. The Corporation shall be authorised to import free of Customs or import duties, vehicles, goods and technical equipment necessary for the operation of any representation it may decide to maintain in Trinidad and Tobago and such vehicles, goods and technical equipment may be subsequently re-exported free of export duties and other fiscal charges.

FOREIGN INVESTMENT AND EXCHANGE CONTROL

13. The Government undertakes to procure that the departments or offices for the time being responsible for foreign investment and foreign exchange control matters shall—

- (a) deal expeditiously with any request for any approval for foreign investment or foreign exchange control purposes that may be required for a proposed investment by the Corporation in any enterprise in Trinidad and Tobago;
- (b) grant all authorisations that may be required—
 - (i) for the remittance out of Trinidad and Tobago of all dividends and other distributions, interest, profits, gains, proceeds or realisation, income, fees and monies of any kind whatsoever arising from or in connection with any investment by the Corporation in Trinidad and Tobago;
 - (ii) for the purchase at the best authorised exchange rate available of any foreign currency that may be required in connection with any such remittances.

LOCAL OFFICE

14. The Corporation may, at its own expense, maintain a representative office in Trinidad and Tobago from which to carry on its operations but, prior to doing this, shall carry on those operations by visits of its employees.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

94

Chap. 17:01

[Subsidiary]

Privileges and Immunities (Andean Development Corporation) Order

PART 2

**PRIVILEGES AND IMMUNITIES OF STAFF OF
THE AGENCY**

15. The Corporation's staff shall enjoy immunity with respect to judicial and administrative process relative to acts performed by them in their official capacity, except when the Corporation expressly waives such immunity.

16. The Corporation's staff who are not citizens of Trinidad and Tobago shall be accorded exemptions, concessions and privileges in respect of taxation, import duties and otherwise, no less favourable than those accorded to such employees of international institutions to the extent that they shall—

- (a) not be subject to income tax or similar taxes in respect of salaries and emoluments received from the Corporation; and
- (b) be entitled within six months of arriving in Trinidad and Tobago to import free of Customs or import duties, personal effects, including not more than one vehicle per staff member for personal or family use, and household goods and to export the same free of export duties and other fiscal charges at the end of their stay in Trinidad and Tobago.

17. The Government undertakes to procure that the departments or offices for the time being responsible for foreign investment and foreign exchange control matters shall grant all authorisations that may be required for the remittance out of Trinidad and Tobago of any monies belonging to employees of the Corporation and their spouses and children who are not citizens of Trinidad and Tobago.

ENTRY VISAS AND WORK PERMITS

18. The Government undertakes to facilitate the issue of all visas, permits and other authorisations required to enable the Corporation's staff and their families to work in Trinidad and Tobago and to enter, remain and reside in and leave Trinidad and Tobago at any time and from time to time as required in order to carry out the Corporation's purposes subject always to compliance with the laws of Trinidad and Tobago.

19. The Government undertakes to give sympathetic consideration to applications for work permits for spouses of the Corporation's staff who are not citizens of Trinidad and Tobago.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

95

[Subsidiary]

**PRIVILEGES AND IMMUNITIES (CARIBBEAN EXPORT
DEVELOPMENT AGENCY) ORDER** 193/1997.

made under section 9

1. This Order may be cited as the Privileges and Immunities (Caribbean Export Development Agency) Order. Citation.

2. In this Order— Interpretation.

“Agency” means the Caribbean Export Development Agency;

“Agreement” means the Agreement establishing the Caribbean Export Development Agency;

“Board” means the Board of Directors of the Caribbean Export Development Agency;

“CARICOM” means the Caribbean Community and the Caribbean Common Market established by the Treaty of Chaguaramas in 1973;

“Council” means Council of Ministers of the Member States;

“Executive Committee” means the Executive Committee of the Board;

“Executive Director” means the Chief Executive Officer of the Caribbean Export Development Agency;

“Member State” means any one of the States referred to in Article 4, paragraphs 1 and 2 of the Agreement;

“Staff” means all personnel contracted and appointed by the Agency.

3. The Agency, being a regional organisation, shall have legal personality and such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes and, in particular, it shall have capacity— Juridical personality.

(a) to contract;

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

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

96

Chap. 17:01

[Subsidiary]

Privileges and Immunities (Caribbean Export Development Agency) Order

- (c) to be a party to legal proceedings; and
- (d) to create new legal entities, within the framework of its objectives and functions.

Privileges and immunities of officials and individuals. Schedule.

4. (1) Officials and individuals representing the Agency performing duties within the framework of its objectives shall be accorded the privileges and immunities specified in Schedule 1.

(2) The privileges and immunities granted under subparagraph (1) are accorded in the interest of the Agency and not for the personal benefit of the officials and individuals who are granted the benefits.

Immunity of assets and property.

5. The assets and property of the Agency, their furnishings and other property thereon as well as their means of transport shall be immune from attachment, execution, search or requisition.

Inviolability of archives and documents.

6. The archives and documents of the Agency, however held or stored, shall be inviolable at any time, wherever they are located.

Powers of Agency.

7. (1) To the extent necessary to effectively carry out the purpose and functions of the Agency and subject to the provisions of the Agreement, the Agency—

- (a) may hold property, funds and assets of whatever nature and may operate accounts in any currency; and
- (b) shall be free to transfer its assets from one country to another or within any country and to convert any currency held by it into any other currency.

(2) In exercising its rights under this paragraph, the Agency shall pay due regard to any representations made by any member State.

Inviolability of correspondence and functions.

8. All correspondence relating to the Agency and its functions shall be inviolable.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

97

Privileges and Immunities (Caribbean Export Development Agency) Order

[Subsidiary]

9. Any dividend or profit realised from the commercial activity of the Agency through any legal entity created under paragraph 3(d) shall not be subject to fiscal charges or taxation.

No charges or taxation.

10. (1) The property of the Agency shall be exempt from—
- (a) any form of direct taxation so, however, that the Agency shall not claim exemption from taxes that are in fact, no more than charges levied for specific services rendered;
 - (b) Customs duties and from prohibition and restrictions on exports and imports in respect of articles exported or imported by the Agency for its official use; and
 - (c) Customs duties and other levies, prohibitions and restrictions in respect of the export, import and sale of its publications.

Property not subject to taxes or duties.

(2) Articles imported under the exemption of subparagraph 10(1)(b) shall not be sold within the territory of the Member State, except under conditions agreed to by the Government of that Member State.

11. The Council may waive to such extent and upon such conditions as it may determine, the exemptions, immunities and privileges provided in this Order in cases where such action would, in its opinion, be in the best interests of the Agency.

Waiver by Council.

12. The Executive Director, after approval by a qualified majority of the Executive Committee, may waive any exemption, immunity or privilege in respect of any Staff member, consultant or representative of the Agency, when in his opinion, the exemption, immunity or privilege would impede the course of justice.

Waiver by Executive Director.

13. The Board, after approval by a qualified majority of the Executive Committee may waive any exemption, immunity or privilege respecting the Executive Director.

Waiver by Board.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

98

Chap. 17:01

[Subsidiary]

Privileges and Immunities (Caribbean Export Development Agency) Order

Restrictions on
benefits.

14. Nothing in this Order shall be construed as obliging any party to the Agreement 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.

SCHEDULE 1

PERSONAL PRIVILEGES AND IMMUNITIES

1. Staff members of the Agency 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, even after the person concerned has ceased to be a Staff member of the Agency. However, this immunity shall only extend to official acts and oral or written expressions performed during the tenure of office;
 - (b) exemption from any form of taxation or any other fiscal charge on salaries and emoluments received as Staff members of the Agency;
 - (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; and
 - (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.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)* **Chap. 17:01**

99

Privileges and Immunities (Caribbean Export Development Agency) Order

[Subsidiary]

2. Observing the Protocols that embody the Headquarters Agreement and the Sub-regional Office Agreement, respectively, Staff members of the Agency shall also enjoy the following privileges and immunities in addition to those listed in item 1 of this Schedule:

- (a) the right to export from a Member State free of duty and taxes or other fiscal charges with a similar effect their personal and household effects and one motor vehicle at the time of first taking up post as a Staff member of the Agency;
- (b) the right to import into the Member State where the Headquarters or Sub-regional Office is located, free of duty and taxes or other fiscal charges with a similar effect, their personal and household effects and one motor vehicle at the time of first taking up post as a Staff member of the Agency;
- (c) the right to import free of duty and taxes or other fiscal charges with a similar effect, into the country of residence or to the country of which they are nationals personal and household effects including one motor vehicle on the termination of duties in the Member State where the Headquarters or Sub-regional Office is located;
- (d) the right to replace the motor vehicle and the household effects, under the same conditions as stipulated in subparagraph 2(b) of this Schedule; and
- (e) the right to sell to third parties the replaced personal and household effects and the motor vehicle.

3. In addition to the privileges and immunities specified in paragraphs 1 and 2 of this Schedule, the Executive Director and the Deputy Executive Director who heads a Sub-regional Office shall be accorded in respect of self, the spouse and children, the privileges and immunities normally accorded to Heads of diplomatic missions in accordance with international law.

4. A consultant employed on missions on behalf of the Agency, while present in the territory of a Member State party to this Agreement shall in the discharge of his duties, enjoy—

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

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

100

Chap. 17:01

[Subsidiary]

Privileges and Immunities (Caribbean Export Development Agency) Order

- (c) 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, even after the person has ceased to be a Staff member of the Agency. However, this immunity shall only extend to official acts and expressions performed during the tenure of office.

5. A national of a Member State, while representing the Agency in the territory of that or another Member State shall in the discharge of his duties enjoy—

- (a) the same immunity 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 restriction, alien registration and national service obligations; and
- (d) the same facilities in respect of currency or exchange restrictions and in respect of his official and personal baggage as are accorded to a representative of a foreign Government on a temporary official mission.

6. 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, even after the person has ceased to be a Staff member of the Agency. However, this immunity shall only extend to official acts and expressions performed during the tenure of office.

7. Schedule 2 shall classify the Staff members to whom Item 2 of this Schedule applies.

8. The Executive Director shall regularly notify the Governments of the Member States of the names and relevant personal data of the Staff members who enjoy the privileges, immunities and exemptions referred to in paragraphs, 1, 2 and 10 of this Schedule.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

101

Privileges and Immunities (Caribbean Export Development Agency) Order

[Subsidiary]

9. In the event of a change in the marital status of a Staff member during the tenure of office at the Headquarters or at a Sub-regional Office, the Agency shall ensure that immunities, privileges and exemptions derived from the marriage shall not be enjoyed simultaneously by both the former and the current spouse.

10. The Executive Director may, subject to any conditions which may be laid down by the Council from time to time, issue "*laissez-passer*" to Staff members of the Agency. The "*laissez-passer*" shall be recognised and accepted as valid and sufficient travel documents by the Member States.

11. (a) Upon the presentation of the "*laissez-passer*" by a Staff member of the Agency, travelling on official business of the Agency, the Staff member shall only be subject to Customs and immigration formalities as are required for statistical purposes.

(b) Notwithstanding subitem 11(a) of this Schedule, the baggage of a Staff member is not exempt from inspection, in accordance with international law, when there are reasonable grounds for presuming that it contains articles, the export or import of which is prohibited by law or controlled by quarantine regulations.

(c) An inspection under subitem 11(b) of this Schedule shall be conducted only in the presence of the Staff member concerned.

12. Application for visas from experts and other persons who, though not holders of the Agency's "*laissez-passer*", present a certificate under the hand of the Executive Director certifying that they are travelling on business of the Agency shall be dealt with as speedily as possible.

13. Staff members of the Agency travelling on Agency's "*laissez-passer*" on business of the Agency shall be granted the same facilities as are accorded to officials of comparable rank forming part of the diplomatic missions to the Government concerned.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

102

Chap. 17:01

[Subsidiary]

Privileges and Immunities (Caribbean Export Development Agency) Order

SCHEDULE 2

1. The Executive Director shall, from time to time, provide all Member States with—

- (a) a detailed list of Staff members of the Agency who are holders of a “*laissez-passer*”, issued by the proper authorities;
- (b) a detailed list of the consultants contracted by the Agency, within the framework of the execution of the programme.

2. The Staff members holding positions under the levels 1 and 2, shall enjoy the privileges and immunities referred to in this Order.

3. The Staff members holding positions under level 3 shall enjoy the privileges and immunities granted by the Governments that host the Headquarters and the Sub-regional offices of the Agency.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

Chap. 17:01

103

[Subsidiary]

**PRIVILEGES AND IMMUNITIES (CONVENTIONS
OF LOMÉ) ORDER**

48/1999.

made under section 9

1. This Order may be cited as the Privileges and Immunities (Conventions of LOMÉ) Order. Citation.

2. MR. GAVIN MCGILLIVRAY, the foreign expert assigned by the European Union to the Programme Management and Co-ordination Unit of the Caribbean Regional Agriculture and Fisheries Development Programme of CARIFORUM is accorded the following privileges, namely, full exemption from the payment of Customs duty, purchase tax, stamp duty and other direct or indirect tax on personal and household effects imported, within eight months of his arrival, for his personal use. Privileges of expert.

LAWS OF TRINIDAD AND TOBAGO

*Privileges and Immunities (Diplomatic, Consular
and International Organisations)*

104

Chap. 17:01

[Subsidiary]

101/2001.

**PRIVILEGES AND IMMUNITIES (DIPLOMATIC,
CONSULAR AND INTERNATIONAL ORGANISATIONS)
(INTER-AMERICAN INSTITUTE FOR CO-OPERATION
ON AGRICULTURE) ORDER**

made under section 9(2) and (3)

Citation.

1. This Order may be cited as the Privileges and Immunities (Diplomatic, Consular and International Organisations) (Inter-American Institute for Co-operation on Agriculture) Order.

Interpretation.

2. In this Order—

“The Act” means the Privileges and Immunities (Diplomatic Consular and International Organisations) Act.

Ch. 17:01.

Privileges and immunities.

3. The Inter-American Institute for Co-operation on Agriculture (hereinafter referred to as “the Institute”) is hereby accorded all the privileges and immunities set out in Part I of the Fifth Schedule of the Act.

Fifth Schedule.

Privileges and immunities of officials.

4. (1) The Head of the Institute’s local office and persons employed on missions shall be accorded all the privileges and immunities set out in Parts II and IV of the Fifth Schedule to the Act.

(2) Officers and servants of the Institute, other than those referred to in subsection (1), shall be accorded the privileges and immunities set out in Part III of the Fifth Schedule.

(3) Notwithstanding subsection (2) officers and servants of the Institute other than those referred to in subsection (1), who are nationals or residents of Trinidad and Tobago shall only be accorded the privileges and immunities provided for in paragraph 1 of Part III of the Fifth Schedule to the Act.

(4) Persons who are representative of any organ of the Institute or who are members of committees, shall be accorded the privileges and immunities referred to in Part II and Part IV (1) of the Fifth Schedule to the Act.