

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER D25

DIPLOMATIC PRIVILEGES (EXTENSION) ACT

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DIPLOMATIC PRIVILEGES (EXTENSION) ACT

Interpretation of application to United Nations

1. This Act shall in its application to the United Nations have effect subject to the following modifications—

(a) any reference to the governing body or any committee of the organisation shall be construed as referring to the General Assembly or any council or other organ of the United Nations; and

(b) the powers conferred upon the Governor in Council by section 2(2) shall include power to confer on the judges and registrars of the International Court, and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of or convention approved by the General Assembly of the United Nations.

Privileges, etc. of certain international organisations and their staffs

2. (1) This section shall apply to any organisation declared by Order of the Governor in Council to be an organisation of which Her Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign Powers are members.

(2) The Governor in Council may by Order—

(a) provide that any organisation to which this section applies (hereinafter referred to as the "organisation") shall, to such extent as may be specified in the Order, have the immunities and privileges set out in Part 1 of the Schedule, and shall also have the legal capacities of a body corporate;

(b) confer upon—

(i) any persons who are representatives (whether of governments or not) on 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, and

(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 2 of the Schedule;

(c) 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 3 of the Schedule;

and Part 4 of the Schedule shall have effect for the purpose of extending to the staffs of such representatives and members as are mentioned in subparagraph (b)(i) and to the families of officers of the organisation any immunities and privileges conferred on the representatives, members or officers under that paragraph, except in so far as the operation of Part 4 is excluded by the Order conferring the immunities and privileges, but the Order in Council shall be so framed as to secure that there are not conferred on any person any immunities or privileges greater in extent than those which, at the time of the making of the Order, are required to be conferred on that person in order to give effect to any international agreement in that behalf.

(3) Where immunities and privileges are conferred on any persons by an Order in Council made under subsection (2), the Governor—

(a) shall compile a list of the persons entitled to immunities and privileges conferred under paragraph (2)(b), and may compile a list of the persons entitled to immunities and privileges conferred under paragraph (2)(c);

(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 immunities and privileges 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.

(4) Every list or notice published under subsection (3) 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 immunities and privileges 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.

(5) An Order in Council under this section is a regulation.

Provisions as to Orders in Council

3. (1) Every Order in Council made under section 2(1) or (2) shall be laid as soon as may be before the House of Assembly and if, within the period of 40 days beginning with the day on which any such Order is laid before it, the House of Assembly by resolution requests that the Order be annulled, the Governor in Council may annul the Order and it shall thereupon cease to have effect, but without prejudice to the validity of anything done thereunder in the meantime or to the making of a new Order.

(2) In reckoning the period of 40 days, no account shall be taken of any time during which the House of Assembly is dissolved or prorogued.

(3) Any such Order in Council may be varied or revoked by a subsequent Order in Council made in like manner.

Diplomatic immunities of representatives attending international conferences

4. (1) Where a conference is held in Anguilla and is attended by the representatives of Her Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign Powers, and it appears to the Governor that doubts may arise as to the extent to

which the representatives of such foreign Powers and members of their official staffs are entitled to diplomatic immunities, he may—

(a) compile a list of the persons aforesaid who are entitled to such immunities, and cause that list to be published in the *Gazette*; and

(b) whenever it appears to the Governor that any person ceases or begins to be entitled to such immunities, amend the list and cause a notice of amendment or, if he thinks fit, an amended list, to be published as aforesaid;

and every representative of a foreign Power who is for the time being included in the list shall be accorded the same diplomatic immunities as an envoy of a foreign Power accredited to Her Majesty in England is accorded under the law of England and such of the members of his official staff as are for the time being included in the list shall be accorded the same diplomatic immunities as the retinue of such an envoy is accorded under the law of England.

(2) Every list or notice published under subsection (1) in relation to any conference shall include a statement of 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 diplomatic immunities as representatives attending the conference or as members of the official staff of any such representative 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.

Reciprocal treatment

5. Nothing in the foregoing provisions of this Act shall be construed as precluding the Governor from declining to accord immunities or privileges to, or from withdrawing immunities or privileges from, nationals or representatives of any Power on the ground that that Power is failing to accord corresponding immunities or privileges to British nationals or representatives.

Citation

6. This Act may be cited as the Diplomatic Privileges (Extension) Act, Revised Statutes of Anguilla, Chapter D25.

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SCHEDULE

PART 1

(Section 2(2)(a))

IMMUNITIES AND PRIVILEGES OF THE ORGANIZATION

1. Immunity from suit and legal process.

2. The like inviolability of official archives and premises occupied as offices as is accorded under the law of England in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty.

3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded under the law of England to a foreign sovereign Power.

4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in Anguilla or for exportation, or on the importaton of any publications of the organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Governor in Council 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 Anguilla), of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART 2

(Section 2(2)(b))

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

1. The like immunity from suit and legal process as is accorded under the law of England to an envoy of a foreign Power accredited to Her Majesty.

2. The like inviolability of residence as is accorded to such an envoy.

3. The like exemption or relief from taxes as is accorded to such an envoy.

PART 3

(Section 2(2)(c))

IMMUNITIES AND PRIVILEGES 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 4

(Section 2(2))

IMMUNITIES AND PRIVILEGES OF OFFICIAL STAFFS AND OF HIGH OFFICERS' FAMILIES

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part 2 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 immunities and privileges to the same extent as the retinue of an envoy of a foreign sovereign Power accredited to Her Majesty is entitled to the immunities and privileges accorded to the envoy.

2. Where any person is entitled to any such immunities and privileges as are mentioned in Part 2 of this Schedule as an officer of the organisation, that person's wife or husband and children under the age of 21 shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of an envoy of a foreign sovereign Power accredited to Her Majesty are entitled under the law of England to the immunities and privileges accorded to the envoy.