Revised Regulations of Anguilla: D25-2

DIPLOMATIC PRIVILEGES (EXTENSION) ACT (R.S.A. c. D25)

INTERNATIONAL CIVIL AVIATION ORGANISATION ORDER

Note: These Regulations are enabled under section 2 of the Diplomatic Privileges (Extension) Act, R.S.A. c. D25.

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THE ORGANISATION

Interpretation

1. In this Order, "Organisation" means the International Civil Aviation Organisation.

Declaration

2. The International Civil Aviation Organisation set up under Article 43 of the Convention on International Civil Aviation signed at Chicago on 7th December, 1944, is an organisation of which Her Majesty's Government in the United Kingdom and the Governments of foreign sovereign Powers are members.

Body corporate

3. The Organisation shall have the legal capacities of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and process. No waiver of immunity shall be deemed to extend to any measure of execution.

Inviolability of official archives, etc.

4. The Organisation shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty.

Exemption from taxes

5. The Organisation shall have 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.

Exemption from customs duty

6. The Organisation shall have 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 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 in Anguilla may prescribe for the protection of the revenue.

Exemption from prohibitions and restrictions on importation, etc.

7. The Organisation shall have 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 publication of the Organisation directly imported or exported by it.

Reduced rates for telegraphic communications

8. The Organisation shall have the right whenever there is in operation a Government telegraphic service, 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 dispatched from places outside Anguilla) of any reduced rates applicable for the corresponding service in the case of press telegrams.

REPRESENTATIVES OF MEMBERS

Immunity and privileges

9. (1) Except in so far as in any particular case any privilege or immunity is waived by the member Governments whom they represent, Representatives of member Governments to the Assembly or to the Council of the Organisation, to any Commission (however named) provided for in the constitution of the Organisation, or to any Committee of such Assembly, Council or Commission shall enjoy—

(a) while exercising their functions as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents;

(b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as representatives; and

(c) while exercising their functions and during their journey to and from the place of meeting, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in Anguilla during any period when they are present in Anguilla whilst exercising their functions or during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to British subjects whose usual place of abode is in Anguilla.

(2) For the purpose of the application of this Order, the expression "representatives of member governments" shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(3) The provisions of subsections (1) and (2) shall not confer any immunity or privilege upon any person as the representative of Her Majesty's Government in Anguilla or as a member of the staff of such a representative, or any person who is a British subject and who is not the representative of a Government of Her Majesty other than Her Majesty's Government in Anguilla or the member of the staff of and accompanying any such representative.

HIGH OFFICIALS

Persons entitled to immunities and privileges

10. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, the Secretary-General or the Deputy Secretary-General of the Organisation and the President of the Council of the Organisation shall be accorded in respect of themselves, their spouses and children under the age of 21, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, his spouse and children, including exemption from income tax in respect of emoluments received by them as officers of the Organisation.

PERSONS SERVING ON COMMITTEES OF OR EMPLOYED ON MISSIONS ON BEHALF OF THE ORGANISATION

Immunities

11. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons (other than officials of the Organisation) serving on Committees of, or employed on missions on behalf of the Organisation shall enjoy—

(a) while exercising their functions as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability of all papers and documents relating to the work of the Organisation; and

(b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of these functions. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the Organisation.

OTHER OFFICIALS OF THE ORGANISATION

Immunities and privileges

12. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officials of the Organisation (other than those referred to in section 10) shall enjoy—

(a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties; and

(b) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation.

GENERAL

List of persons entitled to immunities and privileges

13. The names of the persons to whom the provisions of sections 9, 10, 11 and 12 apply shall be set forth in a list compiled and published from time to time by the Governor under section 2(3) of the Act, and such list shall show in regard to each person the date as from which, for the purpose of this Order, he first held office or employment in question, and the date when he ceased to hold that office or employment.

Citation

14. These Regulations may be cited as the International Civil Aviation Organisation Order, Revised Regulations of Anguilla D25-2.

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