Revised Regulations of Anguilla: D25-6

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

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION ORDER

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

TABLE OF CONTENTS

SECTION

THE ORGANISATION

1. Interpretation
2. Declaration
3. Body corporate
4. Inviolability of official archives, etc.
5. Exemption from taxes
6. Exemption from customs duty
7. Exemption from prohibitions and restrictions on importation, etc.
8. Reduced rates for telegraphic communications

REPRESENTATIVES OF MEMBERS, THE PRESIDENT OF THE CONFERENCE AND MEMBERS OF THE EXECUTIVE BOARD OF THE ORGANISATION

9. Immunity and privileges

HIGH OFFICIALS

10. Persons entitled to immunities and privileges

PERSONS EMPLOYED ON MISSIONS ON BEHALF OF THE ORGANISATION

11. Immunities

OTHER OFFICIALS OF THE ORGANISATION

12. Immunities and privileges

GENERAL

13. List of persons entitled to immunities and privileges
14. Citation

THE ORGANISATION

Interpretation

1. In this Order, "Organisation" means the United Nations Educational, Scientific and Cultural Organisation.

Declaration

2. The United Nations Educational, Scientific and Cultural Organisation 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 legal 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 of the 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, THE PRESIDENT OF THE CONFERENCE AND MEMBERS OF THE EXECUTIVE BOARD OF THE ORGANISATION

Immunity and privileges

9. (1) Except in so far as any privilege or immunity is waived, in the case of representatives of member Governments by the Governments whom they represent; in the case of the President of the Conference, by the Organisation; and in the case of members of the Executive Board, by the Executive Board of the Organisation; representatives of member Governments, the President of the Conference of the Organisation, and members of the Executive Board 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 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 and 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 a 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, officers of the Organisation holding the offices of Secretary-General and Deputy Secretary-General 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 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 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 their 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, all 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 and 10 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 purposes of this Order, he first held the 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 United Nations Educational, Scientific and Cultural Organisation Order, Revised Regulations of Anguilla D25-6.

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