



ST. CHRISTOPHER AND NEVIS

CHAPTER 6.03

INTERNATIONAL ORGANISATIONS AND OVERSEAS COUNTRIES (IMMUNITIES AND PRIVILEGES) ACT

Revised Edition

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INTERNATIONAL ORGANISATIONS AND OVERSEAS COUNTRIES (IMMUNITIES AND PRIVILEGES) ACT

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CHAPTER 6.03

INTERNATIONAL ORGANISATIONS AND OVERSEAS COUNTRIES (IMMUNITIES AND PRIVILEGES) ACT

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CHAPTER 6.03**INTERNATIONAL ORGANISATIONS AND OVERSEAS COUNTRIES
(IMMUNITIES AND PRIVILEGES) ACT**

AN ACT TO AMEND AND CONSOLIDATE THE PROVISION OF THE IMMUNITIES, PRIVILEGES AND CAPACITIES OF INTERNATIONAL ORGANISATIONS AND OF CERTAIN OVERSEAS COUNTRIES THAT AGREE TO PROVIDE ASSISTANCE TO SAINT CHRISTOPHER AND NEVIS, AND TO DEFINE THE STATUS OF PERSONS ATTENDING INTERNATIONAL CONFERENCES IN SAINT CHRISTOPHER AND NEVIS.

Short title.

1. This Act may be cited as the International Organisations and Overseas Countries (Immunities and Privileges) Act.

Interpretation.

2. In this Act, unless the context otherwise requires, the expression “overseas country” means any country outside Saint Christopher and Nevis whether a sovereign Power or a dependent territory.

Immunities, privileges and capacities of certain international organisations and persons connected therewith.

3. (1) This section shall apply to any organisation declared by Order of the Governor-General to be an organisation of which Saint Christopher and Nevis or the Government thereof and one or more overseas countries or the government or governments thereof are members.

(2) The Governor-General may, by Order—

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

(b) confer upon—

(i) persons who are representatives (whether of governments or not) of any organ of the organisation or are members of any committee of the organisation or of any 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 specified;

(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 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 III of the Schedule,

and Part IV of the Schedule shall have effect for the purpose of extending to the staff of such representatives and members as are mentioned in paragraphs (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 the said Part IV is excluded by the Order conferring the immunities and privileges:

Provided that the Order 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.

Immunities, privileges and capacities under agreements for financial or other assistance.

4. (1) This section shall apply in respect of any agreement declared by Order of the Governor-General to be an agreement between Saint Christopher and Nevis or the Government thereof and—

- (a) any overseas country or the government thereof; or
- (b) any overseas government agency,

for the provision of financial, technical or other assistance to Saint Christopher and Nevis.

(2) For the purposes of this section, the expression “overseas government agency” means any body or institution which is recognised by the government of an overseas country to be an agency of that government.

(3) The Governor-General may, by Order—

- (a) provide that in respect of any agreement to which this section applies, such immunities and privileges as may be set out in the Order shall operate, and where the party to such agreement is an overseas government agency, such overseas government agency shall also have the capacities of a body corporate;
- (b) confer upon—
 - (i) persons who are assigned for duty in Saint Christopher and Nevis in pursuance of an agreement to which this section applies; and
 - (ii) the family of any person upon whom immunities and privileges are conferred under sub-paragraph (i) of this paragraph,

such immunities and privileges as may be set out in the Order.

(4) Any Order made pursuant to subsection (3) shall be so framed as to secure that the immunities and privileges to be enjoyed by any overseas country, overseas government agency or persons by virtue of the Order are not greater than those which at the time of the making of the Order, are necessary to give effect to the agreement to which the Order relates.

Publication of lists of persons entitled to immunities and privileges under sections 3 and 4.

5. (1) Where immunities and privileges are conferred on persons by an Order made under section 3(2) or section 4(3), the Permanent Secretary in the Ministry of Foreign Affairs—

- (a) in the case of an Order made under section 3(2), shall compile a list of the persons entitled to immunities and privileges conferred under paragraph (b) and may compile a list of the persons entitled to immunities and privileges conferred under paragraph (c);
- (b) in the case of an Order made under section 4(3), shall compile a list of the persons entitled to immunities and privileges conferred under paragraph (b);
- (c) shall cause any list compiled under this subsection to be published in the *Gazette*;
- (d) 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 or she thinks fit, an amended list to be so published.

(2) Every list or notice published under subsection (1) shall state the date from which the list or notice 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 such 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 *Gazettes*, if any, containing the 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 said list.

Diplomatic immunities of representatives attending international conferences.

6. (1) Where a conference is held in Saint Christopher and Nevis and is attended by representatives of the Government of Saint Christopher and Nevis and the government or governments of one or more overseas country, and it appears to the Governor-General that doubts may arise as to the extent to which the representatives of such overseas country and members of their official staffs are entitled to diplomatic immunities, he or she may instruct the Permanent Secretary in the Ministry of Foreign Affairs—

- (a) to 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-General that any person ceases or begins to be entitled to such immunities he or she may instruct the Permanent Secretary in the Ministry of Foreign Affairs to amend the list and cause notice of the amendment or, if he or she thinks fit, an amended list to be published as aforesaid,

and every representative of an overseas country who is for the time being included in the list shall, for the purpose of any enactment and rule of law or custom relating to the immunities of an envoy of a foreign sovereign Power and of the retinue of such an envoy, be treated as if he or she were such an envoy, and such members of his or her official staff as for the time being included in the list shall be treated for the purpose aforesaid as if they were his or her retinue.

(2) Every list or notice published under the foregoing subsection 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 representatives 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 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 said list.

Reciprocal treatment.

7. Nothing in the foregoing provisions of this Act shall be construed as precluding the Governor-General from declining to accord immunities or privileges to, or from withdrawing immunities from or privileges from, nationals or representatives of any overseas country on the ground that that overseas country is failing to accord corresponding immunities or privileges to nationals or representatives of Saint Christopher and Nevis.

Provisions as to Orders.

8. Every Order made by the Governor-General under this Act shall be laid before the National Assembly.

SCHEDULE

(Section 3)

PART I

IMMUNITIES AND PRIVILEGES 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 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 to a foreign sovereign Power.
4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in Saint Christopher and Nevis or for exportation, or on the importation of any publications of the organisation directly imported by it, and 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. Exemptions 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 Saint Christopher and Nevis), of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II

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 to an envoy of a foreign sovereign 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 III

IMMUNITIES AND PRIVILEGES OF OTHER OFFICERS IN SERVICE

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

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

1. Where any person is entitled to any such immunities and privileges 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 or her official staff accompanying him or her as such a representative or member shall also be entitled to those immunities and privileges to the same extent as the retinue of any envoy of a foreign sovereign Power.
2. Where any person is entitled to any such immunities and privileges 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 immunities and privileges 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 to the immunities and privileges accorded to the envoy.

[Note: The text of Orders made under the repealed "Immunities and Privileges (International Organisations and Overseas Countries) Act, 1959, of the Former Federation of the West Indies is not captured under this Chapter]
