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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERATURAN-PERATURAN PERTUBUHAN
MENTERI-MENTERI PENDIDIKAN ASIA TENGGARA
(SEAMEO) (KEISTIMEWAAN DAN KEKEBALAN) 2012

*SOUTHEAST ASIAN MINISTERS OF EDUCATION
ORGANIZATION (SEAMEO)
(PRIVILEGES AND IMMUNITIES) REGULATIONS 2012*



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AKTA ORGANISASI ANTARABANGSA (KEISTIMEWAAN DAN KEKEBALAN) 1992

PERATURAN-PERATURAN PERTUBUHAN MENTERI-MENTERI PENDIDIKAN
ASIA TENGGARA (SEAMEO) (KEISTIMEWAAN DAN KEKEBALAN) 2012

PADA menjalankan kuasa yang diberikan oleh subseksyen 3(1) dan 4(1) dan seksyen 11 Akta Organisasi Antarabangsa (Keistimewaan dan Kekebalan) 1992 [*Akta 485*], Menteri, dengan persetujuan Menteri Kewangan, membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara (SEAMEO) (Keistimewaan dan Kekebalan) 2012**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 1 Julai 2012.

Tafsiran

2. Dalam Peraturan-Peraturan ini, melainkan jika konteksnya menghendaki makna yang lain—

“Badan-badan subsidiari” ertinya pusat serantau yang ditubuhkan di bawah Organ Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara yang dinyatakan dalam Jadual;

“Organ” ertinya organ-organ yang ditubuhkan oleh Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara yang dinyatakan dalam Jadual;

“pegawai” ertinya seseorang pegawai Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara tetapi tidak termasuk pegawai tempatan;

“Pegawai Tinggi” ertinya seseorang yang memegang jawatan ketua eksekutif bagi setiap Organ atau badan-badan subsidiari Pertubuhan Menteri-Menteri Pendidikan

Asia Tenggara dan, dalam hal apabila suatu badan subsidiari mempunyai pejabat di Malaysia, ketua badan subsidiari tersebut juga di Malaysia;

“Persidangan Antarabangsa” ertinya semua aktiviti yang dianjurkan oleh Organ di bawah Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara termasuk mesyuarat, persidangan, forum, seminar, bengkel, penyelidikan dan kursus;

“Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara” ertinya pertubuhan yang ditubuhkan melalui Piagam Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara yang ditandatangani di Singapura pada 7 Februari 1968 dan termasuklah Organnya dan badan-badan subsidiari yang ditubuhkan di bawah Organ itu.

Pengisytiharan Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara menjadi organisasi antarabangsa

3. Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara diisytiharkan menjadi suatu organisasi antarabangsa yang baginya seksyen 4 Akta terpakai.

Keperibadian juridikal

4. Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara hendaklah mempunyai keperibadian juridikal dan hendaklah mempunyai keupayaan—

- (a) untuk membuat kontrak;
- (b) untuk memperoleh, memegang dan melupuskan harta alih dan harta tak alih; dan
- (c) untuk memulakan prosiding undang-undang.

Keistimewaan dan kekebalan Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara

5. Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara hendaklah mempunyai keistimewaan dan kekebalan sebagaimana yang dinyatakan dalam Jadual Pertama Akta.

Keistimewaan dan kekebalan Pegawai Tinggi

6. (1) Pegawai Tinggi hendaklah mempunyai keistimewaan dan kekebalan sebagaimana yang dinyatakan dalam Bahagian I Jadual Kedua Akta.

(2) Seseorang bekas Pegawai Tinggi hendaklah mempunyai kekebalan sebagaimana yang dinyatakan dalam Bahagian II Jadual Kedua Akta.

Keistimewaan dan kekebalan orang yang ditauliahkan kepada, atau yang hadir di, persidangan antarabangsa yang dianjurkan oleh Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara

7. (1) Seseorang yang ditauliahkan kepada Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara, atau yang hadir di, sesuatu persidangan antarabangsa yang dianjurkan oleh Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara sebagai wakil—

- (a) suatu negara selain Malaysia;
- (b) suatu organisasi antarabangsa; atau
- (c) suatu organisasi seberang laut,

hendaklah mempunyai keistimewaan dan kekebalan sebagaimana yang dinyatakan dalam Bahagian I Jadual Ketiga Akta.

(2) Seseorang yang tidak lagi ditauliahkan kepada Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara, atau yang telah hadir di, sesuatu persidangan, sebagai wakil, hendaklah mempunyai kekebalan sebagaimana yang dinyatakan dalam Bahagian II Jadual Ketiga Akta.

Keistimewaan dan kekebalan pegawai selain Pegawai Tinggi

8. (1) Seseorang pegawai hendaklah mempunyai keistimewaan dan kekebalan sebagaimana yang dinyatakan dalam Bahagian I Jadual Keempat Akta.

(2) Seseorang bekas pegawai hendaklah mempunyai kekebalan sebagaimana yang dinyatakan dalam Bahagian II Jadual Keempat Akta.

Keistimewaan dan kekebalan orang yang sedang berkhidmat dalam jawatankuasa atau sedang mengambil bahagian dalam kerja, atau sedang melaksanakan misi bagi pihak, Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara

9. (1) Seseorang yang sedang berkhidmat dalam sesuatu jawatankuasa yang ditubuhkan oleh Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara atau yang sedang mengambil bahagian dalam kerja, atau yang sedang melaksanakan suatu misi bagi pihak Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara hendaklah mempunyai keistimewaan dan kekebalan sebagaimana yang dinyatakan dalam Bahagian I Jadual Kelima Akta.

(2) Seseorang yang telah berkhidmat dalam jawatankuasa atau yang telah mengambil bahagian dalam kerja atau yang telah melaksanakan suatu misi hendaklah mempunyai kekebalan sebagaimana yang dinyatakan dalam Bahagian II Jadual Kelima Akta.

Penepian

10. (1) Persidangan Majlis Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara hendaklah mempunyai hak untuk mengetepikan kekebalan yang diberikan kepada Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara daripada apa-apa proses undang-undang selain pelaksanaannya.

(2) Sesuatu Negara Anggota Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara atau Ketua Organ atau badan subsidiari kepada Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara hendaklah mempunyai kuasa dan kewajipan untuk mengetepikan keistimewaan dan kekebalan yang diberikan kepada mana-mana orang yang ditauliahkan kepada Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara, atau yang hadir dalam Persidangan Antarabangsa yang dianjurkan oleh Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara sebagai wakilnya jika, pada pandangan Negara Anggota atau Ketua Organ, keistimewaan dan kekebalan itu akan menghalang perjalanan keadilan dan boleh diketepikan tanpa menjejaskan maksud yang baginya kekebalan itu diberikan.

(3) Persidangan Majlis Menteri-Menteri Pendidikan Asia Tenggara (SEAMEC) hendaklah mempunyai kuasa dan kewajipan untuk menyetepikan keistimewaan dan kekebalan yang diberikan kepada mana-mana Pegawai Tinggi atau pegawai kepada Organ atau badan subsidiari Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara atau pegawai atau mana-mana orang yang sedang berkhidmat dalam Organ atau yang sedang mengambil bahagian dalam kerja, atau yang sedang melaksanakan apa-apa misi bagi pihak Organ atau badan-badan subsidiari Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara jika, pada pendapatnya, keistimewaan dan kekebalan itu akan menghalang perjalanan keadilan dan boleh diketepikan tanpa menjejaskan kepentingan Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara.

JADUAL

ORGAN-ORGAN DAN BADAN-BADAN SUBSIDIARI

[Peraturan 2]

1. Organ-organ adalah seperti yang berikut:
 - (a) Majlis Menteri-Menteri Pendidikan Asia Tenggara (SEAMEC)
 - (b) Sekretariat Menteri-Menteri Pendidikan Asia Tenggara (SEAMES)
2. Badan-badan subsidiari adalah seperti yang berikut:
 - (a) Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara Pusat Serantau bagi Pendidikan Sains dan Matematik (SEAMEO RECSAM)
 - (b) Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara Pusat Serantau bagi Pendidikan Khas (SEAMEO SEN)
 - (c) Pertubuhan Menteri-Menteri Pendidikan Asia Tenggara Pusat Serantau bagi Rangkaian Perubatan Tropika dan Kesihatan Awam (SEAMEO TROPMED)

Dibuat 8 Mei 2012
[KP HA 008.5.13 Jld. 1 (51); PN(PU²)507/III]

DATO' SRI ANIFAH HJ AMAN
Menteri Luar Negeri

Saya bersetuju,
Bertarikh 5 Jun 2012

DATO' SERI HAJI AHMAD HUSNI BIN MOHAMAD HANADZLAH
Menteri Kewangan Kedua

INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ACT 1992

SOUTHEAST ASIAN MINISTERS OF EDUCATION ORGANIZATION (SEAMEO)
(PRIVILEGES AND IMMUNITIES) REGULATIONS 2012

IN exercise of the powers conferred by subsections 3(1) and 4(1) and section 11 of the International Organizations (Privileges and Immunities) Act 1992 [*Act 485*], the Minister, with the concurrence of the Minister of Finance, makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Southeast Asian Ministers of Education Organization (SEAMEO) (Privileges and Immunities) Regulations 2012**.

(2) These Regulations come into operation on 1 July 2012.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Subsidiary bodies” means the regional centres established under the Organs of the Southeast Asian Ministers of Education Organization as specified in the Schedule;

“Organs” means the organs established by the Southeast Asian Ministers of Education Organization as specified in the Schedule;

“officer” means an officer of the Southeast Asian Ministers of Education Organization but does not include an officer who is engaged locally;

“High Officer” means the person holding the post of the executive head of each of the Organs or subsidiary bodies of the Southeast Asian Ministers of Education Organization and, in the case where a subsidiary body has an office in Malaysia, the head of the said subsidiary body in Malaysia;

“International Conference” means all activities organized by the Organs under the Southeast Asian Ministers of Education Organization which includes meetings, conferences, forums, seminars, workshops, research and courses;

“Southeast Asian Ministers of Education Organization” means the organization set up by the Charter of the Southeast Asian Ministers of Education Organization signed in Singapore on 7 February 1968 and includes its Organs and the subsidiary bodies established under the Organs.

Declaration of the Southeast Asian Ministers of Education Organization to be an international organization

3. The Southeast Asian Ministers of Education Organization is declared to be an international organization to which section 4 of the Act applies.

Juridical personality

4. The Southeast Asian Ministers of Education Organization shall have juridical personality and shall have the capacity—

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

Privileges and immunities of the Southeast Asian Ministers of Education Organization

5. The Southeast Asian Ministers of Education Organization shall have the privileges and immunities as specified in the First Schedule to the Act.

Privileges and immunities of High Officer

6. (1) A High Officer shall have the privileges and immunities as specified in Part I of the Second Schedule to the Act.

(2) A former High Officer shall have the immunities as specified in Part II of the Second Schedule to the Act.

Privileges and immunities of persons accredited to, or attending, an international conference convened by the Southeast Asian Ministers of Education Organization

7. (1) A person who is accredited to Southeast Asian Ministers of Education Organization or is in attendance at, an international conference convened by the Southeast Asian Ministers of Education Organization as a representative of—

- (a) a country other than Malaysia;
- (b) an international organization; or
- (c) an overseas organization,

shall have the privileges and immunities as specified in Part I of the Third Schedule to the Act.

(2) A person who has ceased to be accredited to the Southeast Asian Ministers of Education Organization, or has attended the conference, as the representative, shall have the immunities as specified in Part II of the Third Schedule to the Act.

Privileges and immunities of Officer other than High Officer

8. (1) An officer shall have the privileges and immunities as specified in Part I of the Fourth Schedule to the Act.

(2) A former officer shall have the immunities as specified in Part II of the Fourth Schedule to the Act.

Privileges and immunities of persons serving on committee or participating in the work of, or performing mission on behalf of, the Southeast Asian Ministers of Education Organization

9. (1) A person who is serving on a committee established by the Southeast Asian Ministers of Education Organization or is participating in the work of, or performing a mission on behalf of the Southeast Asian Ministers of Education Organization shall have the privileges and immunities as specified in Part I of the Fifth Schedule to the Act.

(2) A person who has served on the committee or participated in the work or has performed such a mission shall have the immunities as specified in Part II of the Fifth Schedule to the Act.

Waiver

10. (1) The Southeast Asian Ministers of Education Council Conference shall have the right to waive the immunities conferred on the Southeast Asian Ministers of Education Organization from any legal process other than its execution.

(2) A Member State of the Southeast Asian Ministers of Education Organization or the head of an Organ or subsidiary body of the Southeast Asian Ministers of Education Organization shall have the power and duty to waive the privileges and immunities conferred on any person who is accredited to the Southeast Asian Ministers of Education Organization, or is in attendance at an international conference convened by, the Southeast Asian Minister of Education Organization as its representatives where, in the opinion of such Member State or such head, the privileges and immunities would impede the course of justice and can be waived without prejudicing the purposes for which they were conferred.

(3) The Southeast Asian Ministers of Education Council Conference (SEAMEC) shall have the power and duty to waive the privileges and immunities conferred on any High Officer or officer of an Organ or subsidiary body of the Southeast Asian Ministers of Education Organization or official or any person who is serving or is participating in the work of, or performing any mission on behalf of the Organs or subsidiary bodies of the Southeast Asian Ministers of Education Organization where, in its opinion, the privileges and immunities would impede the course of justice and can be waived without prejudicing the interests of the Southeast Asian Ministers of Education Organization.

SCHEDULE
ORGANS AND SUBSIDIARY BODIES
[Regulation 2]

1. The Organs are as follows:
 - (a) Southeast Asian Ministers of Education Council (SEAMEC)
 - (b) Southeast Asian Ministers of Education Secretariat (SEAMES)

2. The subsidiary bodies are as follows:
 - (a) Southeast Asian Ministers of Education Organization Regional Center for Education in Science and Mathematics (SEAMEO RECSAM)
 - (b) Southeast Asian Ministers of Education Organization Regional Center for Special Education (SEAMEO SEN)
 - (c) Southeast Asian Ministers of Education Organization Regional Tropical Medicine and Public Health Network (SEAMEO TROPMED)

Made 8 May 2012
[KP HA 008.5.13 Jld. 1 (51); PN(PU²)507/III]

DATO' SRI ANIFAH HJ AMAN
Minister of Foreign Affairs

I concur,
Dated 5 June 2012

DATO' SERI HAJI AHMAD HUSNI BIN MOHAMAD HANADZLAH
Second Minister of Finance