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INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES) ACT 1948 (SECTION 2)

INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES) (UNITED NATIONS AND INTERNATIONAL COURT OF JUSTICE) ORDER 1948

ARRANGEMENT OF PARAGRAPHS

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PART 3

GENERAL

[7 January 1949]

Citation

1. This Order is the International Organisations (Immunities and Privileges) (United Nations and International Court of Justice) Order 1948.

PART 1

THE UNITED NATIONS

Status of the United Nations

2.—(1) The United Nations set up by the Charter signed at San Francisco on 26 June 1945 is an organisation of which the Government and the governments of foreign sovereign Powers are members.

(2) The United Nations has the legal capacity of a body corporate.

Immunities and privileges of the United Nations

3.—(1) The United Nations has immunity from suit and legal process, except insofar as in any particular case it has expressly waived its immunity.

(2) No waiver of immunity is deemed to extend to any measure of execution.

(3) The United Nations has the like inviolability of its official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to the Republic of Singapore.

(4) The United Nations has 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.

(5) The United Nations has exemption from taxes on the importation of —

(*a*) goods directly imported by the United Nations for its official use in Singapore or for exportation; and

(*b*) any of the publications of the United Nations directly imported by it,

subject to compliance with any condition that the Director-General of Customs may prescribe for the protection of the revenue.

(6) The United Nations has exemption from prohibitions and restrictions on importation or exportation —

(*a*) in the case of goods directly imported or exported by the United Nations for its official use; and

(*b*) in the case of any publication of the United Nations directly imported or exported by it.

(7) The United Nations has the right to avail itself —

(*a*) for telegraphic communications sent by it and containing only matter intended for publication by the press; or

(*b*) for broadcasting (including communications addressed to or despatched from places outside Singapore),

of any reduced rate applicable for the corresponding service in the case of press telegrams.

Immunities and privileges of representatives of members

4.—(1) Except insofar as in any particular case any privilege or immunity is waived by the member governments whom they represent, representatives of member governments to the General Assembly or to any Council or other organ of the United Nations —

(*a*) enjoy, while exercising their functions as such, and during their journeys 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;

(*b*) enjoy 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;

(*c*) enjoy, while exercising their functions, and during their journeys 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 the Republic of Singapore, except that the relief allowed does not include relief from excise duties except in respect of goods imported as part of their personal baggage; and

(*d*) are not, where the incidence of any form of taxation depends on residence, deemed to be resident in Singapore during any period when they are present in Singapore while exercising their functions or during their journeys to and from the place of meeting.

(2) Paragraph 4(1)(*c*) and (*d*) does not apply to citizens of Singapore whose usual place of residence is in Singapore.

(3) In this Order, "representatives of member governments" includes their official staff accompanying them as such representatives, who are —

(*a*) delegates;

(*b*) deputy delegates;

(*c*) advisers;

(*d*) technical experts; or

(*e*) secretaries of delegations,

but does not include any person —

(*f*) as the representative of the Government;

(*g*) as a member of the staff of a representative mentioned in sub-paragraph (*f*); or

(*h*) who is a citizen of Singapore.

Immunities and privileges of Secretary-General and Assistant Secretaries-General

5. Except insofar as in any particular case any privilege or immunity is waived by the Secretary-General or the Security Council of the United Nations, the Secretary-General and Assistant Secretaries-General of the United Nations (and not exceeding at one time 6 in number) are accorded in respect of themselves, their spouses and their children under 21 years of age —

(*a*) the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as are accorded to an envoy of a foreign sovereign Power accredited to the Republic of Singapore and the envoy's spouse and children; and

(*b*) exemption from income tax in respect of emoluments received by them as officers of the United Nations.

Immunities and privileges of persons employed on missions on behalf of the United Nations

6. Except insofar as in any particular case any privilege or immunity is waived by the Secretary-General of the United Nations, persons employed on missions on behalf of the United Nations enjoy —

(*a*) while exercising their functions as such, and during their journeys 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; 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.

Immunities and privileges of other officials of the United Nations

7. Except insofar as in any particular case any privilege or immunity is waived by the Secretary-General of the United Nations, officials of the United Nations (other than those referred to in paragraph 5, and officials engaged locally and remunerated by payment calculated by the number of hours worked) 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 employees of the United Nations.

PART 2

INTERNATIONAL COURT OF JUSTICE

Immunities and privileges of judges and Registrar of the International Court of Justice

8.—(1) Except insofar as in any particular case any privilege or immunity is waived by the Court, the judges and the Registrar of the International Court of Justice (including any officer of the Court acting as Registrar), when engaged on the business of the Court, and during any journeys to and from the place where the Court is sitting in connection with such business, enjoy —

(*a*) the like immunity from suit and legal process;

(*b*) the like inviolability of residence; and

(*c*) the like exemption or relief from taxes (unless they are citizens of Singapore whose usual place of residence is in Singapore),

as are accorded to an envoy of a foreign sovereign Power accredited to the Republic of Singapore.

(2) The judges and the Registrar of the International Court of Justice enjoy exemption from income tax in respect of all emoluments received by them as judges or Registrar.

(3) Except insofar as in any particular case any privilege or immunity is waived by the government whom they represent before the Court, the agents, counsel and advocates of parties before the Court —

(*a*) enjoy, when engaged on their missions before the Court, and during their journeys to and from the place where the Court is sitting in connection with such missions, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability of all papers and documents;

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

(*c*) enjoy, when engaged on their missions before the Court, and during their journeys to and from the place where the Court is sitting in connection with such missions, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to the Republic of Singapore, except that the relief allowed does not include relief from excise duties except in respect of goods imported as part of their personal baggage; and

(*d*) are not, where the incidence of any form of taxation depends on residence, deemed to be resident in Singapore during any period when they are present in Singapore while exercising their functions or during their journeys to and from the place of meeting.

(4) Sub-paragraph (3)(*c*) and (*d*) does not apply to citizens of Singapore whose usual place of residence is in Singapore.

(5) Sub-paragraphs (3) and (4) do not apply to any agents, counsel or advocates acting on behalf of the Government or to any citizen of Singapore acting on behalf of any other government.

PART 3

GENERAL

Publication of names

9. The names of the persons to whom paragraphs 4(1) and (2), 5, 6 and 8 apply are to be set out in a list compiled and published from time to time by the President under section 2(3) of the Act, and the list must show in regard to each person —

(*a*) the date as from which, for the purposes of this Order, he or she first held the office or employment in question; and

(*b*) the date when he or she ceased to hold that office or employment.

[Note: The Government of the Republic of Singapore succeeded the United Nations and International Court of Justice on 21 September 1965.]

COMPARATIVE TABLE

INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES) (UNITED NATIONS AND INTERNATIONAL COURT OF JUSTICE) ORDER 1948

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