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

INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES) (RECAAP INFORMATION SHARING CENTRE) ORDER 2007

ARRANGEMENT OF PARAGRAPHS

Paragraph

[29 November 2006]

Citation

1. This Order is the International Organisations (Immunities and Privileges) (ReCAAP Information Sharing Centre) Order 2007.

Definitions

2. In this Order —

"contracting party" means any State which is a party to the ReCAAP;

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"ISC" means the Information Sharing Centre established under the ReCAAP and located in Singapore;

"professional staff" means any person assigned to the ISC by a contracting party with the consent of the Government;

"ReCAAP" means the Regional Co-operation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia;

"registered owner" has the meaning given by rule 2(1) of the Road Traffic (Motor Vehicles, Registration and Licensing) Rules (R 5).

Status of ISC

3.—(1) The ISC is an organisation of which the Government and the governments of foreign sovereign Powers are members.

(2) The ISC has the legal capacities of a body corporate.

Immunities and privileges of ISC

4.—(1) The ISC, its property and its assets have immunity from suit and legal process except to the extent that the ISC expressly waives its immunity for the purpose of any proceedings or by the terms of any contract.

(2) The ISC 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, subject to the condition that the ISC does not permit its premises occupied as offices to be used as a refuge for preventing arrest under the laws of Singapore or in any other manner incompatible with the purposes of the ISC.

(3) The ISC has the like exemption or relief from the following taxes and rates as may be accorded to a foreign sovereign Power:

(*a*) property tax in respect of the premises of the ISC;

(*b*) stamp duty in respect of any lease agreement entered into by the ISC for its premises;

(*c*) subject to sub-paragraph (5), goods and services tax in respect of goods and services consumed in Singapore by the ISC for its official use;

(*d*) income tax in respect of any income derived from Singapore by the ISC;

(*e*) all vehicle taxes (including the fee for a certificate of entitlement and additional registration fee) in respect of a motor vehicle intended for the official use of the ISC;

(*f*) taxes in respect of utilities and telephone charges.

(4) Where the ISC has enjoyed the exemption or relief referred to in sub-paragraph (3)(*e*) in respect of any motor vehicle, it does not enjoy any such exemption or relief in respect of any other motor vehicle within 3 years from the date on which it became the registered owner of the firstmentioned vehicle under the Road Traffic Act 1961.

(5) The ISC is exempt from —

(*a*) customs and excise duties and goods and services tax in respect of goods directly imported by the ISC for its official use in Singapore, subject to the condition that the ISC does not transfer the goods to any person within Singapore except in accordance with terms and conditions agreed upon by the ISC and the Government and in accordance with the laws of Singapore; and

(*b*) prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the ISC for its official use and in the case of any publication of the ISC directly imported or exported by it.

(6) In this paragraph —

"income" includes incidental interest but does not include dividend income;

"premises" means any building or any part of a building, irrespective of ownership, occupied as offices by the ISC or otherwise used for the purposes of the ISC.

Immunities and privileges of executive director of ISC

5.—(1) An executive director of the ISC has the like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to the Republic of Singapore in respect of acts (including words spoken or written) performed by the executive director in his or her official capacity or in the discharge of his or her duties.

(2) An executive director of the ISC has the like exemption or relief from the following taxes as is accorded to an envoy of a foreign sovereign Power accredited to the Republic of Singapore:

(*a*) income tax in respect of any salary or emolument paid to the executive director by the ISC or a contracting party;

(*b*) all vehicle taxes (including the fee for a certificate of entitlement and additional registration fee) in respect of a motor vehicle intended for the executive director's personal use;

(*c*) customs and excise duties and goods and services tax in respect of household effects directly imported by the executive director for his or her personal use within 6 months after he or she takes up his or her assignment as an executive director of the ISC in Singapore;

(*d*) foreign domestic worker levy in respect of 2 foreign domestic workers employed by the executive director;

(*e*) property tax in respect of premises used as the executive director's residence;

(*f*) stamp duty in respect of any tenancy agreement entered into by the executive director for premises used as his or her residence.

(3) Where an executive director has enjoyed the exemption or relief referred to in sub-paragraph (2)(*b*) in respect of any motor vehicle, he or she does not enjoy any such exemption or relief in respect of any other motor vehicle within 3 years from the date on which he or she became the registered owner of the firstmentioned vehicle under the Road Traffic Act 1961.

Immunities and privileges of professional staff of ISC

6.—(1) A professional staff of the ISC has the like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to the Republic of Singapore in respect of acts (including words spoken or written) performed by the professional staff in his or her official capacity or in the discharge of his or her duties, except insofar as that immunity is waived by an executive director of the ISC in any particular case.

(2) A professional staff of the ISC has the like exemption or relief from the following taxes as is accorded to an envoy of a foreign sovereign Power accredited to the Republic of Singapore:

(*a*) income tax in respect of any salary or emolument paid to the professional staff by the ISC or a contracting party;

(*b*) all vehicle taxes (including the fee for a certificate of entitlement and additional registration fee) in respect of a motor vehicle intended for the professional staff's personal use;

(*c*) customs and excise duties and goods and services tax in respect of household effects directly imported by the professional staff for his or her personal use within 6 months after he or she takes up his or her assignment as a professional staff of the ISC in Singapore;

(*d*) foreign domestic worker levy in respect of one foreign domestic worker employed by the professional staff.

(3) Where a professional staff has enjoyed the exemption or relief referred to in sub-paragraph (2)(*b*) in respect of any motor vehicle, he or she does not enjoy any such exemption or relief in respect of any other motor vehicle within 3 years from the date on which he or she became the registered owner of the firstmentioned vehicle under the Road Traffic Act 1961.

Immunities of members of governing council of ISC

7. A member of the governing council of the ISC has the like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to the Republic of Singapore in respect of acts (including words spoken or written) performed by the member in his or her official capacity or in the discharge of his or her duties.

Non-application to citizens and permanent residents of Singapore

8. Despite anything in this Order, no immunity or privilege under paragraph 5, 6 or 7 may be enjoyed by any person who is a citizen or permanent resident of Singapore.