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

INTERNATIONAL ORGANISATIONS
(IMMUNITIES AND PRIVILEGES)
(COMMONWEALTH SECRETARIAT) ORDER 2008

ARRANGEMENT OF PARAGRAPHS

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[1 June 2008]

Citation

1. This Order is the International Organisations (Immunities and Privileges) (Commonwealth Secretariat) Order 2008.

Definitions

2. In this Order —

“Commonwealth” means the association of sovereign states known as the Commonwealth of Nations, and includes the Commonwealth Secretariat;

“envoy” means an envoy of a foreign sovereign Power accredited to the President;

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“high officer”, in relation to the Commonwealth Secretariat, means —

- (a) the Secretary-General;
- (b) any Deputy Secretary-General of the Commonwealth; or
- (c) any Director of the Commonwealth Secretariat;

“member of the staff”, in relation to the Commonwealth Secretariat, means any officer (not being a high officer) or employee of the Commonwealth Secretariat, and includes the president or any member of the Commonwealth Secretariat Arbitral Tribunal;

“Secretary-General” means the Secretary-General of the Commonwealth.

Status of the Commonwealth

3. The Commonwealth is an organisation of which the Government and the governments of foreign sovereign Powers are members.

Immunities and privileges of high officers

4.—(1) Subject to paragraph 7, a high officer of the Commonwealth Secretariat (not being a citizen or permanent resident of Singapore) has —

- (a) immunity from suit and legal process (including immunity from personal arrest or detention and from seizure of his or her personal baggage) in respect of all words spoken or written and all acts done by him or her while present in Singapore on any Commonwealth mission; and
- (b) when present in Singapore on any Commonwealth mission — the like inviolability of residence as is accorded to an envoy.

(2) Subject to paragraph 7, a high officer of the Commonwealth Secretariat (being a citizen or permanent resident of Singapore) has immunity from suit and legal process (including immunity from personal arrest or detention and from seizure of his or her personal

baggage) in respect of all words spoken or written and all acts done by him or her in the course of the performance of his or her official duties while present in Singapore on any Commonwealth mission.

Immunities and privileges of members of the staff

5. Subject to paragraph 7, every member of the staff of the Commonwealth Secretariat has immunity from suit and legal process (including immunity from personal arrest or detention and from seizure of his or her personal baggage) in respect of all words spoken or written and all acts done by him or her in the course of the performance of his or her official duties while present in Singapore on any Commonwealth mission.

Immunities and privileges of spouses and children of high officers

6.—(1) Subject to sub-paragraphs (2) and (3), Part 4 of the Second Schedule to the Act does not apply to extend any immunity or privilege conferred by this Order to any person.

(2) Subject to paragraph 7 and sub-paragraph (3), while a high officer of the Commonwealth Secretariat (not being a citizen or permanent resident of Singapore) is present in Singapore on any Commonwealth mission, his or her spouse or child (being a child under 21 years of age), if present in Singapore, has —

- (a) the like immunity from suit and legal process (including immunity from personal arrest or detention and from seizure of his or her personal baggage) as is accorded to the spouse or child (being a child under 21 years of age) of an envoy; and
- (b) the like inviolability of residence as is accorded to the spouse or child (being a child under 21 years of age) of an envoy.

(3) Sub-paragraph (2) does not apply to any spouse or child who is a citizen or permanent resident of Singapore.

Waiver of immunity or privilege

7. Any immunity or privilege conferred on a person under paragraph 4, 5 or 6 does not apply to that person if, in any particular case, it is waived —

- (a) in the case of a high officer (not being the Secretary-General) or member of the staff of the Commonwealth Secretariat, or the spouse or child of a high officer of the Commonwealth Secretariat (not being the spouse or child of the Secretary-General) — by the Secretary-General or the Commonwealth Secretariat; or
- (b) in the case of the Secretary-General or his or her spouse or child — by the Commonwealth Heads of Government, the Board of Governors of the Commonwealth or the Commonwealth Secretariat.