

LEGAL NOTICE NO. 83

REPUBLIC OF TRINIDAD AND TOBAGO

THE PRIVILEGES AND IMMUNITIES (DIPLOMATIC, CONSULAR AND
INTERNATIONAL ORGANISATIONS) ACT, CHAP. 17:01

ORDER

MADE BY THE PRESIDENT UNDER SECTION 9(2) OF THE PRIVILEGES AND
IMMUNITIES (DIPLOMATIC, CONSULAR AND INTERNATIONAL
ORGANISATIONS) ACT AND SUBJECT TO AFFIRMATIVE RESOLUTION OF
PARLIAMENT

THE PRIVILEGES AND IMMUNITIES [CARICOM IMPLEMENTATION
AGENCY FOR CRIME AND SECURITY (IMPACS)] ORDER,
2016

1. This Order may be cited as the Privileges and Immunities ^{Citation}
[CARICOM Implementation Agency for Crime and Security (IMPACS)]
Order, 2016.

2. In this Order—

^{Interpretation}

“Agreement” means the Agreement between the Government of
Trinidad and Tobago and the CARICOM Implementation
Agency for Crime and Security concerning the Headquarters
of IMPACS and its Privileges and Immunities, done at
Port-of-Spain on 15th July, 2009;

“archives of IMPACS” means records, documents, manuscripts,
maps, still and moving pictures, films, sound recordings and
any other information whether stored on paper, computers
or any other medium and belonging to or held by IMPACS in
Trinidad and Tobago;

“competent authorities” means such government, municipal or
other authorities in Trinidad and Tobago as may be
appropriate in the context and in accordance with the laws
applicable in Trinidad and Tobago;

“Government” means the Government of the Republic of
Trinidad and Tobago;

“Headquarters” means the area defined in the Annex to the
Agreement, with the building or buildings upon it and any
other land, buildings or part of buildings which may be
included in the Agreement by supplementary agreement
between the Government and IMPACS;

“IMPACS” means the CARICOM Implementation Agency for Crime and Security established under the Agreement establishing the CARICOM Implementation Agency for Crime and Security done at St. Kitts and Nevis on 6th July, 2006; and

“officials” means the Executive Director appointed under Article 6(2) of the Agreement establishing the CARICOM Implementaiton Agency for Crime and Security done at St. Kitts and Nevis on 6th July, 2006 and any other member of staff designated as such as a result of agreement between IMPACS and the Government.

Juridical
personality
Chap. 3:01

3. IMPACS shall have juridical personality and be a body corporate within the meaning of section 37 of the Interpretation Act.

Inviolability of
Headquarters

4. (1) The Headquarters of IMPACS shall be the area as defined in the annex to the Agreement and such other areas on such terms and conditions as specified in supplementary agreements.

(2) The Headquarters, wherever located in Trinidad and Tobago, shall be inviolable.

Immunity of
assets and
property

5. (1) IMPACS and its property, funds and assets, wherever located in Trinidad and Tobago and by whomsoever held, shall enjoy immunity from every form of legal or administrative process, except in so far as IMPACS expressly waives this immunity in a particular case.

(2) IMPACS and its property and assets, wherever located in Trinidad and Tobago and by whomsoever held, shall be immune from search, confiscation, requisition, expropriation or any other form of constraint, whether executive, administrative, judicial or legislative.

Inviolability of
archives

6. The archives of IMPACS, wherever located in Trinidad and Tobago and by whomsoever held, shall be inviolable.

Treatment of
official
communica-
tion

7. (1) In all matters relating to official communications, IMPACS shall enjoy, in Trinidad and Tobago, treatment no less favourable than that accorded by the Government to international organizations in respect of priorities, rates and taxes on mail, cables, telefax, telephones and other communications.

(2) IMPACS shall have the right to use codes and ciphers and to send and receive correspondence and other documents by courier or sealed pouch which shall be accorded treatment no less favourable than that accorded to diplomatic couriers and pouches.

8. (1) IMPACS and its assets, property, operations and transactions shall be exempt from— Property not subject to certain taxes and duties

- (a) all direct taxes, except for fees which are, in fact, charges for public utility services; and
- (b) all custom duties, prohibitions and restrictions on imports and exports in respect of articles intended for official use.

(2) Articles referred to in subclause (1)(b) shall not be sold in Trinidad and Tobago, except under conditions agreed to by the Government.

9. (1) IMPACS shall have the right to—

- (a) hold funds or currency of any kind and operate accounts in any currency; and Financial resources of IMPACS
- (b) transfer funds in national or foreign currency to, from and within Trinidad and Tobago and to convert such assets freely into other currencies,

without being restricted by financial controls, regulation or moratoria of any kind.

(2) In exercising its rights under subclause (1), IMPACS shall pay due regard to any representations made by the Government.

10. (1) The officials of IMPACS and experts performing missions for IMPACS shall enjoy the following privileges and immunities: Privileges and immunities of officials of IMPACS and experts on mission

- (a) exemption from all forms of direct taxation on salaries and all other emoluments paid to them by IMPACS;
- (b) immunity from legal process in respect of words spoken or written and all acts performed by them in the exercise of their official functions;
- (c) inviolability of all papers, documents and materials related to the work of IMPACS;
- (d) exemption from immigration restrictions and alien registration requirements in respect of their official duties;
- (e) exemption from any national service obligation;
- (f) treatment no less favourable than that accorded to diplomatic officials of comparable rank with respect to exchange control requirements; and
- (g) enjoyment of the same protection and repatriation facilities as are accorded officials of comparable rank of diplomatic missions in the event of international disturbances or international conflict.

(2) The privileges described in subclause (1)(a), (d), (e), (f) and (g) shall not apply to officials of IMPACS who are nationals or permanent residents of Trinidad and Tobago.

(3) In addition to the privileges and immunities referred to in subclause (1), the officials of IMPACS shall enjoy the right, on first arrival, to import for their personal use, free of customs duties, Value Added Tax or any other purchase tax and stamp duties, their furniture and personal effects, including one automobile for personal use, subject to import being made within six months of arrival to assume duties in Trinidad and Tobago, or within such period which, in the discretion of the Minister of Foreign Affairs, may be made available to the official for such importation.

(4) Without prejudice to the generality of subclause (1), the Executive Director of IMPACS and his family shall enjoy the same privileges and immunities as are accorded to heads of diplomatic missions in Trinidad and Tobago.

(5) Where that Executive Director is a national or permanent resident of Trinidad and Tobago, the privileges and immunities referred to in subclause (4) may be modified by written agreement between the Government and IMPACS.

Commence-
ment

11. This Order is deemed to have come into operation on 6th July, 2006.

Dated this 22nd day of April, 2016.

L. RODRIGUEZ
Secretary to Cabinet

Approved in the House of Representatives this 10th day of June, 2016.

J. SAMPSON-MEIGUEL
Clerk of the House

Approved in the Senate this 14th day of June, 2016.

B. CAESAR
Clerk of the Senate