

CHAPTER 82 DIPLOMATIC PRIVILEGES AND IMMUNITIES ACT

• Act • Subsidiary Legislation •

ACT

Act No. 93 of 1979

ARRANGEMENT OF SECTIONS

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CHAPTER 82 DIPLOMATIC PRIVILEGES AND IMMUNITIES ACT

An Act to provide for the privileges and immunities of diplomatic representatives.

[Act No. 93 of 1979.]

[2nd January, 1980.]

1. Short title

This Act may be cited as the Diplomatic Privileges and Immunities Act.

2. Articles of the Vienna Convention have the force of law

(1) Subject to section 3, the Articles of the Vienna Convention set out in the Schedule have the force of law in Grenada.

(2) In the Schedule—

“agents of the receiving State” includes police officers and other persons exercising a power of entry to premises;

“national of the receiving State” means a citizen of Grenada;

“receiving State” means Grenada.

(3) For the purposes of Article 32, a waiver by the head of the mission of a State or by any person for the time being performing his or her functions shall be deemed to be a waiver by that State.

(4) The references in Articles 37 and 38 to the extent to which any privileges and immunities are admitted by the receiving State, and to additional privileges and immunities that may be granted by the receiving State, shall be construed as referring respectively to the extent to which any privileges and immunities may be specified by the Minister by Order published in the *Gazette*, and to any additional privileges and immunities that may be so specified.

3. Withdrawal of privileges and immunities

If it appears to the Minister that the privileges and immunities accorded to a mission of Grenada in any State, or to persons connected with that mission, are less than those conferred by this Act on the mission of that State, the Minister may, by Order published in the *Gazette*, withdraw such of the privileges and immunities so conferred from the mission of that State or from such persons connected with it as appears to the Minister to be proper.

4. Reciprocal treatment

Nothing in this Act shall be construed as precluding the Minister from declining to accord privileges or immunities to, or from withdrawing, modifying or restricting privileges or immunities in relation to, nationals or representatives of any State, or the Government thereof, on the ground that that State, or the Government thereof, is failing to accord corresponding privileges or immunities to Grenada.

5. Citizens of Grenada who are members of missions

Members of the administrative and technical staff and members of the service staff of a mission who are citizens of Grenada, or who are permanently resident in Grenada, shall be accorded immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of their functions.

6. Minister's certificate to be conclusive evidence

If in any proceedings any question arises whether or not any person is entitled to any privilege or immunity under this Act a certificate issued by or under the authority of the Minister stating any fact relating to that question shall be conclusive evidence of that fact.

Schedule

DIPLOMATIC PRIVILEGES AND IMMUNITIES ACT

Articles of the Vienna Convention having the Force of Law

[Section 2.]

ARTICLE 1

For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them—

“diplomatic agent” is the head of the mission or a member of the diplomatic staff of the mission;

“head of the mission” is the person charged by the sending State with the duty of acting in that capacity;

“members of the administrative and technical staff” are the members of the staff of the mission employed in the administrative and technical service of the mission;

“members of the diplomatic staff” are the members of the staff of the mission having diplomatic rank;

“members of the mission” are the head of the mission and the members of the staff of the mission;

“members of the service staff” are the members of the staff of the mission in the domestic service of the mission;

“members of the staff of the mission” are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;

“premises of the mission” are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission;

“private servant” is a person who is in the domestic service of a member of the mission who is not an employee of the sending State.

[Editorial Note: Numbering as per manuscript provided.]

ARTICLE 22

1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

ARTICLE 23

1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this Article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or the head of the mission.

ARTICLE 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

ARTICLE 25

The receiving State shall accord full facilities for the performance of the functions of the mission.

ARTICLE 26

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure to all members of the mission freedom of movement and travel in its territory.

ARTICLE 27

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and the other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The diplomatic bag shall not be opened or detained.

4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The diplomatic courier, who shall be provided with an official document indicating his or her status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his or her functions. He or she shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate diplomatic couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his or her charge.

7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorised port of entry. He or she shall be provided with an official document indicating the number of packages constituting the bag but he or she shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

ARTICLE 28

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

ARTICLE 29

The person of a diplomatic agent shall be inviolable. He or she shall not be liable to any form of arrest or detention. The receiving State shall treat him or her with due respect and shall take all appropriate steps to prevent any attack on his or her person, freedom or dignity.

ARTICLE 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

2. His or her papers, correspondence and, except as provided in paragraph 3 of Article 31, his or her property, shall likewise enjoy inviolability.

ARTICLE 31

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He or she shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of—

- (a) a real action relating to private immovable property situated in the territory of the receiving State, unless he or she holds it on behalf of the sending State for the purposes of the mission;
- (b) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
- (c) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his or her official functions.

2. A diplomatic agent is not obliged to give evidence as a witness.

3. No measures of execution may be taken in respect of a diplomatic agent except in a case coming under of paragraphs 1(a), (b) and (c) of this Article, and provided that the measures concerned can be taken without infringing the inviolability of his or her person or of his or her residence.

4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him or her from the jurisdiction of the sending State.

ARTICLE 32

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under Article 37 may be waived by the sending State.

2. Waiver must always be express.

3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under Article 37 shall preclude him or her from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary.

ARTICLE 33

1. Subject to the provisions of paragraph 3 of this Article, a diplomatic agent shall, with respect to services rendered for the sending State, be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall also apply to private servants who are in the sole employ of a diplomatic agent, on condition—

(a) that they are not nationals of or permanently resident in the receiving State; and

(b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State.

5. The provisions of this Article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

ARTICLE 34

A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except—

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in the territory of the receiving State, unless he or she holds it on behalf of the sending State for the purposes of the mission;

(c) estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of Article 39;

(d) dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;

(e) charges levied for specific services rendered;

- (f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of Article 23.

ARTICLE 35

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning military contributions and billeting.

ARTICLE 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services on—

- (a) articles for the official use of the mission;
- (b) articles for the personal use of a diplomatic agent or members of his or her family forming part of his or her household, including articles intended for his or her establishment.

2. The personal baggage of a diplomatic agent shall be exempt from inspection unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this Article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his or her authorised representative.

ARTICLE 37

1. The members of the family of a diplomatic agent forming part of his or her household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in Articles 29 to 36.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in Articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of Article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in paragraph 1 of Article 36, in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment, and the exemption contained in Article 33.

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving state must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

ARTICLE 38

1. Except in so far as additional privileges and immunities may be granted by the receiving State, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his or her functions.

2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the function of the mission.

ARTICLE 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he or she enters the territory of the receiving State on proceeding to take up his or her post, or, if already in its territory, from the moment when his or her appointment is notified to the Ministry for Foreign Affairs or such ministry as may be agreed.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he or she leaves the country, or on expiry of a reasonable period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with respect to acts performed by such a person in the exercise of his or her functions as a member of the mission, immunity shall continue to subsist.

3. In case of the death of a member of the mission, the members of his or her family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his or her family forming part of his or her household, the receiving State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his or her death. Estate, succession and inheritance duties shall not be levied on movable property the presence of which in the receiving State was due solely to the presence there of the deceased as a member of the mission or as a member of the family of a member of the mission.

ARTICLE 40

1. If a diplomatic agent passes through or is in the territory of a third State, which has granted him or her a passport visa if such visa was necessary, while proceeding to take up or to return to his or her post, or when returning to his or her own country, the third State shall accord him or her inviolability and such other immunities as may be required to ensure his or her transit or return. The same shall apply in the case of any members of his or her family enjoying privileges or immunities who are accompanying the diplomatic agent, or travelling separately to join him or her, or to return to their country.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the passage of members of the administrative and technical or service staff of a mission, and of members of their families, through their territories.

3. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as is accorded by the receiving State. They shall accord to diplomatic couriers, who have been granted a passport visa if such visa was necessary, and diplomatic bags in transit the same inviolability and protection as the receiving State is bound to accord.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and diplomatic bags, whose presence in the territory of the third State is due to *force majeure*.

CHAPTER 82
DIPLOMATIC PRIVILEGES AND IMMUNITIES ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Diplomatic Privileges (Food and Agriculture Organisation) Order
 2. Diplomatic Privileges (International Civil Aviation Organisation) Order
 3. Diplomatic Privileges (International Labour Organisation) Order
 4. Diplomatic Privileges (United Nations and International Court of Justice) Order
 5. Diplomatic Privileges (United Nations Educational, Scientific and Cultural Organisation) Order
 6. Diplomatic Privileges (World Health Organisation) Order
 7. Inter-Governmental Maritime Consultative Organisation (Immunities and Privileges) Order
 8. International Organisations (Immunities and Privileges of the International Telecommunication Union) Order
 9. International Organisations (Immunities and Privileges of the Universal Postal Union) Order
 10. International Organisations (Immunities and Privileges of the World Meteorological Organisation) Order
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Diplomatic Privileges (Food and Agriculture Organisation) Order

ARRANGEMENT OF ORDERS

1. Citation.
 2. The Food and Agriculture Organisation.
 3. Immunities and privileges of the Organisation.
 4. Immunity of representatives of the Organisation.
 5. High Officials.
 6. Persons employed on missions on behalf of the Organisation.
 7. Other officials of the Organisation.
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DIPLOMATIC PRIVILEGES (FOOD AND AGRICULTURE ORGANISATION)
ORDER

[Section 2.]

1. Citation

This Order may be cited as the Diplomatic Privileges (Food and Agriculture Organisation) Order.

2. The Food and Agriculture Organisation

The Food and Agriculture Organisation (hereinafter referred to as “the Organisation”) is an organisation of which Her Majesty’s Government in Grenada and the Governments of foreign sovereign Powers are members.

3. Immunities and privileges of the Organisation

The Food and Agriculture Organisation shall have the legal capacities of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, shall have the immunities and privileges set out in the Schedule to the Act.

4. Immunity of representatives of the Organisation

(1) Except in so far as any privilege or immunity is waived, in the case of representatives of member Governments, by the Governments whom they represent and, in the case of the Chairperson of the Council of the Organisation, by the Council of the Food and Agriculture Organisation, representatives of member Governments, and the Chairperson of the Council of the Organisation shall enjoy the immunities and privileges set out in the Schedule to the Act.

(2) For the purposes of the application of this Order, the expression “representatives of member governments” shall be deemed to include their official staffs accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding subparagraphs of this paragraph shall not confer any immunity or privilege upon any person as the representative of Her Majesty’s Government in Grenada or as a member of the staff of such a representative, or any person who is a citizen of Grenada and who is not the representative of a Government of Her Majesty other than Her Majesty’s Government in Grenada or a member of the staff of and accompanying any such representative.

5. High Officials

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officers of the Organisation holding the offices of Director-General and Deputy Director-General shall be accorded in respect of themselves, their spouses and children under the age of twenty-one, the immunities and privileges set out in the Schedule to the Act.

6. Persons employed on missions on behalf of the Organisation

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons (other than officials of the Organisation) serving on Committees of, or on behalf of the Organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey 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 relating to the work of the Organisation;
- (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. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the Organisation.

7. Other officials of the Organisation

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, all officials of the Organisation (other than those referred to in paragraph 5 above) shall 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 servants of the Organisation.

Diplomatic Privileges (International Civil Aviation Organisation) Order

ARRANGEMENT OF ORDERS

1. Citation.
2. The International Civil Aviation Organisation.
3. Immunities and privileges of the Organisation.
4. Immunity of representatives of the Organisation.
5. High Officials.
6. Persons serving on committees of, or employed on missions on behalf of, the Organisation.
7. Other officials of the Organisation.

DIPLOMATIC PRIVILEGES (INTERNATIONAL CIVIL AVIATION ORGANISATION) ORDER

[Section 2.]

1. Citation

This Order may be cited as the Diplomatic Privileges (International Civil Aviation Organisation) Order.

2. The International Civil Aviation Organisation

The International Civil Aviation Organisation set up under Article 43 of the Convention on International Civil Aviation signed at Chicago on 7th December, 1944 (hereinafter referred to as “the Organisation”), is an organisation of which Her Majesty’s Government in Grenada and the Governments of foreign sovereign Powers are members.

3. Immunities and privileges of the Organisation

The Organisation shall have the legal capacities of a body corporate and, except in so far as in any particular case it is expressly waived, shall have the immunities and privileges set out in the Schedule to the Act.

4. Immunity of representatives of the Organisation

(1) Except in so far as in any particular case any privilege or immunity is waived by the member Governments whom they represent, representatives of member Governments to the Assembly or to the Council of the Organisation, to any Commission (however named) provided for in the Constitution of the Organisation or to any Committee of such Assembly, Council or Commission shall enjoy the immunities and privileges set out in the Schedule to the Act.

(2) For the purposes of the application of this Order, the expression “representatives of member Governments” shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding subparagraphs of this paragraph shall not confer any immunity or privilege upon any person as the representative of Her Majesty's Government in Grenada or as a member of the staff of such a representative, or any person who is a citizen of Grenada and who is not the representative of a Government of Her Majesty other than Her Majesty's Government in Grenada or a member of the staff of and accompanying any such representative.

5. High Officials

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, the Secretary-General or the Deputy Secretary-General of the Organisation and the President of the Council of the Organisation shall be accorded in respect of themselves, their spouses and children under the age of twenty-one, the immunities and privileges set out in the Schedule to the Act.

6. Persons serving on committees of, or employed on missions on behalf of, the Organisation

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons (other than officials of the Organisation) serving on Committees of, or employed on missions on behalf of, the Organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey 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 relating to the work of the Organisation;
- (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. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the Organisation.

7. Other officials of the Organisation

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officials of the Organisation (other than those referred to in paragraph 5 above) shall 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 servants of the Organisation.

Diplomatic Privileges (International Labour Organisation) Order

ARRANGEMENT OF ORDERS

1. Citation.
2. The International Labour Organisation.
3. Immunities and privileges of the Organisation.
4. Immunity of representatives of International Labour Office.
5. High Officials.
6. Persons serving on committees of, or employed on missions on behalf of, the Organisation.
7. Other officials of the Organisation.

**DIPLOMATIC PRIVILEGES (INTERNATIONAL LABOUR ORGANISATION)
ORDER**

[Section 2.]

1. Citation

This Order may be cited as the Diplomatic Privileges (International Labour Organisation) Order.

2. The International Labour Organisation

The International Labour Organisation (hereinafter referred to as “the Organisation”) is an organisation of which Her Majesty’s Government in Grenada and the Governments of foreign sovereign Powers are members.

3. Immunities and privileges of the Organisation

The Organisation shall have the legal capacities of a body corporate and, except in so far as in any particular case it is expressly waived, shall have the immunities and privileges set out in the Schedule to the Act.

4. Immunity of representatives of International Labour Office

(1) Except in so far as any privilege or immunity is waived, in the case of representatives of member Governments, or by the Government whom they represent; and in the case of members and deputy members of the Governing Body of the International Labour Office and their substitutes, by the Governing Body, representatives of member Governments and the employers’ and workers’ members and deputy members of the Governing Body of the International Labour Office and their substitutes shall enjoy the immunities and privileges set out in the Schedule to the Act.

(2) For the purposes of the application of this Order, the expression “representatives of member Government” shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding subparagraphs of this paragraph shall not confer any immunity or privilege upon any person as the representative of Her Majesty’s Government in Grenada or a member of the staff of such a representative, or any person who is a citizen of Grenada and who is not the representative of a Government of Her Majesty other than Her Majesty’s Government in Grenada or a member of the staff of and accompanying any such representative.

5. High Officials

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officers of the International Labour Organisation holding the offices of Director-General, Deputy Director-General and Assistant Director-General, shall be accorded in respect of themselves, their spouses and children under the age of twenty-one, the immunities and privileges set out in the Schedule to the Act.

6. Persons serving on committees of, or employed on missions on behalf of, the Organisation

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons (other than officials of the Organisation) serving on Committees of, or employed on missions on behalf of, the Organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal luggage and inviolability of all papers and documents relating to the work of the Organisation;
- (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. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the Organisation.

7. Other officials of the Organisation

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, all officials of the Organisation (other than those referred to in paragraph 5 above) shall 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 servants of the Organisation.

Diplomatic Privileges (United Nations and International Court Of Justice) Order

ARRANGEMENT OF ORDERS

1. Citation.
2. The United Nations.
3. Immunities and privileges of the United Nations.
4. Immunity of representatives of the United Nations.
5. Definition.
6. Officials of the United Nations.
7. Persons employed on missions on behalf of the United Nations.
8. Others officials of the United Nations.
9. International Court of Justice.
10. Exemption from income tax.
11. Agents, counsel and advocates.

DIPLOMATIC PRIVILEGES (UNITED NATIONS AND INTERNATIONAL COURT OF JUSTICE) ORDER

[Section 2.]

1. Citation

This Order may be cited as the Diplomatic Privileges (United Nations and International Court of Justice) Order.

2. The United Nations

The United Nations set up by the Charter signed at San Francisco on the 26th June, 1945, is an Organisation of which Her Majesty's Government in Grenada and the Governments of foreign sovereign Powers are members.

3. Immunities and privileges of the United Nations

The United Nations shall have the legal capacity of a body corporate and, except in so far as in any particular case it is expressly waived, shall have the immunities and privileges set out in the Schedule to the Act.

4. Immunity of representatives of the United Nations

Except in so far 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 shall enjoy the immunities and privileges set out in the Schedule to the Act.

5. Definition

For the purposes of the application of this Order "representatives of member governments" shall be deemed to include their official staffs accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

6. Officials of the United Nations

Except in so far 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 six in number) shall be accorded in respect of themselves, their spouses and children under the age of twenty-one the immunities and privileges set out in the Schedule to the Act.

7. Persons employed on missions on behalf of the United Nations

Except in so far 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 shall enjoy—

- (a) while exercising their functions as such, as during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents;
- (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 these functions.

8. Other officials of the United Nations

Except in so far 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 6 above, and officials engaged locally and remunerated by payment calculated by the number of hours worked) shall 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 servants of the United Nations.

9. International Court of Justice

Except in so far as in any particular case any privilege or immunity is waived by the Court, the Judges and Registrar of the International Court of Justice (including any officer of the Court acting as Registrar) shall, when engaged on the business of the Court and during any journey to and from the place where the Court is sitting in connection with such business, enjoy the like immunity from suit and legal process, the like inviolability of residence and also unless they are citizens of Grenada whose usual place of abode is in Grenada the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

10. Exemption from income tax

The Judges and Registrar of the International Court of Justice shall enjoy exemption from income tax in respect of all emoluments received by them as Judges or Registrar.

11. Agents, counsel and advocates

Except in so far 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 shall enjoy—

- (a) 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 for all papers and documents;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in this capacity;
- (c) 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 mission, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty's Government in Grenada, save that the relief allowed shall not include relief from customs or excise duties or purchase tax except in respect of goods imported as part of their personal baggage. They shall not, where incidence of any form of tax depends upon residence, be deemed to be resident in Grenada while exercising these functions or during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to citizens of Grenada whose usual place of abode is in Grenada.

Diplomatic Privileges (United Nations Educational, Scientific and Cultural Organisation) Order

ARRANGEMENT OF ORDERS

1. Citation.
 2. The United Nations Educational, Scientific and Cultural Organisation.
 3. Immunities and privileges of the Organisation.
 4. Immunity of representative of the Organisation.
 5. High Officials.
 6. Persons employed on missions on behalf of the Organisation.
 7. Other officials of the Organisation.
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DIPLOMATIC PRIVILEGES (UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION) ORDER

[Section 2.]

1. Citation

This Order may be cited as the Diplomatic Privileges (United Nations Educational, Scientific and Cultural Organisation) Order.

2. The United Nations Educational, Scientific and Cultural Organisation

The United Nations Educational, Scientific and Cultural Organisation (hereinafter referred to as “the Organisation”) is an organisation of which Her Majesty’s Government in Grenada and the Governments of foreign sovereign Powers are members.

3. Immunities and privileges of the Organisation

The Organisation shall have the legal capacities of a body corporate and, except in so far as in any particular case it is expressly waived, shall have the immunities and privileges set out in the Schedule to the Act.

4. Immunity of representative of the Organisation

(1) Except in so far as any privilege or immunity is waived, in the case of representatives of member Governments by the Government whom they represent; in the case of the President of the Conference, by the Organisation; and in the case of members of the Executive Board, by the Executive Board of the Organisation; representatives of member Governments, the President of the Conference of the Organisation and members of the Executive Board of the Organisation shall enjoy the immunities and privileges set out in the Schedule to the Act.

(2) For the purposes of the application of this Order, the expression “representatives of member Governments” shall be deemed to include their official staffs accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding subparagraphs of this paragraph shall not confer any immunity or privilege upon any person as the representative of Her Majesty’s Government in Grenada or as a member of the staff of such a representative, or any person who is a citizen of Grenada and who is not the representative of a Government of Her Majesty other than Her Majesty’s Government in Grenada or a member of the staff of and accompanying any such representative.

5. High Officials

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officers of the Organisation holding the offices of Secretary-General and Deputy Secretary-General shall be accorded in respect of themselves, their spouses and children under the age of twenty-one, the immunities and privileges set out in the Schedule to the Act.

6. Persons employed on missions on behalf of the Organisation

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons employed on missions on behalf of the Organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey 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 relating to the work of the Organisation;

- (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. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the Organisation.

7. Other officials of the Organisation

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, all officials of the Organisation (other than those referred to in paragraph 5 above) shall 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 servants of the Organisation.

Diplomatic Privileges (World Health Organisation) Order

ARRANGEMENT OF ORDERS

1. Citation.
2. The World Health Organisation.
3. Immunities and privileges of the Organisation.
4. Immunity of representatives of the Organisation.
5. High Officials.
6. Persons serving on committees of, or employed on missions on behalf of, the Organisation.
7. Other officials of the Organisation.

DIPLOMATIC PRIVILEGES (WORLD HEALTH ORGANISATION) ORDER

[Section 2.]

1. Citation

This Order may be cited as the Diplomatic Privileges (World Health Organisation) Order.

2. The World Health Organisation

The World Health Organisation (hereinafter referred to as “the Organisation”) is an organisation of which Her Majesty’s Government in Grenada and the Governments of foreign sovereign Powers are members.

3. Immunities and privileges of the Organisation

The Organisation shall have the legal capacities of a body corporate and, except in so far as in any particular case it is expressly waived, shall have the immunities and privileges set out in the Schedule to the Act.

4. Immunity of representatives of the Organisation

(1) Except in so far as in any particular case any privilege or immunity is waived, in the case of representatives of member Governments, by the member Governments whom they represent, and in the case of persons designated to serve on the Executive Board of the Organisation and their alternates and advisers, by the Executive Board, representatives of member Governments and persons designated to serve on the Executive Board of the Organisation and their alternates and advisers shall enjoy the immunities and privileges set out in the Schedule to the Act.

(2) For the purposes of the application of this Order the expressions “representatives of member Governments” and “representatives of the Governments of Associate Members of the Organisation” shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding sub-paragraphs of this paragraph shall not confer any immunity or privilege upon any person as the representative of Her Majesty’s Government in Grenada or as a member of the staff of such a representative or any person who is a citizen of Grenada and who is not the representative of a Government of Her Majesty other than Her Majesty’s Government in Grenada or a member of the staff of and accompanying any such representative.

5. High Officials

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officers of the Organisation holding the offices of Director-General or Deputy Director-General shall be accorded in respect of themselves, their spouses and children under the age of twenty-one, the immunities and privileges set out in the Schedule to the Act.

6. Persons serving on committees of, or employed on missions on behalf of, the Organisation

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons (other than officials of the Organisation) serving on Committees of, or employed on missions on behalf of the Organisation shall enjoy—

- (a) while exercising their functions as such, and during their journey 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 relating to the work of the Organisation;
- (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. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions of the Organisation.

7. Other officials of the Organisation

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, all officials of the Organisation (other than those referred to in paragraph 5 above) shall 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 servants of the Organisation.

Inter-Governmental Maritime Consultative Organisation (Immunities and Privileges) Order

SRO 33 of 1960

ARRANGEMENT OF ORDERS

1. Citation.
2. The Organisation.
3. Immunities and privileges.
4. Representatives.
5. High Officers.
6. Other officers.
7. Experts.

**INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANISATION
(IMMUNITIES AND PRIVILEGES) ORDER**

[Section 2. SRO 33 of 1960.]

[8th October, 1960.]

1. Citation

This Order may be cited as the Inter-Governmental Maritime Consultative Organisation (Immunities and Privileges) Order.

2. The Organisation

The Inter-Governmental Maritime Consultative Organisation (hereinafter referred to as “the Organisation”) is an organisation of which Grenada and foreign sovereign Powers are members.

3. Immunities and privileges

The Organisation shall have the legal capacity of a body privileges corporate and, except in so far as in any particular case it is expressly waived, shall have all the immunities and privileges set out in the Schedule to the Act.

4. Representatives

(1) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member whom they represent, representatives of members of the Organisation on any of its organs at meetings convened by it shall enjoy the immunities and privileges set out in the Schedule to the Act.

(2) For the purposes of the application of this Order, the expression “representatives” shall be deemed to include in addition to the representatives their official staff accompanying them as alternate representatives, advisers, technical experts and secretaries of delegations.

(3) The provision of the preceding subparagraphs of this paragraph shall not confer any immunity or privilege on any person as the representative of Her Majesty’s Government in Grenada or as a member of the staff of such a representative or on any person who is a citizen of Grenada.

5. High Officers

(1) Except in so far as in any particular case any privilege or immunity is waived by the Organisation, the Secretary-General of the Organisation and the Secretary of the Maritime Safety Committee shall be accorded the immunities and privileges set out in the Schedule to the Act.

(2) The provisions of the preceding subparagraph shall not apply to a person who is a citizen of Grenada if the Headquarters of the Organisation are located in Grenada.

6. Other officers

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, all officers of the Organisation with the exception of those who are recruited locally and assigned to hourly rates shall 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 of the Organisation.

7. Experts

(1) Except in so far as in any particular case any privilege or immunity is waived by the Organisation, experts (other than officers of the Organisation) who are members of any committee of the Organisation or who are employed on missions on behalf of the Organisation shall, so far as is necessary for the effective exercise of their functions enjoy—

- (a) in respect of words spoken or written and all acts done by them in their official capacity, the like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty;
- (b) while exercising their functions and during their journeys in connection with service on such committees or missions, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents relating to the work on which they are engaged for the Organisation as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(2) The Schedule to the Act shall not operate so as to confer any immunity or privilege on the official staff of experts to whom the provisions of subparagraph (1) of this paragraph apply.

International Organisations (Immunities and Privileges of the International Telecommunication Union) Order

ARRANGEMENT OF ORDERS

1. Citation.
2. The International Telecommunication Union.
3. Immunities and privileges of the Union.
4. Immunity of representatives of the Union.
5. High Officials.
6. Other officials of the Union.

INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES OF THE INTERNATIONAL TELECOMMUNICATION UNION) ORDER

[Section 2.]

1. Citation

This Order may be cited as the International Organisations (Immunities and Privileges of the International Telecommunication Union) Order.

2. The International Telecommunication Union

The International Telecommunication Union (hereinafter referred to as “the Union”) is an organisation of which Grenada and foreign sovereign Powers are members.

3. Immunities and privileges of the Union

The Union shall have the legal capacities of a body corporate and, except in so far as in any particular case it is expressly waived, shall have the immunities and privileges set out in the Schedule to the Act.

4. Immunity of representatives of the Union

(1) Except in so far as in any particular case any privilege or immunity is waived by the Governments whom they represent, representatives of member Governments at plenipotentiary and administrative conferences, on the administrative council, on consultative committees or on any committee of any of these bodies shall enjoy the immunities and privileges set out in the Schedule to the Act.

(2) For the purposes of the application of this Order the expression “representatives” shall be deemed to include, in addition to the representatives, their official staffs accompanying them as such representatives, as alternate representatives, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding subparagraphs of this paragraph shall not confer any immunity or privilege upon any person as the representative of Her Majesty’s Government in Grenada or as a member of the staff of such representative or on any person who is a citizen of Grenada.

5. High Officials

Except in so far as in any particular case any privilege or immunity is waived by the Union, any officer of the Union holding the office of Secretary-General (including any officer acting for him or her during his or her absence from duty) shall be accorded in respect of himself or herself, his or her spouse and his or her children under the age of twenty-one, the immunities and privileges set out in the Schedule to the Act.

6. Other officials of the Union

Except in so far as in any particular case, any privilege or immunity is waived by the Union, officials of the Union of any category specified by it shall enjoy—

- (a) immunity from suit and legal process in respect of words spoken or written and things done or omitted to be 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 servants of the Union.

International Organisations (Immunities and Privileges of the Universal Postal Union) Order

ARRANGEMENT OF ORDERS

1. Citation.
2. The Universal Postal Union.
3. Immunities and privileges of the Union.
4. Immunity of representatives of the Union.
5. High Officials.
6. Other officials of the Union.

INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES OF THE UNIVERSAL POSTAL UNION) ORDER

[Section 2.]

1. Citation

This Order may be cited as the International Organisations (Immunities and Privileges of the Universal Postal Union) Order.

2. The Universal Postal Union

The Universal Postal Union (hereinafter referred to as “the Union”) is an organisation of which Grenada and foreign sovereign Powers are members.

3. Immunities and privileges of the Union

The Union shall have the legal capacities of a body corporate and, except in so far as in any particular case it is expressly waived, shall have the immunities and privileges set out in the Schedule to the Act.

4. Immunity of representatives of the Union

(1) Except in so far as in any particular case any privilege of or immunity is waived by the Governments whom they represent, representatives of members at Congresses, on the Executive and Liaison Committee, at administrative conferences or on commissions provided for in the constitution of the Union, or on any committee of any of these bodies shall enjoy the immunities and privileges set out in the Schedule to the Act.

(2) For the purposes of the application of this Order, the expression “representatives” shall be deemed to include, in addition to the representatives, their official staffs accompanying them as such representatives, as alternate representatives, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding subparagraphs of this paragraph shall not confer any immunity or privilege on any person as the representative of Her Majesty’s Government in Grenada or as a member of the staff of such representative or on any person who is a citizen of Grenada.

5. High Officials

Except in so far as in any particular case any privilege or immunity is waived by the Union, the Director of the International Bureau of the Union (including any officer acting for him or her during his or her absence from duty) shall be accorded, in respect of himself or herself, his or her spouse and his or her children under the age of twenty-one, the immunities and privileges set out in the Schedule to the Act.

6. Other officials of the Union

Except in so far as in any particular case any privilege or immunity is waived by the Union, officials of the Union of any category specified by it shall enjoy—

- (a) immunity from suit and legal process in respect of words spoken or written and things done or omitted to be 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 servants of the Union.

International Organisations (Immunities and Privileges of the World Meteorological Organisation) Order

ARRANGEMENT OF ORDERS

1. Citation.
2. The World Meteorological Organisation.
3. Immunities and privileges of the Organisation.
4. Immunities of representatives of the Organisation.
5. High Officials.
6. Other officials of the Organisation.

INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES OF THE WORLD METEOROLOGICAL ORGANISATION) ORDER

[Section 2.]

1. Citation

This Order may be cited as the International Organisations (Immunities and Privileges of The World Meteorological Organisation) Order.

2. The World Meteorological Organisation

The World Meteorological Organisation (hereinafter referred to as “the Organisation” is an organisation of which Grenada and foreign sovereign Powers are members.

3. Immunities and privileges of the Organisation

The Organisation shall have the legal capacities of a body corporate and, except in so far as in any particular case it is expressly waived, shall have the immunities and privileges set out in the Schedule to the Act.

4. Immunities of representatives of the Organisation

(1) Except in so far as in any particular case any privilege or immunity is waived by the member Governments whom they represent, representatives of member Governments at the World Meteorological Congress, on the Executive Committee, at regional associations, on technical commissions, or on any committee of these bodies shall enjoy the immunities and privileges set out in the Schedule to the Act.

(2) For the purposes of the application of this Order, the expression “representative” shall be deemed to include, in addition to the representatives, their official staffs accompanying them as such representatives, as alternate representatives, advisers, technical experts or secretaries of delegations.

(3) The provisions of the preceding subparagraphs of this paragraph shall not confer any immunity or privilege upon any person as the representatives of Her Majesty’s Government in Grenada or as a member of the staff of such a representative or on any person who is a citizen of Grenada.

5. High Officials

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, any officer of the Organisation holding the office of Secretary-General (including any officer acting for him or her during his or her absence from duty) shall be accorded in respect of himself or herself, his or her spouse and his or her children under the age of twenty-one, the immunities and privileges set out in the Schedule to the Act.

6. Other officials of the Organisation

Except in so far as in any particular case any privilege or immunity is waived by the Organisation, officials of the Organisation of any category specified by it shall enjoy—

- (a) immunity from suit and legal process in respect of words spoken or written and things done or omitted to be 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 servants of the Organisation.
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