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DIPLOMATIC AND CONSULAR RELATIONS ACT (CHAPTER 82A)

DIPLOMATIC AND CONSULAR RELATIONS (ASIAN DEVELOPMENT BANK) ORDER 2020

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation and commencement
 2. Definitions
 3. Immunities and privileges in addition to those in Asian Development Bank Act
 4. Immunities and privileges of ADB
 5. Immunities and privileges of head of Office
 6. Immunities and privileges of officers or staff members of Office
 7. Waiver of immunity or privilege
 8. Non-application of immunities and privileges
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In exercise of the powers conferred by section 6(3) of the Diplomatic and Consular Relations Act, the Minister for Foreign Affairs makes the following Order:

Citation and commencement

1. This Order is the Diplomatic and Consular Relations (Asian Development Bank) Order 2020 and comes into operation on 8 January 2020.

Definitions

2. In this Order, unless the context otherwise requires —
“ADB” means the Asian Development Bank;

“ADB Order” means the International Organisations (Immunities and Privileges) (Asian Development Bank) Order 2020 (G.N. No. S 11/2020);

“Central Provident Fund” means the fund established under section 6 of the Central Provident Fund Act (Cap. 36);

“head of Office” means the principal executive official of the Office appointed by the ADB;

“Office” means the ADB Singapore Office established by the Agreement between the Republic of Singapore and the ADB regarding the ADB Singapore Office done at Osaka, Japan on 28 June 2019.

Immunities and privileges in addition to those in Asian Development Bank Act

3. The immunities and privileges conferred on the ADB, the head of Office and any officer or staff member of the Office are in addition to those conferred on the ADB, the head of Office and any officer or staff member of the Office by the Asian Development Bank Act (Cap. 15) and International Organisations (Immunities and Privileges) (Asian Development Bank) Order 2020.

Immunities and privileges of ADB

4. The ADB (including the Office) enjoys the following immunities and privileges:

- (a) freedom from censorship of its official communications, subject to any agreement between the Government and the ADB on any appropriate security precaution that may be adopted;
- (b) the right in Singapore to use codes and dispatch and receive correspondence and other communications either by courier or in sealed bags which are to have immunities and privileges no less favourable than those accorded to a diplomatic mission under Article 27 of the Vienna Convention on Diplomatic Relations;

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- (c) exemption from any obligation to make employer contribution to the Central Provident Fund for any officer or staff member of the Office if he or she is not a citizen or permanent resident of Singapore.

Immunities and privileges of head of Office

5. The head of Office enjoys the like immunities and privileges that are accorded under Articles 29 to 35, 36(2) and 39 of the Vienna Convention on Diplomatic Relations to a diplomatic agent.

Immunities and privileges of officers or staff members of Office

6.—(1) An officer or a staff member of the Office enjoys the following immunities and privileges:

- (a) exemption from any obligation to make contribution to the Central Provident Fund as an officer or a staff member of the Office;
- (b) exemption from any goods and services tax, customs duties and excise duties imposed under section 10(1) of the Customs Act (Cap. 70), levy, prohibition and restriction on any import (excluding a vehicle, tobacco and liquor, but including furniture, household effect and other article for personal use and consumption but not for gift or sale) that is imported within the first 6 months after the officer or staff member assumes his or her post in Singapore;
- (c) subject to sub-paragraph (2), if he or she holds a job grade of IS6 or above in the Office, exemption from the following taxes and fees in respect of one motor vehicle imported into or purchased in Singapore for the personal use of the officer or staff member of the Office:
- (i) goods and services tax;
 - (ii) fee for a certificate of entitlement imposed under Parts III and IV of the Road Traffic (Motor Vehicles, Quota System) Rules (Cap. 276, R 31), read with the First Schedule to those Rules;

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- (iii) additional registration fee imposed under rule 7 of the Road Traffic (Motor Vehicles, Registration and Licensing) Rules (Cap. 276, R 5);
 - (iv) tax imposed under section 11(1)(b) of the Road Traffic Act (Cap. 276) for using or keeping the motor vehicle;
 - (v) vehicular emissions tax imposed under rule 3 of the Road Traffic (Vehicular Emissions Tax) Rules 2017 (G.N. No. S 776/2017);
 - (vi) customs duty and excise duty imposed under section 10(1), and special tax imposed under section 17(1), of the Customs Act.

(2) Where any officer or staff member of the Office has enjoyed any exemption or relief mentioned in sub-paragraph (1)(c) in respect of any motor vehicle, he or she may not enjoy any exemption or relief mentioned in that provision in respect of any other motor vehicle within 4 years after the date on which he or she became the registered owner of the firstmentioned motor vehicle under the Road Traffic Act.

(3) A motor vehicle which is the subject of an exemption under sub-paragraph (1)(c) may be disposed of in Singapore under conditions agreed between the ADB and the Government.

Waiver of immunity or privilege

7. The ADB may waive any immunity or privilege in paragraph 5 or 6 in any case where the ADB is of the opinion that —

- (a) the immunity will impede the course of justice; and
- (b) the immunity can be waived without limiting the interests of the ADB.

Non-application of immunities and privileges

8.—(1) Paragraphs 5 and 6 do not apply to any citizen or permanent resident of Singapore.

(2) Nothing in this Order affects the right of the Government to take measures that it considers useful to safeguard national security, public safety or health, or to maintain law and order.

Made on 7 January 2020.

CHEE WEE KIONG
Permanent Secretary,
Ministry of Foreign Affairs,
Singapore.

[MFA C850-237/05/10; AG/LEGIS/SL/82A/2015/5 Vol. 1]

(To be presented to Parliament under section 6(4) of the Diplomatic and Consular Relations Act).