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**No. S 32**

DIPLOMATIC AND CONSULAR RELATIONS ACT  
(CHAPTER 82A)

DIPLOMATIC AND CONSULAR RELATIONS  
(PERMANENT COURT OF ARBITRATION)  
(AMENDMENT) ORDER 2018

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 (Permanent Court of Arbitration) (Amendment) Order 2018 and comes into operation on 15 January 2018.

**Amendment of paragraph 2**

2. Paragraph 2 of the Diplomatic and Consular Relations (Permanent Court of Arbitration) Order 2007 (G.N. No. S 518/2007) (called in this Order the principal Order) is amended —

(a) by deleting the definitions of “Official of the PCA” and “participant” and substituting the following definitions:

““Official of the PCA” means —

(a) the Secretary-General;

(b) the PCA Legal Officer; or

(c) any member of the staff of the International Bureau;

“participant”, in relation to a PCA Proceeding, means —

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- (a) a witness, expert, counsel or party to the PCA Proceeding;
  - (b) an agent or other representative of a party to the PCA Proceeding;
  - (c) an interpreter, translator or court reporter taking part in any hearing, meeting or other activity in relation to the PCA Proceeding; or
  - (d) any person appointed by the PCA to assist any PCA Adjudicator in a hearing, meeting or other activity in relation to the PCA Proceeding;”;
- (b) by deleting the words “commission of enquiry” in the definition of “PCA Adjudicator” and substituting the words “fact-finding commission of inquiry”; and
- (c) by deleting the definitions of “PCA Facility” and “PCA Facility Meeting” and substituting the following definitions:
- ““PCA Agreement” means the Host Country Agreement between the Government of the Republic of Singapore and the Permanent Court of Arbitration signed in Singapore on 25 July 2017;
  - “PCA Legal Officer” means the legal officer of the PCA posted to Singapore by the PCA pursuant to the PCA Agreement;
  - “PCA Meeting” means any meeting or conference convened by the PCA or the PCA Office, or under the sponsorship or auspices of either;
  - “PCA Office” means the PCA Office in Singapore for the Promotion of Dispute Resolution through the Mechanisms of the Permanent Court of Arbitration;”.

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**Amendment of paragraph 3**

3. Paragraph 3 of the principal Order is amended —
- (a) by deleting the word “Facility”; and
  - (b) by deleting the word “Facility” in the paragraph heading.

**Amendment of paragraph 4**

4. Paragraph 4 of the principal Order is amended by deleting the words “, when present in Singapore in connection with a PCA Proceeding or PCA Facility Meeting,”.

**New paragraph 4A**

5. The principal Order is amended by inserting, immediately after paragraph 4, the following paragraph:

**“Additional privilege of PCA Legal Officer**

**4A.** In addition to the immunities and privileges of the PCA Legal Officer under the International Organisations (Immunities and Privileges) (Permanent Court of Arbitration) Order 2007 (G.N. No. S 519/2007), the PCA Legal Officer enjoys exemption from customs duties when importing furniture and effects for his personal use within 6 months after taking up his appointment in Singapore.”.

**Amendment of paragraph 5**

6. Paragraph 5 of the principal Order is amended —
- (a) by deleting the words “, when present in Singapore in connection with a PCA Proceeding or PCA Facility Meeting at or in connection with the PCA Facility,” in sub-paragraph (1);
  - (b) by deleting sub-paragraph (a) of sub-paragraph (1) and substituting the following sub-paragraph:
    - “(a) immunity from suit and legal process of every kind in respect of all words spoken or written and all acts done by him in connection with a PCA Proceeding;”;

(c) by inserting, immediately after sub-paragraph (1), the following sub-paragraph:

“(1A) The immunity mentioned in sub-paragraph (1)(a) continues to apply even after the participant in the PCA Proceeding ceases to be such a participant.”;

(d) by deleting the words “, when present in Singapore in connection with a PCA Proceeding or PCA Facility Meeting, enjoy and have immunity from suit and legal process in respect of all words spoken or written and all acts done by him in the course of the performance of his official duties in connection with the PCA Proceeding or PCA Facility Meeting” in sub-paragraph (2) and substituting the words “enjoy and have immunity from suit and legal process of every kind in respect of all words spoken or written and all acts done by him in connection with a PCA Proceeding”; and

(e) by inserting, immediately after sub-paragraph (2), the following sub-paragraph:

“(3) The immunity mentioned in sub-paragraph (2) continues to apply even after the participant in the PCA Proceeding ceases to be such a participant.”.

### **Deletion and substitution of paragraph 6**

7. Paragraph 6 of the principal Order is deleted and the following paragraph substituted therefor:

#### **“Immunities and privileges of person assisting in conduct of PCA Proceeding or PCA Meeting**

6.—(1) Every person assigned by the Government to assist in the conduct of any PCA Proceeding or PCA Meeting in Singapore pursuant to the PCA Agreement, enjoys immunity from suit and legal process of every kind in respect of all words spoken or written and all acts done by him in the course of providing such assistance, except insofar as in any particular case that immunity is waived by the Secretary-General.

(2) The immunity mentioned in sub-paragraph (1) does not apply to any person who is a citizen or permanent resident of Singapore.”.

Made on 15 January 2018.

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

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