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INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES) ACT (CHAPTER 145)

INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES) (PERMANENT COURT OF ARBITRATION) (AMENDMENT) ORDER 2018

In exercise of the powers conferred by section 2(2) of the International Organisations (Immunities and Privileges) Act, the President makes the following Order:

Citation and commencement

1. This Order is the International Organisations (Immunities and Privileges) (Permanent Court of Arbitration) (Amendment) Order 2018 and comes into operation on 15 January 2018.

Amendment of paragraph 2

2. Paragraph 2 of the International Organisations (Immunities and Privileges) (Permanent Court of Arbitration) Order 2007 (G.N. No. S 519/2007) (called in this Order the principal Order) is amended —

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

“ “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;”;

(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 Office” means the PCA Office in Singapore for the Promotion of Dispute Resolution through the Mechanisms of the Permanent Court of Arbitration;”.

Amendment of paragraph 3

3. Paragraph 3(2) of the principal Order is amended by deleting the words “PCA Facility” and substituting the words “PCA Office”.

Deletion and substitution of paragraph 4

4. Paragraph 4 of the principal Order is deleted and the following paragraph substituted therefor:

“Immunities and privileges of PCA and PCA Office

4.—(1) The PCA and the PCA Office, including —

- (a) the property and assets of the PCA;
- (b) any office or meeting space provided by the Government for any activity undertaken in connection with any PCA Proceeding; and
- (c) any office space provided by the Government for the PCA Legal Officer and staff supporting him to discharge their official duties,

are immune from suit and legal process.

(2) The immunity mentioned in sub-paragraph (1) does not apply —

- (a) where there is an express waiver of the immunity by the PCA in any particular case; or
- (b) in the case of a civil action arising out of any accident caused by a motor vehicle belonging to, or operated on behalf of, the PCA, where any damages claimed are not recoverable under any policy of insurance in force in relation to the use of that motor vehicle.

(3) Subject to sub-paragraph (6), the official archives of the PCA (including all documents and electronic data belonging to or held by the PCA), and the official premises of the PCA, have the same inviolability as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to the President.

(4) The property and assets of the PCA, wherever located and by whomsoever held, are immune from search, confiscation, expropriation or other form of judicial constraint, except where there is an express waiver of the immunity by the PCA in a particular case.

(5) Subject to sub-paragraph (7), the PCA is exempt from any prohibition or restriction on the importation or exportation of its publications or goods which it imports or exports for its official use.

(6) Despite sub-paragraph (3), the PCA must not permit its official premises to be used as refuge for avoiding arrest under the laws of Singapore or in any other manner incompatible with those laws.

(7) All goods to which sub-paragraph (5) applies must not be sold in Singapore except under conditions agreed between the Government and the PCA.

(8) The PCA enjoys the same exemption or relief from the following taxes as are accorded to a foreign sovereign Power:

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- (a) income tax on all income (including incidental interest), if any, derived from Singapore;
 - (b) customs and excise duties on all goods (excluding liquor and tobacco) imported by the PCA for its official use in Singapore;
 - (c) goods and services tax on all goods (excluding liquor and tobacco) imported by, and all services provided to, the PCA for its official use in Singapore;
 - (d) property tax and stamp duty in relation to all properties (excluding any office and meeting space provided by the Government for any activity undertaken in connection with any PCA Proceeding, and any office space provided by the Government for the PCA Legal Officer to discharge his official duties) which are owned or leased by the PCA in its own name;
 - (e) subject to sub-paragraph (9), any vehicle taxes and fees in respect of a motor vehicle imported or purchased by the PCA for its official use in Singapore.

(9) Where the PCA has enjoyed any exemption or relief mentioned in sub-paragraph (8)(e) in respect of a motor vehicle, the PCA may not enjoy that exemption or relief in respect of any other motor vehicle within 4 years starting from the date on which the PCA becomes the registered owner of the firstmentioned motor vehicle under the Road Traffic Act (Cap. 276).”.

Amendment of paragraph 5

5. 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,” in sub-paragraphs (1) and (2); and
- (b) 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 person mentioned in that sub-paragraph ceases to be an Official of the PCA or a PCA Adjudicator (as the case may be).”.

Made on 12 January 2018.

By Command,

TAN KEE YONG
*Secretary to the Cabinet,
Singapore.*

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