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No. S 518

DIPLOMATIC AND CONSULAR RELATIONS ACT (CHAPTER 82A)

DIPLOMATIC AND CONSULAR RELATIONS (PERMANENT COURT OF ARBITRATION) ORDER 2007

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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 hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Diplomatic and Consular Relations (Permanent Court of Arbitration) Order 2007 and shall come into operation on 1st October 2007.

Definitions

2. In this Order, unless the context otherwise requires —

“Administrative Council” means the Administrative Council of the Permanent Court of Arbitration;

“International Bureau” means the International Bureau of the Permanent Court of Arbitration;

“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;
[S 32/2018 wef 15/01/2018]

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

- (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;
[S 32/2018 wef 15/01/2018]

“Permanent Court of Arbitration” or “PCA” means the Permanent Court of Arbitration based in The Hague;

“PCA Adjudicator” means any arbitrator, mediator, conciliator or member of a fact-finding commission of inquiry taking part in any hearing, meeting or other activity in relation to any PCA Proceeding;

[S 32/2018 wef 15/01/2018]

“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;

[S 32/2018 wef 15/01/2018]

[Deleted by S 32/2018 wef 15/01/2018]

[Deleted by S 32/2018 wef 15/01/2018]

“PCA Legal Officer” means the legal officer of the PCA posted to Singapore by the PCA pursuant to the PCA Agreement;

[S 32/2018 wef 15/01/2018]

“PCA Meeting” means any meeting or conference convened by the PCA or the PCA Office, or under the sponsorship or auspices of either;

[S 32/2018 wef 15/01/2018]

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

[S 32/2018 wef 15/01/2018]

“PCA Proceeding” means any dispute resolution proceeding administered by or under the auspices of the PCA in which one or more of the parties is a State, a State-controlled entity or an intergovernmental organisation;

“Secretary-General” means the head of the International Bureau.

Additional immunities and privileges of PCA

3. The PCA shall enjoy and have, in addition to its immunities and privileges under the International Organisations (Immunities and Privileges) (Permanent Court of Arbitration) Order 2007 (G.N. No. S 519/2007) —

- (a) freedom of communication for all official purposes; and
- (b) the right to send and receive correspondence by courier or in a bag, such courier to enjoy the same privileges and immunities as a diplomatic courier, and such bag to have the same status as a diplomatic bag, under Article 27 of the Vienna Convention on Diplomatic Relations.

[S 32/2018 wef 15/01/2018]

Additional immunities and privileges of Officials of the PCA and PCA Adjudicators

4. Every Official of the PCA, and every PCA Adjudicator, who is not a citizen or permanent resident of Singapore shall enjoy and have, in addition to his immunities and privileges under the International

Organisations (Immunities and Privileges) (Permanent Court of Arbitration) Order 2007 (G.N. No. S 519/2007), exemption from —

- (a) all public service of any kind whatsoever; and
- (b) military obligations,

except in so far as in any particular case that exemption is waived —

- (i) in the case of a PCA Adjudicator or an Official of the PCA (other than the Secretary-General), by the Secretary-General; or
- (ii) in the case of the Secretary-General, by the Administrative Council.

[S 32/2018 wef 15/01/2018]

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.

[S 32/2018 wef 15/01/2018]

Immunities and privileges of participants in PCA Proceedings

5.—(1) Every participant in a PCA Proceeding who is not a citizen or permanent resident of Singapore shall enjoy and have —

- (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;

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- (b) inviolability of his documents and papers; and
- (c) the right to send and receive correspondence by courier or in a bag, such courier to enjoy the same privileges and immunities as a diplomatic courier, and such bag to have the same status as a diplomatic bag, under Article 27 of the Vienna Convention on Diplomatic Relations,

except in so far as in any particular case that immunity or privilege is waived —

- (i) in a case where the participant represents or is designated by a State which is a party to the PCA Proceeding, by the State; or
- (ii) in any other case, by the Secretary-General.

[S 32/2018 wef 15/01/2018]

(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.

[S 32/2018 wef 15/01/2018]

(2) Every participant in a PCA Proceeding who is a citizen or permanent resident of Singapore shall 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, except in so far as in any particular case that immunity is waived —

- (i) in a case where the participant represents or is designated by a State which is a party to the PCA Proceeding, by the State; or
- (ii) in any other case, by the Secretary-General.

[S 32/2018 wef 15/01/2018]

(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.

[S 32/2018 wef 15/01/2018]

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.

[S 32/2018 wef 15/01/2018]

Made this 26th day of September 2007.

BILAHARI KAUSIKAN
*Second Permanent Secretary,
Ministry of Foreign Affairs,
Singapore.*

[LAW 15/010/001 V4; AG/LEG/SL/82A/2005/1 Vol. 1]

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