

INTERNATIONAL ORGANISATIONS (IMMUNITIES AND
PRIVILEGES) ACT
(CHAPTER 145, SECTION 2)

INTERNATIONAL ORGANISATIONS (IMMUNITIES AND
PRIVILEGES) (MULTILATERAL INVESTMENT GUARANTEE
AGENCY) ORDER

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[17th September 2002]

Citation

1. This Order may be cited as the International Organisations (Immunities and Privileges) (Multilateral Investment Guarantee Agency) Order.

Definitions

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

“asset” includes the assets of the Sponsorship Trust Fund referred to in Annex I of the Convention and other assets administered by MIGA in furtherance of its objective;

“Chairman” means the person selected as Chairman by the Council of Governors under Article 31(b) of the Convention;

[S 91/2020 wef 06/02/2020]

“Convention” means the Convention Establishing the Multilateral Investment Guarantee Agency;

“Director” means a member of the Board of Directors mentioned in Article 30 of the Convention;

[S 91/2020 wef 06/02/2020]

“Governor” means a member of the Council of Governors mentioned in Article 30 of the Convention;

[S 91/2020 wef 06/02/2020]

“member” means a State which is a party to the Convention;

“MIGA” means the Multilateral Investment Guarantee Agency established under the Convention;

[S 91/2020 wef 06/02/2020]

“President” means the President of MIGA mentioned in Article 30 of the Convention.

[S 91/2020 wef 06/02/2020]

PART I

THE ORGANISATION

Legal capacity of MIGA

3. MIGA is an organisation of the nature indicated in section 2(1) of the Act and shall have the legal capacity of a body corporate.

Immunity from suit and legal process

4.—(1) MIGA shall have immunity from any suit and legal process which relates to any personnel matter.

(2) MIGA shall have immunity from any suit or legal process brought by —

- (a) a member of MIGA, an agency of such member, or a person acting for or deriving any claim from such member; or
- (b) a State which has ceased to be a member of MIGA or an agency of such State.

(3) The property and assets of MIGA shall, wherever located and by whomsoever held, be immune from any legal process relating to the seizure, attachment or execution of such property or assets for the purpose of satisfying any judgment or award against MIGA, except in the case of a final judgment or award.

Inviolability of official archives

5. MIGA has the like inviolability of official archives as is accorded in respect of the official archives of an envoy of a foreign sovereign Power accredited to the President of Singapore.

[S 91/2020 wef 06/02/2020]

Exemption and relief from certain taxes and rates

6. MIGA shall have the like exemption or relief from taxes and rates, other than import, export or excise duties on any article, as is accorded to a foreign sovereign Power.

[S 91/2020 wef 06/02/2020]

Exemption from tax on importation of goods

7. MIGA shall have exemption from tax on the importation of goods directly imported by it for its official use in Singapore or for exportation, or on the importation of any of the publications of MIGA directly imported by it, such exemption to be subject to compliance with such conditions as the Director-General of Customs and Excise may prescribe for the protection of revenue.

8. [*Deleted by S 91/2020 wef 06/02/2020*]

PART II

HIGH OFFICIALS OF MIGA

Immunity and exemptions for high officials

9.—(1) Each of the following persons enjoys immunity from legal process in respect of acts performed by the person in his or her official capacity:

- (a) a Governor and his or her alternate;
- (b) a Director and his or her alternate;
- (c) the President.

(2) Each of the following persons enjoys exemption from taxation on or in respect of salaries, expense allowances and other emoluments paid to him or her by MIGA:

- (a) the Chairman;
- (b) a Director and his or her alternate;
- (c) the President.

(3) Each Governor and his or her alternate enjoy exemption from taxation on or in respect of expense allowances paid to him or her by MIGA.

(4) Sub-paragraphs (2) and (3) do not apply to any person who is a citizen or permanent resident of Singapore.

[*S 91/2020 wef 06/02/2020*]

PART III

OTHER OFFICIALS AND EMPLOYEES OF MIGA

Immunity and exemption for staff

10.—(1) Each member of the staff of MIGA enjoys —

- (a) immunity from legal process in respect of acts performed by the member in his or her official capacity; and
- (b) exemption from taxation on or in respect of salaries, expense allowances and other emoluments paid to him or her by MIGA.

(2) The exemption under sub-paragraph (1)(b) does not apply to any member of the staff of MIGA who is a citizen or permanent resident of Singapore.

[S 91/2020 wef 06/02/2020]

PART IV

GENERAL

[S 91/2020 wef 06/02/2020]

Waiver of immunities and privileges

11.—(1) Any immunity or privilege under this Order may be waived by MIGA to such extent and upon such conditions as MIGA may determine, except where the waiver prejudices the interests of MIGA.

(2) Any immunity or privilege under this Order is to be waived by MIGA if MIGA is of the opinion that the immunity or privilege —

- (a) impedes the course of justice; and
- (b) can be waived without prejudicing the interests of MIGA.

[S 91/2020 wef 06/02/2020]

[G.N. No. S 490/2002]

LEGISLATIVE HISTORY
INTERNATIONAL ORGANISATIONS (IMMUNITIES AND
PRIVILEGES) (MULTILATERAL INVESTMENT GUARANTEE
AGENCY) ORDER
(CHAPTER 145, O 16)

This Legislative History is provided for the convenience of users of the International Organisations (Immunities and Privileges) (Multilateral Investment Guarantee Agency) Order. It is not part of this Order.

1. G. N. No. S 490/2002 — International Organisations (Immunities and Privileges) (Multilateral Investment Guarantee Agency) Order 2002

Date of commencement : 17 September 2002

2. 2004 Revised Edition — International Organisations (Immunities and Privileges) (Multilateral Investment Guarantee Agency) Order

Date of operation : 29 February 2004

3. G.N. No. S 91/2020 — International Organisations (Immunities and Privileges) (Multilateral Investment Guarantee Agency) (Amendment) Order 2020

Date of commencement : 6 February 2020