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INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES) ACT 1948

INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES) (INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA) ORDER 2023

ARRANGEMENT OF PARAGRAPHS

Paragraph

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In exercise of the powers conferred by section 2(2) of the International Organisations (Immunities and Privileges) Act 1948, the President makes the following Order:

Citation and commencement

1. This Order is the International Organisations (Immunities and Privileges) (International Tribunal for the Law of the Sea) Order 2023 and comes into operation on 5 May 2023.

Definitions

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

“agreement”, in relation to any proceedings of the Tribunal or a Chamber of the Tribunal, means any agreement entered into between the Government and the Tribunal in relation to those proceedings, the terms of which are based on the Agreement

for the provision of facilities for the International Tribunal for the Law of the Sea/ a Chamber of the International Tribunal for the Law of the Sea to sit or otherwise exercise its functions in the Republic of Singapore adopted by Singapore by an exchange of side letters between Singapore and the Tribunal on 11 June 2020;

“Chamber of the Tribunal” means the Seabed Disputes Chamber established in accordance with article 14 of Annex VI to the Convention or a special chamber established in accordance with article 15 of that Annex;

“Convention” means the United Nations Convention on the Law of the Sea of 10 December 1982;

“court facilities” means any facilities provided by the Government —

- (a) under an agreement in relation to any proceedings of the Tribunal or a Chamber of the Tribunal; and
- (b) for the Tribunal or the Chamber of the Tribunal (as the case may be) to sit or otherwise to exercise its functions in Singapore in relation to those proceedings;

“Member of the Tribunal” means an elected member of the Tribunal or a person chosen under article 17 of Annex VI to the Convention for the purpose of a particular case;

“official of the Tribunal” means the Registrar or any other member of the staff of the Registry of the Tribunal;

“Registrar” means the Registrar of the Tribunal and includes any official of the Registry of the Tribunal acting as the Registrar;

“Tribunal” means the International Tribunal for the Law of the Sea.

Status of Tribunal

3. The Tribunal, being an organisation specified in the First Schedule to the Act, has the legal capacities of a body corporate.

Immunities and privileges of Tribunal

4.—(1) The Tribunal has immunity from legal process, except insofar as in any particular case the Tribunal has expressly waived its immunity.

(2) The waiver mentioned in sub-paragraph (1) does not extend to any measure of execution.

(3) The property, assets and funds of the Tribunal, wherever located and by whomsoever held, are immune from search, requisition, confiscation, seizure, expropriation or any other form of interference, by any form of legal process.

(4) The Tribunal has the like exemption or relief from the following taxes as may be accorded to a foreign sovereign Power:

- (a) income tax on its income (including incidental interest, if any) derived from Singapore;
- (b) goods and services tax on any import (except any tobacco, liquor or motor vehicle) for the official use of the Tribunal;
- (c) customs and excise duty imposed under section 10(1) of the Customs Act 1960 on any import (except any motor vehicle) for the official use of the Tribunal;
- (d) goods and services tax on goods (except any tobacco, liquor or motor vehicle) and services consumed in Singapore by the Tribunal for its official activities;
- (e) stamp duty on any lease of premises for the Tribunal's official use (except any court facilities) and entered into by the Tribunal in its own name;
- (f) subject to sub-paragraph (5), the following vehicle taxes and fees for up to 2 motor vehicles imported into or purchased in Singapore for the official use of the Tribunal:
 - (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 (R 31), read with the First Schedule to those Rules;

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- (iii) registration fee and additional registration fee imposed under rules 6 and 7 of the Road Traffic (Motor Vehicles, Registration and Licensing) Rules (R 5);
 - (iv) tax imposed under section 11(1)(b) of the Road Traffic Act 1961 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 and excise duty imposed under section 10(1), and special tax imposed under section 17(1), of the Customs Act 1960;
 - (vii) any other vehicle taxes and fees, excluding those that are no more than charges for services rendered.

(5) Where the Tribunal has enjoyed any exemption or relief mentioned in sub-paragraph (4)(f) in respect of 2 motor vehicles, the Tribunal may not enjoy any exemption or relief mentioned in that provision in respect of any other motor vehicle within 4 years after —

- (a) the date on which the Tribunal became the registered owner of those 2 motor vehicles under the Road Traffic Act 1961; or
- (b) if the Tribunal became the registered owner under the Road Traffic Act 1961 for one motor vehicle on a later date than the other — that earlier date.

(6) The Tribunal is exempt from any prohibition or restriction on any import or export of any goods that are for the official use of the Tribunal.

(7) Any import to which sub-paragraph (4)(b), (c) or (f) or (6) applies must not be sold or otherwise disposed of in Singapore except under conditions agreed with the Government.

(8) Any goods to which sub-paragraph (4)(d) applies must not be sold or otherwise disposed of except in accordance with the conditions laid down by the Government.

**Immunity or privilege in respect of tax on salaries, etc., of
Member and Registrar and other officials of Tribunal**

5.—(1) Each of the following individuals enjoys exemption from tax in respect of salaries, emoluments and allowances paid by the Tribunal:

- (a) a Member of the Tribunal;
- (b) the Registrar, and any other official of the Tribunal who is not a citizen or permanent resident of Singapore.

(2) Despite anything in sub-paragraph (1), upon a waiver of an immunity or a privilege of an individual under that sub-paragraph by the competent authority, that immunity or privilege does not apply to that individual.

(3) In sub-paragraph (2), “competent authority” means —

- (a) in the case of an immunity or a privilege enjoyed by a Member of the Tribunal or the Registrar — the Tribunal;
and
- (b) in any other case — the Registrar, acting with the approval of the President of the Tribunal.

Made on 12 April 2023.

By Command,

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

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