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

INTERNATIONAL ORGANISATIONS
(IMMUNITIES AND PRIVILEGES) (ICPO-INTERPOL)
ORDER 2012

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

Citation and commencement

1. This Order may be cited as the International Organisations (Immunities and Privileges) (ICPO-INTERPOL) Order 2012 and shall come into operation on 3rd September 2012.

Definitions

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

“Complex” means the INTERPOL Global Complex for Innovation in Singapore;

“Executive Committee” means the Executive Committee of the ICPO-INTERPOL;

“ICPO-INTERPOL” means The International Criminal Police Organization-INTERPOL;

“Secretary General” means the Secretary General of the ICPO-INTERPOL.

Status of ICPO-INTERPOL

3.—(1) The ICPO-INTERPOL is an organisation of which the Government and the governments of foreign sovereign Powers are members.

(2) The ICPO-INTERPOL shall have the legal capacities of a body corporate.

Immunities and privileges of Complex

4.—(1) The premises of the Complex shall have the like inviolability as is accorded in respect of the official premises of an envoy of a foreign sovereign Power accredited to the Republic of Singapore, and no public officer or officer of a statutory body may enter those premises except with the consent of the Secretary General or the Executive Director of the Complex.

(2) The consent referred to in sub-paragraph (1) is implied in the case of fire or any other disaster requiring immediate action.

(3) The ICPO-INTERPOL shall not permit the premises of the Complex to be used as a refuge for avoiding arrest under the laws of Singapore or in any other manner incompatible with its purposes.

Immunities and privileges of ICPO-INTERPOL

5.—(1) The ICPO-INTERPOL shall enjoy immunity from suit and legal process for acts done in the performance of its functions, except in the following cases:

- (a) a civil action based on contractual obligations of the ICPO-INTERPOL;
- (b) a civil claim for damages arising from an accident caused by a motor vehicle belonging to the ICPO-INTERPOL or used on its behalf, or from a violation of a written law relating to motor vehicle traffic involving a motor vehicle belonging to the ICPO-INTERPOL or used on its behalf;
- (c) a counter claim directly linked to proceedings begun as a main action by the ICPO-INTERPOL;
- (d) where the ICPO-INTERPOL has expressly waived its immunity.

(2) The property and assets of the ICPO-INTERPOL (excluding land and immovable property) which are utilised by the Complex, wherever located and by whomsoever held, shall be immune from seizure, confiscation or other form of judicial constraint, except in the following cases:

- (a) a civil action based on contractual obligations of the ICPO-INTERPOL;
- (b) a civil claim for damages arising from an accident caused by a motor vehicle belonging to the ICPO-INTERPOL or used on its behalf, or from a violation of a written law relating to motor vehicle traffic involving a motor vehicle belonging to the ICPO-INTERPOL or used on its behalf;
- (c) if such constraint is necessary as a temporary measure in order to prevent accidents involving a motor vehicle owned by the ICPO-INTERPOL or used on its behalf, or in order to conduct an inquiry in connection with such an accident;
- (d) a counter claim directly linked to proceedings begun as a main action by the ICPO-INTERPOL.

(3) The ICPO-INTERPOL shall have the like exemption or relief from the following taxes as may be accorded to a foreign sovereign Power:

- (a) income tax on its income;
- (b) property tax in respect of any property owned by the ICPO-INTERPOL and utilised by the Complex;
- (c) stamp duty in respect of any property acquired or rented for the performance of the administrative or technical functions of the Complex;
- (d) goods and services tax in respect of goods sold and services rendered to the Complex for its official activities;
- (e) all customs duty and vehicles taxes (including goods and services tax, fee for a certificate of entitlement, registration fee and additional registration fee) for up to 8 motor vehicles owned by the ICPO-INTERPOL;
- (f) goods and services tax and customs and excise duties on the import of any administrative, scientific and technical material necessary for the official performance of the Complex's functions, and any publication relating to its activities.

(4) All goods referred to in sub-paragraph (3)(d) shall not be transferred, whether temporarily or permanently, to any other person in Singapore except on terms agreed between the Government and the ICPO-INTERPOL.

Immunities and privileges of delegates, observers, Executive Committee members, advisers and experts

6.—(1) Each of the following persons shall, in the exercise of his functions and the accomplishment of his mission, while in Singapore and also (where applicable) during journeys made to or from the meeting-place, enjoy the immunities and privileges set out in sub-paragraph (2):

- (a) delegates from foreign sovereign Powers which are members of the ICPO-INTERPOL, and observers

attending conferences or meetings convened by the ICPO-INTERPOL;

- (b) members of the Executive Committee;
 - (c) advisers and experts on mission to the Complex, and persons officially requested by the ICPO-INTERPOL to perform duties within the Complex.
- (2) The immunities and privileges are —
- (a) immunity from arrest and detention, except if caught in the act of committing an offence; and
 - (b) immunity from suit and legal process (even after completion of his mission) for acts performed in connection with his official duties and within the limits of his official capacity, provided that such immunity does not apply in the case of an offence against the written law relating to motor vehicle traffic committed by him, or of damage caused by a motor vehicle belonging to or driven by him.

Immunities and privileges of Secretary General and directors of Complex

7.—(1) Each of the following persons shall enjoy the privileges and immunities set out in sub-paragraph (2):

- (a) the Secretary General;
 - (b) 4 directors of the Complex who are duly accredited to the Government.
- (2) The privileges and immunities are —
- (a) immunity from suit and legal process (even after he has ceased to serve the ICPO-INTERPOL) in respect of all official acts performed by him in connection with his official duties and strictly within the limits of his official capacity;
 - (b) exemption from taxation on his salary and emoluments paid to him by the ICPO-INTERPOL and derived from activities connected with the functions of the Complex;

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- (c) exemption from customs duty when importing furniture and personal effects within 6 months after first taking up his post in Singapore;
 - (d) exemption from customs and excise duty and vehicle taxes (including goods and services tax, fee for a certificate of entitlement, registration fee and additional registration fee) when importing or purchasing one motor vehicle for personal use;
 - (e) exemption from customs and excise duties when purchasing petroleum of premium or intermediate grade;
 - (f) exemption from foreign domestic worker levy in respect of 3 (in the case of the Secretary General) or 2 (in the case of a director of the Complex) foreign domestic workers employed by him;
 - (g) exemption from customs and excise duties when purchasing liquor and tobacco from a licensed warehouse within the meaning of the Customs Act (Cap. 70); and
 - (h) exemption from taxes in respect of water supplied by the Public Utilities Board to his residence in Singapore.

(3) The immunity under sub-paragraph (2)(a) does not apply in the case of an offence against the written law relating to motor vehicle traffic committed by him, or of damage caused by a motor vehicle belonging to or driven by him.

(4) The privilege under sub-paragraph (2)(d) also applies to the spouse of the Secretary General or a director of the Complex.

Immunities and privileges of Complex staff

8.—(1) Every member of the staff of the Complex other than the Secretary General or a director of the Complex, who is duly accredited to the Government, shall enjoy the privileges and immunities set out in sub-paragraph (2).

(2) The privileges and immunities referred to in sub-paragraph (1) are —

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- (a) immunity from suit and legal process (even after he has ceased to serve the ICPO-INTERPOL) in respect of all official acts performed by him in connection with his official duties and strictly within the limits of his official capacity; and
 - (b) exemption from taxation on his salary and emoluments paid to him by the ICPO-INTERPOL and derived from activities connected with the functions of the Complex.

(3) The immunity under sub-paragraph (2)(a) shall not apply in the case of an offence against the written law relating to motor vehicle traffic committed by him, or of damage caused by a motor vehicle belonging to or driven by him.

Non-application of Part IV of Schedule to Act

9. Except as provided in paragraph 7(4), Part IV of the Schedule to the Act shall not apply to extend any immunity or privilege conferred by this Order to any person.

Waiver of immunity

10.—(1) Any immunity or privilege under this Order (other than one enjoyed by the Secretary General) shall be waived by the Secretary General if it impedes the course of justice; but the waiver does not prejudice the interests of the ICPO-INTERPOL.

(2) Any immunity or privilege of the Secretary General under this Order may be waived by the Executive Committee.

Non-application of immunities and privileges

11.—(1) Notwithstanding anything in this Order, no immunity or privilege referred to in paragraph 6 or 7 shall be enjoyed by any person who is a citizen or permanent resident of Singapore.

(2) Nothing in this Order affects the right of the Government to take such measures as it considers useful to safeguard national security, public safety or health or to maintain law and order.

Made this 30th day of August 2012.

By Command,

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

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