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

INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES) (PERMANENT COURT OF ARBITRATION) ORDER 2007

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation and commencement
 2. Definitions
 3. Status of PCA
 4. Immunities and privileges of PCA and PCA Office
 5. Immunities and privileges of Officials of the PCA and PCA Adjudicators
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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) (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;

“Deputy Secretary-General” means the deputy to the head of the International Bureau;

“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 33/2018 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 33/2018 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 33/2018 wef 15/01/2018]

[Deleted by S 33/2018 wef 15/01/2018]

[Deleted by S 33/2018 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 33/2018 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 33/2018 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;

“policy of insurance” means a policy of insurance in respect of third-party risks which complies with the requirements of the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189);

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

Status of PCA

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

(2) The PCA (including the PCA Office, as an organ of the PCA) shall have the legal capacities of a body corporate.

[S 33/2018 wef 15/01/2018]

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:

- (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).

[S 33/2018 wef 15/01/2018]

Immunities and privileges of Officials of the PCA and PCA Adjudicators

5.—(1) Subject to sub-paragraph (3), every Official of the PCA and every PCA Adjudicator shall have —

- (a) immunity from suit and legal process in respect of all words spoken or written and all acts done by him in the course of the performance of his official duties; and
- (b) exemption from income tax in respect of all salaries, allowances and other emoluments paid to him by the PCA,

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

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

[S 33/2018 wef 15/01/2018]

(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).

[S 33/2018 wef 15/01/2018]

(2) Subject to sub-paragraph (3), the Secretary-General and Deputy Secretary-General shall in addition, be accorded in respect of themselves, their spouses and their children under the age of 21 years, the like immunity from suit and legal process, the like inviolability of residence, and the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to the President, his spouse and children, except in so far as in any particular case that privilege is waived —

- (a) in the case of the Deputy Secretary-General, his spouse and his children under the age of 21 years, by the Secretary-General; or
- (b) in the case of the Secretary-General, his spouse and his children under the age of 21 years, by the Administrative Council.

[S 33/2018 wef 15/01/2018]

(3) No immunity or privilege referred to in sub-paragraph (1)(b) or (2) shall be enjoyed by —

- (a) any person who is a citizen or permanent resident of Singapore; or
- (b) where the Secretary-General or Deputy Secretary-General is a citizen or permanent resident of Singapore, his spouse or children.

Made this 26th day of September 2007.

By Command,
LAU WAH MING
*Secretary to the Cabinet,
Singapore.*

[LAW 15/010/001 V4; AG/LEG/SL/145/2001/1 Vol. 5]