

CHAPTER 14

**INTERNATIONAL ORGANIZATIONS
(IMMUNITIES AND PRIVILEGES)**

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CHAPTER 14

INTERNATIONAL ORGANIZATIONS
(IMMUNITIES AND PRIVILEGES)

**An Act to repeal and replace the Diplomatic Privileges
(Extension) Act, 1947.**

*4 of 1951
G.N. 187 of 1964
E.L.A.O., 1974
19 of 1975*

[Commencement 31st May, 1951]

1. This Act may be cited as the International Organizations (Immunities and Privileges) Act.

Short title.

2. In this Act unless the context otherwise requires —
“Minister” means the Minister responsible for Foreign Affairs.

Interpretation
*E.L.A.O., 1974;
19 of 1975, s. 3
and Sch.*

3. (1) This section shall apply to any organization declared by Order to be an organization of which the Government of The Bahamas and one or more foreign sovereign Powers or the government or governments thereof are members.

Immunities, privileges and capacities of certain international organizations and persons connected therewith.
E.L.A.O., 1974.

(2) The Governor-General may by Order —

(a) provide that any organization to which this section applies (hereinafter referred to as “the organization”) shall, to such extent as may be specified in the Order, have the immunities and privileges set out in Part I of the Schedule to this Act, and shall also have the legal capacities of a body corporate;

Schedule.

(b) confer upon —

- (i) any persons who are representatives (whether of governments or not) on any organ of the organization or are members of any committee of the organization or of an organ thereof;
- (ii) such number of officers of the organization as may be specified in the Order, being the holders of such high offices in the organization as may be so specified; and

Schedule.

(iii) such persons employed on missions on behalf of the organization as may be so specified,

to such extent as may be specified in the Order, the immunities and privileges set out in Part II of the Schedule to this Act;

(c) confer upon such other classes of officers and servants of the organization as may be specified in the Order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Schedule to this Act,

and Part IV of the Schedule to this Act shall have effect for the purpose of extending to the staffs of such representatives and members as are mentioned in subparagraph (i) of paragraph (b) of this subsection and to the families of officers of the organization any immunities and privileges conferred on the representatives, members or officers under that paragraph, except in so far as the operation of the said Part IV is excluded by the Order conferring the immunities and privileges:

Provided that the Order shall be so framed as to secure that there are not conferred on any person any immunities or privileges greater in extent than those which, at the time of the making of the Order, are required to be conferred on that person in order to give effect to any international agreement in that behalf.

4. (1) Where immunities and privileges are conferred on any persons by an Order made under subsection (2) of section 3 of this Act, the Minister —

(a) shall compile a list of the persons entitled to immunities and privileges conferred under paragraph (b) of that subsection, and may compile a list of the persons entitled to immunities and privileges conferred under paragraph (c) of that subsection;

(b) shall cause any list compiled under this subsection to be published in the *Gazette*; and

(c) whenever any person ceases or begins to be entitled to the immunities and privileges to which any such list relates, shall amend the list and cause a notice of the amendment or, if he thinks fit, an amended list, to be published as aforesaid,

Publication of lists of persons entitled to immunities and privileges under preceding section.
E.L.A.O., 1974.

(2) Every list or notice published under subsection (1) of this section shall state the date from which the list or amendment takes or took effect, and the fact that any person is or was included or not included at any time among the persons entitled to the immunities and privileges in question may, if a list of those persons has been so published, be conclusively proved by producing the *Gazette* containing the list or, as the case may be, the last list taking effect before that time, together with the *Gazettes* (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

5. (1) The Governor-General may, by Order, confer on the Judges and Registrars of the International Court, and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations.

Immunities and privileges of judges of, and suitors to, the International Court of Justice.

(2) In this section the expression “the International Court” means the International Court of Justice set up under the Charter of the United Nations.

6. (1) Where a conference is held in The Bahamas and is attended by the representatives of Her Majesty’s Government in The Bahamas and the government or governments of one or more foreign sovereign Powers, and it appears to the Minister that doubts may arise as to the extent to which the representatives of such foreign Powers and members of their official staffs are entitled to diplomatic immunities, he may —

Diplomatic immunities of representatives attending international conferences. *E.L.A.O.*, 1974; 19 of 1975, s. 3 and Sch.

- (a) compile a list of the persons aforesaid who are entitled to such immunities and cause that list to be published in the *Gazette*; and
- (b) whenever it appears to the Minister that any person ceases or begins to be entitled to such immunities, amend the list and cause a notice of the amendment or, if he thinks fit, an amended list, to be published as aforesaid;

and every representative of a foreign Power who is for the time being included in the list shall, for the purpose of any enactment and rule of law or custom relating to the immunities of an envoy of a foreign Power accredited to Her Majesty, and of the retinue of such envoy, be treated as if he were such an envoy, and such of the members of his official staff as are for the time being included in the list shall be treated for the purpose aforesaid as if they were his retinue.

(2) Every list or notice published under subsection (1) of this section in relation to any conference shall include a statement of the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to diplomatic immunities as representatives attending the conference or as members of the official staff of any such representative may, if a list of those persons has been so published, be conclusively proved by producing the *Gazette* containing the list or, as the case may be, the last list taking effect before that time, together with the *Gazettes* (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

Reciprocal
treatment.

7. Nothing in the foregoing provisions of this Act shall be construed as precluding the Governor-General from declining to accord immunities or privileges to, or from withdrawing immunities or privileges from, nationals or representatives of any Power on the ground that that Power is failing to accord corresponding immunities or privileges to citizens of The Bahamas or representatives.

E.L.A.O., 1974.

Orders.

8. Any power conferred by this Act to make an Order shall be construed as including a power to revoke or vary the Order by a subsequent Order made in accordance with the provisions of this Act.

Repeal and
savings.
23 of 1947.

9. (1) The Diplomatic Privileges (Extension) Act, 1947 is hereby repealed.

(2) Nothing in this Act shall affect any Order in Council made, list or notice published or condition prescribed under an enactment repealed by this Act, but any such Order in Council, list, notice or condition shall, if

in force at the commencement of this Act, continue in force and, so far as it could have been made, published or prescribed under this Act, have effect as if so made, published or prescribed.

(3) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.

(4) The mention of particular matters in this section shall not be taken as prejudicing the operation of the Interpretation Act, with regard to the effect of repeals. Ch. 2.

SCHEDULE (Section 2)

PART I IMMUNITIES AND PRIVILEGES OF THE ORGANIZATION

1. Immunity from suit and legal process.

2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty.

3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.

4. Exemption from taxes on the importation of goods directly imported by the organization for its official use in The Bahamas or for exportation, or on the importation of any publications of the organization directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs and Excise may prescribe for the protection of the Revenue.

5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organization for its official use and in the case of any publications of the organization directly imported or exported by it.

6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside The Bahamas), of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II
**IMMUNITIES AND PRIVILEGES OF REPRESENTATIVES,
MEMBERS OF COMMITTEES, HIGH OFFICERS AND
PERSONS ON MISSIONS**

7. The like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.
8. The like inviolability of residence as is accorded to such an envoy.
9. The like exemption or relief from taxes as is accorded to such an envoy.

PART III
**IMMUNITIES AND PRIVILEGES OF OTHER
OFFICERS AND SERVANTS**

10. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.
11. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

PART IV
**IMMUNITIES AND PRIVILEGES OF OFFICIAL STAFFS
AND OF HIGH OFFICERS' FAMILIES**

12. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as a representative on any organ of the organisation or a member of any committee of the organisation or of an organ thereof, his official staff accompanying him as such a representative or member shall also be entitled to those immunities and privileges to the same extent as the retinue of an envoy of a foreign sovereign Power accredited to Her Majesty is entitled to the immunities and privileges accorded to the envoy.
13. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as an officer of the organization, that person's wife or husband and children under the age of twenty-one shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of an envoy of a foreign sovereign Power accredited to Her Majesty are entitled to the immunities and privileges accorded to the envoy.