

LAWS OF BRUNEI

REVISED EDITION 1984

CHAPTER 85

DIPLOMATIC PRIVILEGES (EXTENSION)

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SCHEDULE



**DIPLOMATIC PRIVILEGES (EXTENSION)
ACT**

An Act to make provision as to the immunities, privileges and capacities of International Organisations of which His Majesty's Government and Foreign Governments are Members and for purposes connected with the matters aforesaid

8 of 1949
(Cap. 85
of 1951)
S.99/59

Commencement: 2nd December 1949

1. This Act may be cited as the Diplomatic Privileges (Extension) Act. Short title

2. (1) This section shall apply to any organisation declared by an order of His Majesty the Sultan and Yang Di-Pertuan in Council to be an organisation of which His Majesty's Government and the government or governments of one or more foreign sovereign Powers are members. Privileges, immunities and capacities of certain international organisations and their staffs

(2) His Majesty in Council may by order —

(a) provide that any organisation to which this section applies (hereinafter referred to as "the organisation") 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;

(b) confer upon such number of officers of the organisation as may be specified in the order, being the holders of such high offices in the organisation as may be specified in the order, and upon such persons employed on missions on behalf of the organisation as may be specified, and upon any person who is the representative of a member government on the governing body or any committee

of the organisation, to such extent as may be so specified, 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 organisation 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 representatives of member governments and to the families of officers of the organisation any immunities and privileges conferred on the representatives or officers under paragraph (b) of this subsection, except in so far as the operation of the said Part IV is excluded by the order conferring the immunities and privileges.

(3) Where immunities and privileges are conferred on any persons by an order made under the last foregoing subsection, 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 a public notification; 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.

(4) Every list or notice published under the last foregoing subsection 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 public notification containing the list, or, as the case may be, the last list taking effect before that time, together with the public notification (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.

3. (1) Where a conference is held in Brunei and is attended by the representatives of 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

(a) compile a list of the persons aforesaid who are entitled to such immunities, and cause that list to be published in a public notification; 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 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 law and rule of law or custom relating to the immunities of an envoy of a foreign Power accredited to His Majesty, and of the retinue of such an 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 the last foregoing subsection 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 public notification containing the list or, as the case may be, the last list taking effect before that time, together with the public notification (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.

Application
to United Na-
tions

4. This Act shall, in its application to the United Nations, have effect subject to the following modifications —

(a) any reference to the governing body or any committee of the organisation shall be construed as referring to the General Assembly or any council or other organ of the United Nations; and

(b) the powers conferred by subsection (2) of section 2 of this Act shall include power by order of His Majesty in Council to confer on the judges and registrars of the International Court of Justice 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.

5. Nothing in the foregoing provisions of this Act shall be construed as precluding His Majesty in Council 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 Brunei nationals or representatives.

Reciprocal
treatment

SCHEDULE

(Section 2 (2))

PART I

Immunities and Privileges of the Organisation

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 His Majesty.
3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as may be accorded to a foreign sovereign Power.
4. Exemption from taxes on the importation of goods, directly imported by the organisation for its official use in Brunei or for exportation, or on the importation of any publications of the organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs 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 organisation for its official use and in the case of any publications of the organisation 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 Brunei), of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II

Immunities and Privileges of High Officers, Persons on Missions and Government Representatives

1. The like immunity from suit and legal process as is accorded to any envoy of a foreign sovereign Power accredited to His Majesty.
2. The like inviolability of residence as is accorded to such an envoy.
3. The like exemption or relief from taxes as is accorded to such an envoy.

PART III

Immunities and Privileges of other Officers and Servants

1. 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.
2. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

PART IV

Immunities and Privileges of Representative's Staff and of High Officer's family

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as the representative of a member government, his official staff accompanying him as such a representative 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 His Majesty is entitled to the immunities and privileges accorded to the envoy.
2. Where a person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as an officer of the organisation, that person's wife or husband, and children under the age of 21 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 His Majesty are entitled to the immunities and privileges accorded to the envoy.