

THE TECHNICAL ASSISTANCE (IMMUNITIES
AND PRIVILEGES) ACT

Acts
16 of 1982,
12 of 1985
Sch.

[23rd November, 1982.]

1. This Act may be cited as the Technical Assistance (Immunities and Privileges) Act. Short title.

2. In this Act—

Interpreta-
tion.

“customs duties” means customs duties, consumption duties, retail sales tax and additional stamp duty on inward customs warrants but does not include duties on goods of local manufacture;

“expert” means any person engaged by a foreign government or a foreign organization and assigned, pursuant to an agreement with the Government of Jamaica, to render technical assistance in Jamaica or, on behalf of the Government of Jamaica, elsewhere;

“foreign country” includes any Commonwealth country other than Jamaica;

“foreign organization” means an organization (whether governmental or otherwise) established in a foreign country.

3.—(1) Without prejudice to anything contained in the Diplomatic Immunities and Privileges Act, this section shall apply to any foreign government or any foreign organization declared by the Minister to be a government or organization providing technical assistance to Jamaica. Power to
grant
immunities
and privi-
leges.

(2) Subject to the provisions of this Act, the Minister may by order, for the purposes of this Act—

Schedule.

- (a) provide that any government or organization to which this section applies or any agency thereof shall, to such extent as may be specified in the order, have the immunities and privileges set out in Part I of the Schedule;
- (b) as respects any such government, organization or agency as aforesaid, confer upon its representatives and experts and their families and staff, to such extent as may be specified in the order, the immunities and privileges specified in Part II of the Schedule.

Minister's discretion.

4.—(1) Nothing in this Act shall be construed as precluding the Minister, as respects any immunities or privileges conferred pursuant to this Act in respect of any foreign country—

- (a) from withdrawing such immunities and privileges on the grounds that the government of that country is failing to accord corresponding immunities or privileges in respect of Jamaica; or
- (b) from declining to accord any immunity or privilege as may be conferred under the provisions of this Act on any such grounds as aforesaid.

(2) The Minister may, if he deems fit, by order confer, in respect of any government or organization to which section 3 applies or its representatives or experts, immunities or privileges other than those specified in the Schedule.

Citizens of Jamaica.

5.—(1) No person being exclusively a citizen of Jamaica shall in Jamaica be entitled, by virtue of this Act, to any personal immunities nor shall the members of such person's family, as such, be entitled to any personal immunities un-

less such citizen is specially designated by the Minister for the purposes of this section.

(2) In this section "personal immunities" has the same meaning as in the Diplomatic Immunities and Privileges Act.

6. If in any proceedings any question arises whether or not any person or any institution is entitled to immunities or privileges in accordance with the provisions of this Act, a certificate issued by or under the authority of the Minister stating any fact relevant to that question shall be conclusive evidence of that fact and any document purporting to be such a certificate shall, in any proceedings, be accepted as such unless the contrary is proved. Minister's certificate.

7. A foreign government, or foreign organization, shall have the right and duty to waive any immunity granted in respect of any such government or organization or any representative or expert thereof in any case where the immunity would impede the course of justice and it can be waived without prejudice to the interests of the foreign government or foreign organization. Waiver.

8. If any goods which have been imported by a person without payment of customs duties in pursuance of any immunity or privilege to which this Act relates are sold or disposed of within three years of importation or prior to the termination of such person's tour of duty in the Island, whichever is earlier, to a person who is not entitled to customs duty privileges, the person who sells or disposes of such goods shall be called upon to pay customs duties thereon to the extent that would have been payable but for the provisions of this Act. Special provisions relating to customs duty.

Regulations. 9. The Minister may from time to time make regulations for carrying into effect the purposes of this Act, and regulations so made shall be subject to negative resolution.

SCHEDULE

(Section 3)

PART I

*Immunities and Privileges under this Act of Foreign Governments
or Foreign Organizations*

1. Exemption from customs duties—

- (a) on goods directly imported by a foreign government or foreign organization for its official use in Jamaica or for exportation; or
- (b) on the importation of any publications of a foreign government or foreign organization if such publications are directly imported by it,

so, however, that any such exemption shall be subject to compliance with such conditions as the Commissioner of Customs and Excise may prescribe for the protection of the revenue. 12/1985 Sch.

2. Exemption from prohibitions and restrictions on importation or exportation—

- (a) in the case of goods directly imported or exported by a foreign government or foreign organization for its official use; and
- (b) in the case of any publication of a foreign government or foreign organization if such publications are directly imported or exported by it.

3. 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 Jamaica), of any reduced rates applicable for the corresponding service in the case of Press telegrams.

PART II

*Immunities and Privileges which may be granted, as respects
Foreign Governments and Foreign Organizations, to their
representatives and experts and their families and staff*

1.—(1) Subject to paragraph (2), the representative or expert, as the case may be, shall be exempt from customs duties in respect of the importation of—

- (a) one motor car for his personal use; and
- (b) personal and household effects of himself and members of his family and staff; and
- (c) reasonable quantities of medicine and special health foods for the use of himself and members of his family and staff.

(2) In this paragraph the expression "members of family" when used in relation to any person means that person's wife or husband,

TECHNICAL ASSISTANCE (IMMUNITIES AND PRIVILEGES)

as the case may be, and children under the age of twenty-three; and such other members of his household as may be approved by the Minister.

2. The exemptions granted pursuant to paragraph 1 shall be subject to the following conditions—

- (a) the exemption under paragraph 1 (1) (a) shall—
 - (i) apply only to persons on assignment in Jamaica for six months or more;
 - (ii) not be granted later than six months after the date of the person's first arrival in Jamaica for his tour of duty;
 - (iii) be subject to the condition that if the motor car is sold, pledged, transferred or otherwise disposed of within three years of importation or prior to the termination of the person's tour of duty in the Island, whichever is earlier, to a person who is not entitled to customs duty privileges, customs duties assessed as at the date of importation shall be payable;
- (b) the exemption under paragraph 1 (1) (b) shall not be granted later than six months after the date of the person's first arrival in Jamaica for his tour of duty.

3. The expert or representative, as the case may be, shall be entitled to—

- (a) immunity from suit and legal process in respect of words spoken or written and acts done by him in the performance of his mission; and
- (b) immunity from personal arrest or detention in respect of acts done by him in the performance of official duties; and
- (c) immunity from seizure of his personal baggage.

4.—(1) Subject to any laws or regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the expert or representative shall be granted freedom of movement and travel within Jamaica.

(2) Without prejudice to the provisions of paragraph 3, an expert or representative shall be free at any time to leave Jamaica.