

Assented to in Her Majesty's name this 9th day of
March, 1967.

H. J. L. BOSTON,
Governor-General.

LS

No. 12



1967

Sierra Leone

The Commonwealth Secretariat (Diplomatic Privileges and
Immunities) Act, 1967

Short title.

[1st July, 1965] Date of
Commence-
ment.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and
with the advice and consent of the House of Representatives in this
present Parliament assembled, and by the authority of the same, as
follows:—

Commence-
ment.

1. This Act shall be deemed to have come into operation on the 1st day of July, 1965 (but not so as to affect any cause of action arising or liability to criminal proceedings incurred, before the passing of this Act).

Interpreta-
tion

2. In this Act—

“the Commonwealth Secretariat” means the Commonwealth Secretariat established at the Commonwealth Prime Minister’s Meeting of June, 1965.

The Com-
monwealth
Secretariat.

3. (1) The Commonwealth Secretariat shall have the legal capacity of a body corporate.

(2) The Commonwealth Secretariat shall have the immunities and privileges conferred by Part I of the Schedule, the officers and servants of the Secretariat and members of their families shall have the privileges and immunities conferred by Part II of the Schedule, and the supplementary provisions in Part III of the Schedule shall have effect for the purpose of the said Parts I and II.

SCHEDULE,

IMMUNITIES AND PRIVILEGES

PART I

(Section 3 (2))

THE COMMONWEALTH SECRETARIAT

1. (1) The Commonwealth Secretariat shall have immunity from suit and legal process except—

(a) in respect of a civil action for damage alleged to have been caused by a motor vehicle belonging to, or operated on behalf of the Secretariat or in respect of any offence involving such a vehicle under the Road Traffic Act, 1964:

(b) in respect of arbitration proceeding relating to any written contract entered into by or on behalf of the Secretariat.

(2) The foregoing sub-paragraph shall not be construed as authorising the enforcement of any judgment or arbitration award by execution on the premises or official archives of the Secretariat.

2. The Commonwealth Secretariat shall have the like inviolability of official archives, communications and premises as is accorded by law in respect of official archives, communications and premises of a foreign envoy.

3. The Commonwealth Secretariat shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods as is accredited to a foreign envoy.

4. The Commonwealth Secretariat shall have the like exemption from taxes on the importation of goods directly imported by the Secretariat for its own official use in Sierra Leone or for exportation or on the importation of any publication of the Secretariat directly imported by it, subject however to compliance with such conditions as the Minister of Finance may prescribe for the protection of revenue in Sierra Leone.

PART II

5. Every senior Officer of the Commonwealth Secretariat who is not a citizen only of Sierra Leone and any member of his family forming part of his household other than a member who is a citizen only of Sierra Leone, shall, if permanently resident outside Sierra Leone be accorded the like immunity from suit and legal process, the like inviolability of residence, official premises and official archives and the like exemption or relief from taxes and rates (including exemption from income tax in respect of emoluments received by him as an Officer of the Secretariat) as are accorded by law to a foreign envoy and the members of his family.

6. Every senior officer of the Commonwealth Secretariat not falling within paragraph 5 shall be accorded—

No. 62 of 1964. immunity from suit and legal process in respect of acts or omission of his in the course of the performance of official duties, except immunity from suit and legal process in respect of a civil action for damage alleged to have been caused by a motor vehicle belonging to or driven by him or in respect of any offence involving such a vehicle under the Road Traffic Act, of 1964;

(b) the like inviolability of his official papers and documents as is accorded by law to a foreign envoy.

7. Every officer and servant of the Commonwealth Secretariat not falling within paragraphs 5 or 6 who is not a citizen only of Sierra Leone shall, if ordinarily resident outside Sierra Leone immediately before taking up his post with the Secretariat in Sierra Leone be exempt from duties on the importation, on the occasion of his first taking up that post, of personal and household effects, including private motor vehicles, for the use of himself and any members of his family forming part of his household.

PART III

SUPPLEMENTAL

8. The privileges and immunities conferred by this Schedule on the Commonwealth Secretariat, its officers and servants and members of their families may be waived by the Secretary-General or any person for the time being exercising his functions.

9. If in any proceedings any question arises whether or not any person is entitled to any privilege or immunity under this Schedule, a certificate issued by or under the authority of the Prime Minister stating any fact relevant to that question shall be conclusive evidence of that fact.

10. (1) In this Schedule—

“duties” includes taxes and related charges, other than charges for storage, cartage and similar services;

“senior officer”, in relation to the Commonwealth Secretariat, means an officer of the Secretariat recognised by the Prime Minister as being a senior officer of the Secretariat.

(2) Expressions used in this Schedule shall have the same meaning as they have in the Schedules to the Diplomatic Immunities and Privileges No. 35 of Act, 1961.
1961.

Passed in the House of Representatives this *17th* day of *January*, in the year of our Lord one thousand nine hundred and sixty-seven.

S. V. WRIGHT,
Clerk of the House of Representatives.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed the House of Representatives and found by me to be a true and correctly printed copy of the said Bill.

S. V. WRIGHT,
Clerk of the House of Representatives.

M P. CONF./14019/5/16.