

# Commission de l'Océan Indien (Privileges and Immunities) Regulations 2008

GN 16/2008

## THE INTERNATIONAL ORGANISATIONS AND CONFERENCES (PRIVILEGES AND IMMUNITIES) ACT

### Regulations made by the Minister under section 19 of the International Organisations and Conferences (Privileges and Immunities) Act

1. These regulations may be cited as the **Commission de l'Océan Indien (Privileges and Immunities) Regulations 2008**.

2. In these regulations -

"Accord general" means the "Accord général de coopération entre les Etats membres de la Commission de l'Océan Indien", signed in Victoria, Seychelles on 10 January 1984;

"Act" means the International Organisations and Conferences. (Privileges and Immunities) Act;

"agreements" means the Headquarters Agreement, and the Additional Protocol, entered into between Mauritius and the Commission de l'Océan Indien and signed in Victoria, Seychelles on 14 April 1989 and ratified on 9 October 1989;

"Headquarters Agreement" means the "Accord de Siège" entered into between Mauritius and the Commission de l'Océan Indien and signed in Victoria, Seychelles on 14 April 1989;

"officer" -

(a) means an employee or agent of the organisation whose name and description have been notified by the Secretary General of the organisation to, and approved by, the Minister;

(b) includes the Secretary General of the organisation;

"organisation" means the Commission de l'Océan Indien;

"premises of the organisation" -

(a) means the premises used by the organisation exclusively for its activities and in the exercise of the functions of the Secretariat of the organisation;

(b) includes the seat of the organisation and the residence of the Secretary General of the organisation;

"President of the Council of the organisation" includes the Secretary General of the organisation, where he has been delegated any power conferred by the agreements on the President of the Council of the organisation.

**Amended by [\[GN No. 176 of 2012\]](#)**

3. (1) Part V of the Act shall apply to the organisation.
- (2) Subject to these regulations, the organisation and its organs, in the exercise of their activities under the Accord général and the agreements, shall benefit from immunity in every form of legal process except, insofar as in any particular case, the organisation has expressly waived its immunity.

**Amended by [\[GN No. 176 of 2012\]](#)**

4. The organisation shall be a body corporate and shall have the capacity, inter alia, to acquire and dispose of movable and immovable property.
5. (1) Subject to paragraph (2), the premises of the organisation shall be inviolable.
- (2) The President of the Council of the organisation -
  - (a) may authorise entry into the premises of the organisation;
  - (b) shall be presumed to have authorised entry into the premises of the organisation in case of fire or any other emergency warranting immediate security measures.
6. (1) The property and assets of the organisation shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative or legislative action, except in so far as in any particular case the President of the Council of the organisation has expressly waived that immunity.
- (2) The archives of the organisation and, in general, all documents belonging to it or held by it, shall be inviolable, wherever located.
- (3) Every official communication of the organisation shall be accorded the same treatment as is, under any other law in force, accorded to the official communications of the Member States of the organisation.
7. (1) Notwithstanding any other enactment, the organisation shall, in relation to any activity carried on pursuant to the agreements -

- (a) subject to section 5 of the Customs Tariff Act, be exempt from the payment of customs duty on imported goods;
  - (b) not be liable to registration duty in respect of any deed under which it is the sole beneficiary;
  - (c) not be liable to any other duty, rate, charge or tax;
- (2) Notwithstanding any other enactment, an officer who is not a citizen or permanent resident of Mauritius shall, in relation to any activity of the organisation, or any act required to be done by him, pursuant to the agreements -
- (a) not be liable to any duty, rate, charge or tax;
  - (b) subject to section 7 of the Immigration Act, be deemed to be an exempted person for the purposes of that Act;
  - (c) be entitled to transfer freely from Mauritius any sum received by way of wages, salary or commission or otherwise.
- (3) Notwithstanding any other enactment, any employee of the organisation who is not a citizen or permanent resident of Mauritius may elect to be governed by the law of Mauritius on social security matters, in accordance with the provisions of Article 17 of the Headquarters Agreement.
- (4) (a) The organisation may, to the extent necessary for the performance of its functions, hold funds or currency of any kind and operate accounts in any currency.
- (b) The organisation shall, in exercising its rights under this paragraph, pay due regard to any representations made by the Government of Mauritius insofar as it is considered that effect can be given to such representations without detriment to the interests of the organisation.
- (5) For the purposes of the activities of the organisation in relation to the agreements, the organisation and its officers shall be exempt from the Non-citizens (Employment Restriction) Act.
- 8.** (1) (a) Notwithstanding any other enactment, every officer shall, in relation to any activity of the organisation, or any act required to be done by him, pursuant to the agreements, be immune from legal process in respect of words spoken or written and all acts performed by him in his official capacity.
- (b) No officer shall be entitled to any immunity from jurisdiction where he has contravened any road traffic legislation in force in Mauritius or caused any injury or damage whilst driving a motor vehicle.

- (c) Every officer who intends to own or drive a motor vehicle in Mauritius shall comply with the relevant motor vehicle insurance provisions in force in Mauritius.
- (2) Every officer -
- (a) shall be accorded, on behalf of himself, his spouse and his minor children living under his roof, the privileges, immunities, exemptions and facilities accorded to diplomatic agents on behalf of themselves, their spouses and their minor children;
  - (b) shall have the right to import his personal effects and car at the time of first taking up his post in Mauritius and to reexport them at the time of departure.
- (3) Every member of the Council of the organisation, every "Officier Permanent de Liaison" ("OPL") or other representative or adviser of a Member State of the organisation and every expert appointed by the Council or other organ of the organisation shall, whilst performing a mission for the organisation in Mauritius, be accorded such immunities and privileges as are, under any other law in force, accorded to a representative of comparable rank of a Member State of the organisation.
- (4) Paragraphs (2) and (3) shall not apply to a person who is a citizen or permanent resident of Mauritius.
- (5) Every officer shall -
- (a) cooperate at all times with the appropriate authorities of Mauritius to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the privileges, immunities and facilities referred to in these regulations; and
  - (b) without prejudice to any privilege or immunity to which he may be entitled, comply with the laws in force in Mauritius.

9. These regulations shall be deemed to have come into operation on 9 October 1989.

Made by the Minister on 25th January, 2008