

CONDOMINIUM DES NOUVELLES-HEBRIDES
NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 8 de 1964
JOINT REGULATION 8 of 1964

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No. 8 of 1964.

A Joint Regulation to enable effect to be given to an International agreement to which the United Kingdom and the Republic of France are parties and have declared acceptance thereof on behalf of the New Hebrides.

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MADE by the High Commissioners pursuant to the powers conferred on them by Article 7 of the Anglo-French Protocol, 1914, and all and every other power them thereunto enabling;

1. This Joint Regulation may be cited as the International Development Association Joint Regulation, 1964.

Short Title.

2. In this Regulation "the Agreement" means the agreement signed and accepted on behalf of Her Majesty's Government in the United Kingdom and the Government of France in pursuance of Articles approved on the twenty-sixth day of January nineteen hundred and sixty by the executive directors of the International Bank for Reconstruction and Development and which came into force on the twenty-fourth day of September nineteen hundred and sixty and provided for the establishment and operation of an international body to be called the International Development Association established by the Agreement.

Interpretation.

3. The provisions of the Agreement set out in the Schedule to this Regulation shall have the force of law—

Provided that nothing in Section 9 of Article VIII of the Agreement shall be construed as—

- (a) entitling the Association to import goods free of customs duty without any restriction on their subsequent sale;
- (b) conferring on the Association any exemption from duties or taxes which form part of the price of goods sold, or
- (c) conferring on the Association any exemption from duties or taxes which are in fact no more than charges for services rendered.

M. DELAUNEY

ALEX. M. WILKIE

The Resident Commissioner for the French Republic in the New Hebrides, the delegate of the High Commissioner for the French Republic in the Pacific Ocean and the New Hebrides.

Her Britannic Majesty's Resident Commissioner in the New Hebrides, the delegate of Her Britannic Majesty's High Commissioner for the New Hebrides.

SCHEDULE

Provisions of the Agreement as to Status, Immunities and Privileges.

ARTICLE VIII

Section 1. Purposes of Article

To enable the Association to fulfil the functions with which it is entrusted, the status, immunities and privileges provided in this Article shall be accorded to the Association in the territories of each member.

Section 2. Status of the Association

The Association shall possess full juridical personality and, in particular, the capacity—

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

Section 3. Position of the Association with regard to Judicial Process

Actions may be brought against the Association only in a court of competent jurisdiction in the territories of a member in which the Association has an office, has appointed an agent, for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Association shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Association.

Section 4. Immunity of Assets from Seizure

Property and assets of the Association, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. Immunity of Archives

The Archives of the Association shall be inviolable.

Section 6. Freedom of Assets from Restrictions

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Association shall be free from restrictions, regulations, controls and prohibitions of any nature.

Section 7. Privilege for Communications

The official communications of the Association shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8. Immunities and Privileges of Officers and Employees

All Governors, Executive Directors, Alternates, officers and employees of the Association—

- (i) shall be immune from local process with respect to acts performed by them in their official capacity except when the Association waives this immunity;
- (ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;
- (iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Article 9. *Immunities from Taxation*

(a) The Association, its assets, property, income and its operations and transactions authorised by this Agreement, shall be immune from all taxation from all customs duties. The Association shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid to the Association to Executive Directors, Alternates, officials or employees of the Association who are not local citizens, local subjects or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security guaranteed by the Association (including any dividend or interest thereon) by whomsoever held—

(i) which discriminates against such obligation or security solely because it is issued by the Association; or

(ii) if the sole jurisdiction basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Association.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Association (including any dividend or interest thereon) by whomsoever held—

(i) which discriminates against such obligation or security solely because it is guaranteed by the Association; or

(ii) if the sole jurisdiction basis for such taxation is the location of any office or place of business maintained by the Association.

Article 10. *Application of Article*

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set out in this Article and shall inform the Association of the detailed action which it has taken.