

**Unvalidated References:**

*International Organizations (Privileges and Immunities) Act  
1975*

*Income Tax Act 1959*

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel  
Dated 25 November 2006

**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

Chapter 87B.

***Asian Development Bank (Privileges and Immunities) Regulation 1976***



## ARRANGEMENT OF SECTIONS.

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**SCHEDULE 1 – Official emblem of the bank.**

**SCHEDULE 2 – Design of the official seal of the bank.**

***Asian Development Bank (Privileges and Immunities) Regulation 1976***

MADE under the *International Organizations (Privileges and Immunities) Act 1975*.

Dated                    200 .

### 1. INTERPRETATION.

In this Regulation, unless the contrary intention appears—

“**the Agreement**” means the Agreement establishing the Asian Development Bank done at Manila on 4 December 1965;

“**the Bank**” means the Asian Development Bank.

### 2. INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ACT TO APPLY TO BANK.

The Bank is declared to be an international organization to which the Act applies.

### 3. BANK TO HAVE JURIDICAL PERSONALITY AND LEGAL CAPACITIES.

(1) The Bank—

(a) is a corporation with perpetual succession; and

(b) has the capacity to contract; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of property and of instituting legal proceedings.

(2) All courts, Judges and persons acting judicially in Papua New Guinea shall take judicial notice of the seal of the Bank affixed to a document and shall presume that it was duly affixed.

#### **4. PRIVILEGES AND IMMUNITIES OF BANK.**

The Bank has such of the privileges and immunities specified in Schedule 1 to the Act as are required by the Agreement to be conferred on the Bank.

#### **5. PRIVILEGES AND IMMUNITIES OF OFFICERS OF BANK OTHER THAN PRESIDENT.**

(1) Subject to Subsection (2), a person who holds an office in the Bank has such of the privileges and immunities specified in Items 1, 2, 3, 4, 5 and 6 of Part I. of Schedule 4 to the Act as are required by the Agreement to be conferred on a person who holds that office.

(2) The salary and emoluments received from the Bank by a person to whom Subsection (1) applies, being a resident of Papua New Guinea within the meaning of the *Income Tax Act 1959*, are not, to the extent to which they are for services rendered in Papua New Guinea, exempt from taxation unless the person—

- (a) is not a Papua New Guinea citizen; and
- (b) came to Papua New Guinea solely for the purposes of performing duties of the office in the Bank held by him.

(3) A person who has ceased to hold an office in the Bank has the immunities specified in Part II. of Schedule 4 to the Act.

#### **6. PRIVILEGES AND IMMUNITIES OF OTHER PERSONS CONNECTED WITH BANK.**

(1) A person who is serving on a committee, or is participating in the work of the Bank or is performing, whether alone or jointly with other persons, a mission on behalf of the Bank has the privileges and immunities specified in Items 2 and 5 of Part I. of Schedule 5 to the Act.

(2) A person who has served on a committee or participated in any work or performed a mission referred to in Subsection (1) has the immunities specified in Part II. of Schedule 5 to the Act.

#### **7. WAIVER OF PRIVILEGES AND IMMUNITIES.**

(1) The Bank may waive any privileges and immunities to which—

- (a) the Bank; or
- (b) a person who holds or has ceased to hold any office in the Bank; or

s. 8. *Asian Development Bank (Privileges and Immunities) Regulation 1976*

- (c) a person who is serving on a committee or participating in the work, or has served on a committee or participated in the work, of the Bank or is performing or has performed, whether alone or jointly with other persons, a mission on behalf of the Bank,

is entitled by virtue of the Act or this Regulation.

**8. PRIVILEGES AND IMMUNITIES SUBJECT TO QUARANTINE LAWS.**

This Regulation does not affect the application of any law relating to quarantine, or prohibiting or restricting the importation into, or the exportation from Papua New Guinea of any animals, plants or goods, but this section does not prejudice the immunity from suit or from civil or criminal process conferred by this Regulation.

**9. OFFICIAL EMBLEM OF BANK.**

For the purposes of Section 9 of the Act, the emblem in Schedule 1 is declared to be the official emblem of the Bank.

**10. OFFICIAL SEAL OF BANK.**

For the purposes of Section 9 of the Act, the seal, the design of which is set out in Schedule 2 is declared to be the official seal of the Bank.

**SCHEDULE 1 – OFFICIAL EMBLEM OF THE BANK.**

Reg., Sec. 9.



**Sch. 2**      *Asian Development Bank (Privileges and Immunities) Regulation 9999*

**SCHEDULE 2 – DESIGN OF THE OFFICIAL SEAL OF THE BANK.**

Reg., Sec. 10.





*Asian Development Bank (Privileges and Immunities) Regulation 1976*