

CAYMAN ISLANDS



NUCLEAR SAFEGUARDS LAW

(1997 Revision)

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Short title

1. This Law may be cited as the *Nuclear Safeguards Law (1997 Revision)*.

Definitions

2. In this Law —

“**Agency**” means the International Atomic Energy Agency as defined in the Statute of the International Atomic Energy Agency;

“**Agency inspector**” means an official of the Agency designated an Agency inspector pursuant to Article 83 of the Agreement;

“**Agreement**” means the Agreement between the United Kingdom of Great Britain and Northern Ireland, the European Atomic Energy Community and the Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and includes Protocols 1 and 2 to the Agreement and any further Protocols subsequently entered into in accordance with paragraph 1 of Protocol 2 to the Agreement;

“**facility**” has the same meaning as it has under Article 96(2)I of the Agreement;

“**material balance area**” has the same meaning as it has under Article 96(2)M of the Agreement; and

“**1961 Convention Articles**” means the Articles (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961) set out in Schedule 1 to the *Diplomatic Privileges Act 1964* of the United Kingdom.

Powers of agency

3. (1) Subject to subsection (2), an Agency inspector may enter a facility or material balance area on the Islands and make an inspection or do anything else reasonably necessary to —
- (a) make an inspection permitted by Articles 68 to 82 of the Agreement; or
 - (b) verify design information, as mentioned in Article 46 of the Agreement.
- (2) An Agency inspector has no power to exercise the right given by subsection (1) except in the cases specified in, and subject to the provisions of the Agreement and, in particular, an Agency inspector has no power to exercise the right —
- (a) except in accordance with Articles 5, 9(c) and 85 of Protocol 1 to the Agreement; and
 - (b) where Article 81 of the Agreement applies-unless advance notice required by that Article has been given.

Immunities and privileges

4. The Agency, its officers and their families, and experts of the Agency have the immunities and privileges set out in the Schedule.

Offences

5. Whoever —
- (a) intentionally obstructs an Agency inspector exercising the authority given him under section 3(1);
 - (b) without reasonable excuse, refuses or fails —
 - (i) to provide information; or
 - (ii) to permit an inspection,reasonably required by an Agency inspector in the exercise of that authority; or
 - (c) in giving information reasonably required by an Agency inspector in the exercise of that authority —
 - (i) makes a statement which the person knows to be false in a material particular; or
 - (ii) recklessly makes a statement which is false in a material particular,is guilty of an offence and liable on conviction to a fine of ten thousand dollars.



Regulations

6. (1) The Governor may make regulations —
- (a) to take action required in the Islands under the Agreement; or
 - (b) to give effect to arrangements made under the Agreement.
- (2) Regulations made under subsection (1) may —
- (a) impose limitations on the scope or exercise of the authority given by section 3(1); and
 - (b) provide that a person contravening or failing to comply with the regulations is liable on summary conviction to a fine of five thousand dollars.

Offences by bodies corporate

7. (1) If an offence committed by a body corporate under this Law is proved to have been committed with the consent or connivance of, or to be attributable to the neglect of —
- (a) a director, manager, secretary or some other similar officer of the body corporate; or
 - (b) a person purporting to act as such,
- that officer or person, as well as the body corporate, is guilty of the offence and can be proceeded against and punished accordingly.
- (2) If the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

Application

8. This Law binds the Crown.

SCHEDULE

PART I-Immunities and Privileges of the Agency

1. The Agency is an organisation of which the United Kingdom and foreign sovereign Powers are members.
2. The Agency has the legal capacities of a body corporate.
3. The Agency is to be taken to extend to any measure of execution unless in any particular case it expressly waives its immunity.
4. The Agency has the same inviolability in respect of its official archives and premises as is accorded in respect of the official archives and premises of a diplomatic mission in accordance with the 1961 Convention Articles.
5. The Agency has the same exemption or relief from taxes, other than customs duties and taxes on the importation of goods, as is accorded to a foreign sovereign Power.
6. The Agency has the same relief from rates in respect of its premises as is accorded in respect of the premises of a diplomatic mission in accordance with Article 23 of the 1961 Convention Articles.
7. The Agency is exempted from customs duties and taxes on the importation of -
 - (a) goods imported by the Agency for its official use in the Islands; and
 - (b) publications of the Agency imported by it,if it complies with arrangements made by the Governor to protect the revenues of the Islands.
8. The Agency is exempted from prohibitions and restrictions on the importation or exportation of -
 - (a) goods imported or exported by the Agency for its official use; and
 - (b) publications of the Agency imported or exported by it.
9. The Agency is relieved (by way of refund) of customs duty on goods brought by it into the Islands and used for its official purposes if it complies with arrangements made for the purpose by the Governor.

PART II-Immunities and Privileges of Officers of the Agency

High Officers

10. (1) Subject to paragraphs (2) and (3), the Director General of the Agency, an officer acting on his behalf during his absence from duty and any Deputy Director General or officer of equivalent rank have -
 - (a) the same -
 - (i) immunity from suits and legal processes;

- (ii) inviolability of residence; and
 - (iii) exemption or relief from rates and taxes, other than customs duties and taxes on the importation of goods, as are accorded to or in respect of a diplomatic agent;
 - (b) the same exemptions from customs duties and taxes on the importation of articles, including articles intended for his establishment, imported for his personal use or the use of a member of his family forming part of his household, as are accorded to a diplomatic agent in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles;
 - (c) the same exemptions and privileges in respect of his baggage as is accorded to a diplomatic agent in accordance with paragraph 2 of Article 36 of the 1961 Convention Articles;
 - (d) relief (by way of refund) from customs duty on hydrocarbon oil bought by him in the Islands if he complies with arrangements made for the purpose by the Governor.
- (2) Paragraph (1) does not apply to a person who is a British citizen, a British Dependent Territories citizen, a British National (Overseas), a British Overseas Citizen or a permanent resident of the Islands.
- (3) A privilege or immunity given by paragraph (1) may be waived by the Agency in any particular case.

All Officers

11. (1) Subject to paragraphs (2) and (3), an officer of the Agency has -
- (a) the same immunity from suits and legal processes in respect of things done or omitted to be done by him in his official capacity; and
 - (b) the same exemptions from customs duties and taxes on the importation of articles, including articles intended for his establishment, which -
 - (i) are imported for his personal use or the use of a member of his family forming part of his household at or about the time when he first enters the Islands to take up his post as an officer of the Agency; and
 - (ii) were in his ownership or possession or that of such a member of his family or which he or such a member of his family was under contract to purchase, immediately before they so entered the Islands,as are accorded to a diplomatic agent in accordance with paragraph 1 of Article 36 of the 1961 Convention Articles.
- (2) Paragraph (1) does not apply to an officer of the Agency who is locally recruited and assigned to hourly rates of pay.
- (3) A privilege or immunity given by paragraph (1) may be waived by the Agency in any particular case.



PART III-Immunities and Privileges of Experts of the Agency

12. An expert (other than an officer of the Agency) serving on a committee of the Agency or performing a mission for the Agency, including a mission as an inspector under Article XII of the Statute of the Agency or as a project examiner under Article XI of that Statute, has -
- (a) immunity from suits and legal processes in respect of things done or omitted to be done by him in the performance of his official functions;
 - (b) while exercising his functions and during journeys in connection with service on such a committee or mission, the same immunity from personal arrest or detention and from seizure of his personal baggage and the same inviolability for all papers and documents as is accorded to a diplomatic agent; and
 - (c) while exercising his functions and during journeys in connection with service on such a committee or mission, the same exemptions and privileges in respect of his personal baggage as is accorded to a diplomatic agent in accordance with Article 36 of the 1961 Convention Articles.

PART IV-Immunities and Privileges of Families of Officers

13. A spouse or minor child of an officer of the Agency who is part of the household of the officer in the Islands has the same immunities and privileges set out in Part II of this Schedule as the officer.

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Carmena H. Parsons
Clerk of Executive Council

