



Isle of Man

Ellan Vannin

AT 16 of 1983

**ARBITRATION (INTERNATIONAL
INVESTMENT DISPUTES) ACT 1983**



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**Isle of Man***Ellan Vannin*

ARBITRATION (INTERNATIONAL INVESTMENT DISPUTES) ACT 1983

Received Royal Assent: 29 June 1983
Passed: 12 July 1983
Commenced: 1 November 1983

AN ACT to implement an international Convention on the settlement of investment disputes between States and nationals of other States.

1 Registration of Convention awards

[P1966/41/1; Cmnd3255]

- (1) This section has effect as respects awards rendered pursuant to the Convention on the settlement of investment disputes between States and nationals of other States which was opened for signature in Washington on 18th March 1965 (in this Act called "**the Convention**").
- (2) A person seeking recognition or enforcement of such an award shall be entitled to have the award registered in the High Court subject to proof of the prescribed matters and to the other provisions of this Act.
- (3) [Repealed]¹
- (4) In addition to the pecuniary obligations imposed by the award, the award shall be registered for the reasonable costs of and incidental to registration.
- (5) If at the date of the application for registration the pecuniary obligations imposed by the award have been partly satisfied, the award shall be registered only in respect of the balance, and accordingly if those obligations have then been wholly satisfied, the award shall not be registered.
- (6) Rules of court may —
 - (a) prescribe the procedure for applying for registration under this section, and require an applicant to give prior notice of his intention to other parties,

- (b) prescribe the matters to be proved on the application and the manner of proof, and in particular require the applicant to furnish a copy of the award certified pursuant to the Convention, and
 - (c) provide for the service of notice of registration of the award by the applicant on other parties.
- (7) For the purposes of this section and section 2, an award shall be deemed to have been rendered pursuant to the Convention on the date on which certified copies of the award were pursuant to the Convention dispatched to the parties.
- (8) This section and section 2 shall bind the Crown (but not so as to make an award enforceable against the Crown in a manner in which a judgment would not be enforceable against the Crown).

2 Effect of registration

[P1966/41/2]

- (1) Subject to the provisions of this Act, an award registered under section 1 shall, as respects the pecuniary obligations which it imposes, be of the same force and effect for the purposes of execution as if it had been a judgment of the High Court given when the award was rendered pursuant to the Convention and entered on the date of registration under this Act, and, so far as relates to such pecuniary obligations —
- (a) proceedings may be taken on the award,
 - (b) the sum for which the award is registered shall carry interest, and
 - (c) the High Court shall have the same control over the execution of the award,
- as if the award had been such a judgment of the High Court.
- (2) Rules of court may contain provisions requiring the court on proof of the prescribed matters to stay execution of any award registered under this Act so as to take account of cases where enforcement of the award has been stayed (whether provisionally or otherwise) pursuant to the Convention, and may provide for the provisional stay of execution of the award where an application is made pursuant to the Convention which, if granted, might result in a stay of enforcement of the award.

Procedural provisions

3 Application of Arbitration Act 1976

- (1) The Clerk of the Rolls may by order direct that any of the provisions contained in section 13 of the *Arbitration Act 1976* (attendance of witnesses, production of documents, etc.) shall apply to such proceedings pursuant to the Convention as are specified in the order, with or without any modifications or exceptions specified in the order.

- (2) Subject to subsection (1), the *Arbitration Act 1976* shall not apply to proceedings pursuant to the Convention, but this subsection shall not be taken as affecting section 4 of the said Act (stay of proceedings).

Immunities and privileges

4 Status, immunities and privileges conferred by the Convention

[P1966/41/4]

- (1) Articles 18 to 20, 21(a) (with article 22 as it applies article 21(a)), 23(1) and 24 of the Convention (which confer status, immunities and privileges on the Centre and certain other persons, and are set out in the Schedule) shall have the force of law in the Island.
- (2) Nothing in article 24(1) of the Convention as given the force of law by this section shall be construed as —
- (a) entitling the Centre to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported, or
 - (b) conferring on the Centre any exemption from duties or taxes which form part of the price of goods sold, or
 - (c) conferring on the Centre any exemption from duties or taxes which are no more than charges for services rendered.
- (3) For the purposes of articles 20 and 21(a) of the Convention as given the force of law by this section, a statement to the effect that the Centre has waived an immunity in the circumstances specified in the statement, being a statement certified by the Secretary-General of the Centre (or by the person acting as Secretary-General), shall be conclusive evidence.

Supplemental

5 Interpretation

In this Act —

“**award**” includes any decision interpreting, revising or annulling an award, being a decision pursuant to the Convention, and any decision as to costs which under the Convention is to form part of the award;

“**the Centre**” means the International Centre for Settlement of Investment Disputes established by the Convention;

“**the Convention**” means the convention referred to in section 1(1);

“**prescribed**” means prescribed by rules of court.

6 Short title and commencement

- (1) This Act may be cited as the Arbitration (International Investment Disputes) Act 1983.
- (2) This Act shall come into force on such day as the Governor in Council may by order appoint.²

SCHEDULE

[Section 4]

**SECTION 6 OF THE CONVENTION AS GIVEN THE FORCE OF
LAW***Status, Immunities and Privileges***ARTICLE 18**

The Centre shall have full international legal personality. The legal capacity of the Centre shall include the capacity —

- (a) to contract;
- (b) to acquire and dispose of movable and immovable property;
- (c) to institute legal proceedings.

ARTICLE 19

To enable the Centre to fulfil its functions, it shall enjoy in the territories of each Contracting State the immunities and privileges set forth in this Section.

ARTICLE 20

The Centre, its property and assets shall enjoy immunity from all legal process, except when the Centre waives this immunity.

ARTICLE 21

The Chairman, the members of the Administrative Council, persons acting as conciliators or arbitrators or members of a Committee appointed pursuant to paragraph (3) of Article 52, and the officers and employees of the Secretariat —

- (a) shall enjoy immunity from legal process with respect to acts performed by them in the exercise of their functions, except when the Centre waives this immunity;
- (b) ...

ARTICLE 22

The provisions of Article 21 shall apply to persons appearing in proceedings under this Convention as parties, agents, counsel, advocates, witnesses or experts; ...

ARTICLE 23

- (1) The archives of the Centre shall be inviolable, wherever they may be.
- (2) ...

ARTICLE 24

(1) The Centre, its assets, property and income, and its operations and transactions authorized by this Convention shall be exempt from all taxation and customs duties. The Centre shall also be exempt from liability for the collection or payment of any taxes or customs duties.

(2) Except in the case of local nationals, no tax shall be levied on or in respect of expense allowances paid by the Centre to the Chairman or members of the Administrative Council, or on or in respect of salaries, expense allowances or other emoluments paid by the Centre to officials or employees of the Secretariat.

(3) No tax shall be levied on or in respect of fees or expense allowances received by persons acting as conciliators, or arbitrators, or members of a Committee appointed pursuant to paragraph (3) of Article 52, in proceedings under this Convention, if the sole jurisdictional basis for such tax is the location of the Centre or the place where such proceedings are conducted or the place where such fees or allowances are paid.

ENDNOTES

Table of Endnote References

¹ Subs (3) repealed by Civil Jurisdiction Act 2001 s 5 with saving.

² ADO (whole Act) 1/11/1983 (GC194/83).