



THE REPUBLIC OF KENYA

LAWS OF KENYA

**THE DIPLOMATIC PRIVILEGES (INTERNATIONAL
TELECOMMUNICATION UNION) ORDER**

NO. 1238 OF 1955

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Privileges and Immunities Act

The Diplomatic Privileges (International Telecommunication Union) Order

Gazette Notice 1238 of 1955

Legislation as at 31 December 2022

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The Diplomatic Privileges (International Telecommunication Union) Order (Gazette Notice 1238 of 1955)

Contents

Paragraph 1. 1

Paragraph 2. 1

Paragraph 3. 1

Paragraph 4. 1

Paragraph 5. 1

Paragraph 6. 1

Paragraph 7. 1

 Subparagraph (1) 1

 Subparagraph (a) 1

 Subparagraph (b) 1

 Subparagraph (2) 1

 Subparagraph (3) 2

Paragraph 8. 2

Paragraph 9. 2

 Subparagraph (a) 2

 Subparagraph (b) 2

 Subparagraph (c) 2

 Subparagraph (d) 2

 Subparagraph (e) 2

 Subparagraph (f) 2

 Subparagraph (g) 2

Paragraph 10. 2

PRIVILEGES AND IMMUNITIES ACT

**THE DIPLOMATIC PRIVILEGES (INTERNATIONAL
TELECOMMUNICATION UNION) ORDER**

GAZETTE NOTICE 1238 OF 1955

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Union\) \(Amendment\) Order, 1962 \(Legal Notice 376 of 1962\)](#) on 24 July 1962]
[Revised by [24th Annual Supplement \(Legal Notice 221 of 2023\)](#) on 31 December 2022]

A - CITATION

1. This Order may be cited as the Diplomatic Privileges (International Telecommunication Union) Order.

B - THE ORGANIZATION

2. The Union shall have the legal capacities of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.
3. The Union shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of official archives and premises of an envoy of a foreign sovereign Power accredited to Kenya.
4. The Union shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.
5. The Union shall have exemption from taxes on the importation of goods directly imported by the Union for its official use in Kenya or for exportation, or on the importation of any publication of the Union directly imported by it, such exemption to be subject to compliance with such conditions as the Commissioner of Customs may prescribe for the protection of the revenue.
6. The Union shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Union for its official use and in the case of any publications of the Union directly imported or exported by it.

C - REPRESENTATIVES OF THE ORGANIZATION

7. (1) Except in so far as in any particular case any privilege or immunity is waived, in the case of representatives of member governments, by the member governments whom they represent, representatives of member Governments at plenipotentiary and administrative conferences, on the administrative Council, or consultative committees, or on any committee of any of these bodies shall enjoy -
 - (a) while exercising their functions as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents;
 - (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as representatives.
- (2) Where the incidence of any form of taxation depends upon residence, representatives shall not be deemed to be resident in Kenya during any period when they are present in Kenya for the discharge of their duties.

- (3) For the purpose of the application of this Article, the expression "representatives" shall be deemed to include, in addition to the representatives, the members of their official staffs, accompanying them as such representatives, as alternate representatives, advisers, technical experts or secretaries of delegations.

D - HIGH OFFICIALS OF THE UNION

8. Except in so far as in any particular case any privilege or immunity is waived by the Union, any officer of the Union holding the office of Secretary-General (including any officer acting for him during his absence from duty) shall be accorded in respect of himself, his spouse and his children under the age of twenty-one the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than income tax, as are accorded to an envoy of a foreign sovereign Power accredited to Kenya and his spouse and children, and exemption from income tax in respect of emoluments received by him as an officer of the Union.

E - OTHER OFFICIALS OF THE UNION

9. Except in so far as in any particular case any privilege or immunity is waived by the Union, officials of the Union of any category specified by it shall enjoy -
- (a) immunity from suit and legal process in respect of words spoken or written and things done or omitted to be done by them in the course of the performance of their official duties; and
 - (b) exemption from income tax in respect of emoluments received by them as officers or servants of the Union; and
 - (c) immunity from national service obligations; and
 - (d) immunity from immigration restrictions and alien registration in respect of officers and servants, their spouses and dependent relatives; and
 - (e) the like privileges in respect of exchange facilities as are accorded to officials of equivalent status forming part of diplomatic missions to the Government; and
 - (f) the like facilities for officers and servants, and their spouses and dependent relatives for repatriation in times of international crisis as are afforded to diplomatic missions to the Government; and
 - (g) exemption from tax or duty on the importation of furniture, personal property and household effects, on an officer or servant first arriving to take up his post in Kenya.

[L.N. 376/1962, r. 2.]

F - GENERAL

10. The names of the persons specified from time to time in exercise of the powers conferred by subsection (3) of section 2 of the Act as being entitled to the immunities and privileges referred to in this Order shall be set forth in a list compiled and published from time to time showing in regard to each person a reference to the notice prepared under the said subsection (3) and specifying the dates between which the office or employment in question was held.

[LN. 376/1962, r. 2.]