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**THE DIPLOMATIC PRIVILEGES (INTERNATIONAL
CIVIL AVIATION ORGANISATION) ORDER**

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Privileges and Immunities Act

The Diplomatic Privileges (International Civil Aviation Organisation) Order

Legal Notice 526 of 1956

Legislation as at 31 December 2022

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PRIVILEGES AND IMMUNITIES ACT
**THE DIPLOMATIC PRIVILEGES (INTERNATIONAL
CIVIL AVIATION ORGANISATION) ORDER**
LEGAL NOTICE 526 OF 1956

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[Amended by [Diplomatic Privileges \(Amendments\) \(No. 2\)
Order, 1961 \(Legal Notice 497 of 1961\)](#) on 29 August 1961]

[Revised by [24th Annual Supplement \(Legal Notice 221 of 2023\)](#) on 31 December 2022]

1. This Order may be cited as the Diplomatic Privileges (International Civil Aviation Organisation) Order.

A - THE ORGANISATION

2. The Organisation 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 Organisation 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 Organisation 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 Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Kenya or for exportation, or on the importation of any publications of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Commissioner of Customs and Excise may prescribe for the protection of the revenue.
6. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of any publications of the Organisation directly imported or exported by it.
7. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the Press or for broadcasting (including communications addressed to or despatched from places outside Kenya) of any reduced rates applicable for the corresponding service in the case of Press telegrams.

B-REPRESENTATIVES OF MEMBERS

8. (1) Except in as far as in any particular case any privilege or immunity is waived by the member governments whom they represent, representatives of member governments to the Council of the Organisation 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;

- (c) while exercising their functions and during their journey to and from the place of meeting, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign power accredited to Kenya, save that the relief allowed shall not include relief from customs and excise duties or purchase tax in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in Kenya during any period when they are present in Kenya whilst exercising their functions or during their journey to and from the place of meeting. The provisions of this subparagraph shall not apply to Kenya citizens, or persons whose usual place of abode is in Kenya.
- (2) For the purpose of the application of this Order, the expression, "representatives of member governments" shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

C - HIGH OFFICIALS

9. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, the Secretary-General or the Deputy Secretary-General of the Organisation and the President of the Council of the Organisation shall be accorded in respect of themselves, their spouses and their 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 as are accorded to an envoy of a foreign sovereign Power accredited to Kenya and his spouse and children, including exemption from income tax in respect of emoluments received by them as officers of the Organisation.

D – PERSONS SERVING ON COMMITTEES OF OR EMPLOYED ON MISSIONS ON BEHALF OF THE ORGANISATION

10. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, persons (other than officials of the Organisation) serving on Committees of or employed on missions on behalf of the Organisation 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 of all papers and documents relating to the work of the Organisation;
 - (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions. Such immunity shall continue notwithstanding that the person concerned is no longer employed on missions on behalf of the Organisation.

E – OTHER OFFICIALS OF THE ORGANISATION

11. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, all officials of the Organisation, other than those referred to in paragraph 9, shall enjoy—
- (a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties;
 - (b) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation.
 - (c) immunity from national service obligations;
 - (d) immunity from immigration restrictions and alien registration in respect of officers and servants, their spouses and dependent relatives;
 - (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;

- (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;
- (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. 497/1961, s. 2.]

F - GENERAL

12. 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.

[L.N. 25/1961, s. 2.]