



THE REPUBLIC OF KENYA

LAWS OF KENYA

**THE DIPLOMATIC PRIVILEGES (COMMISSION FOR TECHNICAL
CO-OPERATION IN AFRICA SOUTH OF THE SAHARA) ORDER**

NO. 24 OF 1961

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Privileges and Immunities Act

The Diplomatic Privileges (Commission for Technical Co-operation in Africa South of the Sahara) Order

Legal Notice 24 of 1961

Legislation as at 31 December 2022

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The Diplomatic Privileges (Commission for Technical Co-operation in Africa South of the Sahara) Order
(Legal Notice 24 of 1961)

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PRIVILEGES AND IMMUNITIES ACT
THE DIPLOMATIC PRIVILEGES (COMMISSION
FOR TECHNICAL CO-OPERATION IN
AFRICA SOUTH OF THE SAHARA) ORDER
LEGAL NOTICE 24 OF 1961

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WHEREAS, by [section 2](#) of the Diplomatic Privileges (Extension) Ordinance, it is enacted that the Governor in Council of Ministers may, by Order, provide that any organization to which the section applies, and certain representatives, officers and others of, or connected with, such organization, shall, to the extent specified in the Order, have the immunities and privileges set out in the Schedule to that Ordinance:

And whereas the Governor in Council of Ministers has by the Diplomatic Privileges (Extension) (Declared Organizations)(Amendment) Order, 1960, added the name of the Commission for Technical Co-operation in Africa South of the Sahara (hereinafter referred to as "the Commission") to the list of those organizations of which Her Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign powers are members:

Now, therefore, in exercise of the powers conferred by the aforesaid Ordinance, the Government in Council of Ministers hereby makes the following Order:-

1. This Order may be cited as the Diplomatic Privileges (Commission for Technical Co-operation in Africa South of the Sahara) Order.

A - THE COMMISSION

2. The Commission 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 from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.
3. The Commission shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of official archives and premises of any envoy of a foreign sovereign power accredited to Her Majesty.
4. The Commission 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 Commission shall have exemption from taxes on the importation of goods directly imported by the Commission for its official use in the Colony or for exportation, or on the importation of any publications of the Commission 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 Commission shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Commission for its official use and in the case of any publication of the Commission directly imported or exported by it.

B - REPRESENTATIVES OF MEMBER GOVERNMENTS ATTENDING MEETINGS

7. Except in so far as in any particular case any privilege or immunity is waived by the Governments whom they represent, representatives of member governments attending meetings of the Commission shall enjoy -
 - (a) 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 Commission;
 - (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;
 - (c) exemption from immigration formalities and alien registration.

C - SECRETARY-GENERAL AND OTHER OFFICERS AND SERVANTS

8. Except in so far as any privilege or immunity is waived by the Commission, the Secretary-General and other officers and servants thereof shall enjoy -
 - (a) when 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 official capacity;
 - (c) exemption from immigration formalities and alien registration;
 - (d) while exercising their functions, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign power accredited to Her Majesty, save that the relief allowed shall not include relief from customs and excise duties or purchase tax except in respect of goods imported as part of their personal baggage of their family, on the occasion of their first arrival in the Colony to take up employment. They shall not, where the incidence of any form of taxation depends upon residence, when deemed to be resident in the Colony during any period when they are present in the Colony whilst exercising their functions or during their journey to and from the place of meeting. The provisions of this subparagraph shall not apply to British subjects whose usual place of abode is in the Colony.
9. The names of the persons specified from time to time in exercise of the powers conferred by subsection (3) of [section 2](#) of the Ordinance 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.