

(Legislative Supplement No. 88)

LEGAL NOTICE NO. 205

THE PRIVILEGES AND IMMUNITIES ACT

(Cap. 179)

IN EXERCISE of the powers conferred by section 9 of the Privileges and Immunities Act, the Cabinet Secretary for Foreign Affairs makes the following Order—

THE PRIVILEGES AND IMMUNITIES (INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT) ORDER, 2022

1. This Order may be cited as the Privileges and Immunities (Intergovernmental Authority on Development) Order, 2022.

2. The Intergovernmental Authority on Development, in this Order, referred to as “the Authority”, being an intergovernmental organisation operating on a not-for-profit basis, is declared to be an organisation to which section 9 of the Act shall apply.

3. The Authority shall have the legal capacity of a body corporate and, in its corporate capacity, to—

- (a) enter into contracts;
- (b) institute and defend legal proceedings; and
- (c) acquire, hold and dispose of movable and immovable property in accordance with the Laws of Kenya.

4. The Authority shall have the privileges and immunities specified in Part I of the Fourth Schedule to the Act:

Provided that—

- (a) immunity from legal processes shall not apply in the case of commercial disputes, labour disputes or where immunity has been waived by the Authority;
- (b) tax exemption shall not extend to the owner or lessor of any movable or immovable property rented by the Authority; and
- (c) tax exemption shall not extend to the charges for public utility services, business and investment income, and indirect taxes which constitute part of the cost of goods purchased or services rendered.

5. Any person who is an official of the Authority shall, while sojourning to, through and from Kenya and performing duties in the service of the Authority, have the privileges and immunities specified in paragraphs 2, 3, 4, 5, 6 and 7 of Part III of the Fourth Schedule to the Act:

Provided that the provisions of this paragraph shall not apply to citizens of Kenya or to any person who is ordinarily resident in Kenya except solely for the purpose of being an employee of, and working exclusively for, the Authority.

Made on the 16th September, 2022.

RAYCHELLE OMAMO,
Cabinet Secretary for Foreign Affairs.