



LAWS OF KENYA



PRIVILEGES AND IMMUNITIES ACT

CHAPTER 179

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CHAPTER 179

PRIVILEGES AND IMMUNITIES ACT

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CHAPTER 179

PRIVILEGES AND IMMUNITIES ACT

[Date of assent: 3rd April, 1970.]

[Date of commencement: 6th April, 1970.]

An Act of Parliament to amend and consolidate the law on diplomatic and consular relations by giving effect to certain international conventions and otherwise; to consolidate the law relating to the immunities, privileges and capacities of international organizations of which Kenya is a member and of certain other bodies; and for matters incidental to and connected with the foregoing

[Act 3 of 1970, L.N. 22/1984, Act No. 16 of 2008.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Privileges and Immunities Act.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**Commonwealth country**” means any country to which, for the time being, section 95 of the Constitution applies;

“**consular officer**” means a person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions and any person in the service of the Government of a Commonwealth country performing any such functions;

“**consular post**” means any consulate-general, consulate, vice-consulate or consular agency;

“**diplomatic agent**” has the meaning assigned to it in Article 1 in the First Schedule;

“**the Minister**” means the Minister for the time being responsible for foreign affairs.

(2) In the Articles set out in the First and Second Schedules—

“**agent of the receiving State**” or “**authorities of the receiving State**” shall be construed as including a police officer and any person exercising a power of entry to any premises under any written law;

“**grave crime**” shall be construed as meaning any offence punishable on a first conviction with imprisonment for a term that may extend to five years or with a more severe sentence;

“**Ministry for Foreign Affairs or such other ministry as may be agreed**” shall be construed as meaning the Ministry of the Minister;

“national of the receiving State” shall be construed as meaning a citizen of Kenya.

[L.N. 22/1984, Sch.]

PART II – DIPLOMATIC RELATIONS

3. Replacement of existing law

The following provisions of this Part shall, with respect to the matters dealt with therein, have effect in substitution for any previous written law or rule of law.

4. Application of Convention

(1) Subject to section 15, the Articles set out in the First Schedule to this Act (being Articles of the Vienna Convention on Diplomatic Relations signed in 1961) shall have the force of law in Kenya and shall for that purpose be construed in accordance with the following provisions of this section.

(2) For the purposes of Article 32 a waiver by the head of the mission of a State or a person for the time being performing his functions shall be deemed to be a waiver by that State.

(3) Articles 35, 36 and 40 shall be construed as granting any immunity or privilege which they require to be granted.

(4) The references in Articles 37 and 38 to the extent to which immunities and privileges are admitted by the receiving state and to additional immunities and privileges that may be granted by the receiving state shall be construed as referring respectively to the extent to which any immunities or privileges are specified by the Minister by order and to any additional immunities and privileges that may be so specified.

(5) In its application to the immunity granted by paragraphs (2), (3) and (4) of Article 37 of the First Schedule the expression “permanently resident” in Article 38 of that Schedule shall be deemed to extend to an individual other than one who is resident in Kenya solely for the purpose of performing the duties of his office for a mission.

PART III – CONSULAR RELATIONS

5. Application of Convention

(1) Subject to sections 6(2) and 15, the Articles set out in the Second Schedule (being Articles or parts of Articles of the Vienna Convention on Consular Relations signed in 1963) shall have the force of law in Kenya and shall for the purpose be construed in accordance with the following provisions of this section.

(2) The reference in paragraph 2 of Article 17 to any immunities and privileges accorded by customary international law or by international agreements shall be construed as a reference to immunities and privileges conferred under Part IV of this Act.

(3) The references in Article 44 to matters connected with the exercise of the functions of members of a consular post shall be construed as matters connected with the exercise of consular functions by consular officers or consular employees.

(4) For the purposes of Article 45 and that Article as applied by Article 58, a waiver shall be deemed to have been expressed by a state if it has been expressed by the head, or a person for the time being performing the functions of head, of the diplomatic mission of that State or, if there is no such mission, of the consular post concerned.

(5) Articles 50, 51, 52, 54, 62 and 67 shall be construed as granting an immunity or privilege which they require to be granted.

(6) The reference in Article 57 to the immunities and privileges provided in Chapter II shall be construed as referring to those provided in Section II of that Chapter.

(7) The reference in Article 70 to the rules of international law concerning diplomatic relations shall be construed as a reference to the provisions of Part II of, and Schedule I to, this Act.

(8) The reference in Article 71 to additional immunities and privileges that may be granted by the receiving state or to immunities and privileges so far as these are granted by the receiving state shall be construed as referring to such immunities and privileges as may be specified by the Minister by order.

(9) In its application to the immunity granted by Article 49 of the Second Schedule the expression "permanently resident" in Article 71 of that Schedule shall be deemed to extend to an individual other than one who is resident in Kenya solely for the purpose of performing the duties of his office for a consular post.

6. Agreements

(1) Where an agreement made, whether before or after the commencement of this Act, between Kenya and another State provides for according to consular posts and persons connected with them immunities and privileges not accorded to them by the other provisions of this Act, the Minister may, by order, exercise, with respect to the consular posts of that state and persons connected with them, the powers specified in the Third Schedule to so far as may be necessary to give effect to that agreement.

(2) Where an agreement made, whether before or after the commencement of this Act, between Kenya and another state provides for according to consular posts and persons connected with them some but not all of the immunities and privileges accorded to them by the other provisions of this Act, the Minister may, by order, provide for excluding, with respect to consular posts of that state and persons connected with them, any of the immunities and privileges which are not provided for by that agreement.

7. Commonwealth representatives

(1) The Minister may, by order, confer—

- (a) on persons in the service of the government of a Commonwealth country holding such offices or class of offices as may be specified in the order, being offices or classes of offices which appear to the Minister to involve the performance of duties substantially corresponding to those which, in the case of a foreign sovereign power, would be performed by a consular officer;

- (b) on a person for the time being recognized by the Government of Kenya as the chief representative of any state or province of a Commonwealth country (in this section referred to as a state representative);
- (c) on members of the staff of any such person as is mentioned in paragraph (a) or (b),

immunities or privileges which are conferred by or may be conferred under this Part, and any such order may provide for extending, in relation to premises, official archives, communications, documents and personal property of persons on whom immunities and privileges are or may be conferred under this section, and in relation to any fees and charges levied by them, the provisions of Articles 31, 32, 33, 35, 39 and 51 in the Second Schedule.

(2) An order under subsection (1) may exclude from immunities and privileges conferred by it persons who are permanently resident in Kenya, or who are citizens of Kenya or any class of such persons.

(3) Notwithstanding anything in this section—

- (a) a person for the time being recognized by the Government of Kenya as the chief representative in Kenya of a Commonwealth country may waive an immunity conferred under this section on a person in the service of the Government of the country which he represents;
- (b) a state representative may waive any immunity conferred under this section on himself or on a member of his staff.

8. Power of consular officer in relation to property of deceased persons

(1) Where a person who is a national of a foreign State is named as executor in the will of a deceased person disposing of property in Kenya, or is otherwise a person to whom a grant or representation to the estate in Kenya of a deceased person may be made, then if the Court is satisfied, on the application of a consular officer of the said state, that the national is not resident in Kenya, and if no application for a grant of representation is made by a person duly authorized by power of attorney to act for the national in that behalf, the court shall make to that officer any such grant of representation to the estate of the deceased as would be made to him if he were so authorized:

Provided that the Court may, if it thinks fit, postpone the making of such grant during such period as the court considers appropriate having regard to all the circumstances of the case.

(2) Where any person who is a national of a foreign State—

- (a) is entitled to payment or delivery of any money or property in respect of an interest in the estate of a deceased person, or vesting in possession on the death of any person, or is entitled to payment of any money becoming due on the death of any person; or
- (b) is a person to whom any money or property comprised in the estate of a deceased person may be paid or delivered in pursuance of any written law, whether passed or made before or after the commencement of this Act, authorizing the payment or delivery of such money or property without representation to the estate of the deceased being granted, then, if the said national is not resident in Kenya, a consular officer of that State shall have the like right and

power to receive and give a valid discharge for any such money or property in Kenya as if he were duly authorized by power of attorney to act for such national in that behalf:

Provided that no person shall be authorized or required by this subsection to pay or deliver money or property to a consular officer if it is within his knowledge that another person in Kenya has been expressly authorized to receive that money or property on behalf of the said national.

(3) A grant of administration made by virtue of this section may be made to the consular officer concerned by his official title and to his successors in office, and when a grant is so made the office of administrator, and all the estate, rights, duties and liabilities of the administrator (including liabilities under the administration bond), shall be vested in and imposed on the person for the time being holding the office, and no fresh grant shall be required by reason only of the death or vacation of office of the person to whom the grant was made, or in whom it is vested:

Provided that nothing in this subsection shall affect any limitation contained in the grant or any power of the court to revoke the grant.

(4) No sureties shall be required to an administration bond given by a consular officer upon the grant to him of administration by virtue of this section.

(5) Notwithstanding any other provision of this Part conferring immunity or privilege in respect of the official acts and documents of consular officers, a consular officer shall not be entitled to immunity or privilege in respect of any act done by virtue of powers conferred on him by or under this section or in respect of any document for the time being in his possession in relation thereto.

PART IV – INTERNATIONAL ORGANISATIONS, ETC.

9. Privileges, etc., of certain international organizations and persons connected therewith

(1) This section shall apply to an organization which the Minister may, by order, declare to be an organization of which Kenya, or the Government, and one or more foreign sovereign powers, or the government or governments thereof, are members.

(2) The Minister may, by order—

- (a) provide that an organization to which this section applies (hereinafter referred to as the organization) shall, to such extent as may be specified in the order, have the immunities and privileges set out in Part I of the Fourth Schedule to this Act, and shall also have the legal capacities of a body corporate;
- (b) confer upon—
 - (i) any persons who are representatives (whether of governments or not) on any organ of the organization or are members of any committee of the organization or of an organ thereof;
 - (ii) such number of officers of the organization as may be specified in the order, being the holders of such high offices in the organization as may be so specified; and

(iii) such persons employed on missions on behalf of the organization as may be so specified,

to such extent as may be specified in the order, the immunities and privileges set out in Part II of the said Fourth Schedule;

(c) confer upon such other classes of officers and servants of the organization as may be specified in the order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Fourth Schedule,

and Part IV of the said Fourth Schedule shall have effect for the purpose of extending to the staffs of such representatives and members as are mentioned in subparagraph (i) of paragraph (b) of this subsection, and to the families of officers of the organization, any immunities and privileges conferred on the representatives, members or officers under that paragraph, except in so far as the operation of Part IV is excluded by the order conferring the immunities and privileges.

(3) An order under subsection (2) of this section shall be so framed as to secure that there are not conferred upon any person immunities or privileges greater in extent than those which, at the time of the making of the order, are required to be conferred on that person in order to give effect to any international agreement in that behalf and that no immunity or privilege is conferred upon any person as the representative of the Government of Kenya or as a member of the staff of such representative.

(4) Where immunities and privileges are conferred upon persons by an order under subsection (2) of this section, the Minister, by notice in the *Gazette*—

(a) shall specify the persons entitled to immunities and privileges conferred under paragraph (b) of that subsection; and

(b) may specify the persons entitled to immunities and privileges conferred under paragraph (c) of that subsection.

9A. The International Criminal Court

The judges, officials and staff of the International Criminal Court, and any counsel, experts, witnesses and other persons required to be present at the seat of that Court, shall have the privileges and immunities set out in article 48 of the Rome Statute and the agreement on privileges and immunities contemplated in that article.

[Act No. 16 of 2008, s. 174.]

10. Representatives at international conferences

Where a conference is held in Kenya and is attended by the representatives of the Government of Kenya and of the government or governments of one or more other States, and it appears to the Minister that doubts may arise as to the extent to which the representatives of such other States and members of their official staffs are entitled to diplomatic immunities and privileges, he may, by notice in the *Gazette*, specify the persons and the Articles set out in the First Schedule to this Act which shall apply to them, and, for the purposes of those Articles, every representative of a State who is for the time being specified in such a notice shall be deemed to be a head of the mission and such of his official staff as are for the time being included in the notice shall be deemed to be members of the diplomatic staff.

11. Technical assistance, etc., agencies

(1) Where the Government of Kenya has, whether before or after the commencement of this Act, entered into any agreement with an external agency under which, in return for assistance or co-operation in works executed in, or services rendered to, Kenya by that agency, the Government has agreed that such agency or persons in its service should enjoy immunities or privileges, the Minister may, by order—

- (a) declare that such agency is one to which this section applies;
- (b) provide that, to such extent as may be specified in the order, such agency shall have the immunities and privileges set out in Part I of the Fourth Schedule to this Act;
- (c) confer upon such classes of officers and servants of such agency as may be specified in the order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Fourth Schedule,

and for the purposes of any such order references in the said Fourth Schedule to the organization shall be construed as references to the external agency named in the order.

(2) An order under subsection (1) of this section shall be so framed as to secure that there not conferred on any person any immunities or privileges greater in extent than those which are required to be conferred on that person by the agreement concerned and that no immunity or privilege is conferred on any person who is a citizen of, or permanently resident in, Kenya.

(3) Where immunities and privileges are conferred upon any person by an order under subsection (1) of this section, the Minister shall, by notice in the *Gazette*, specify the persons who are for the time being entitled to those immunities and privileges.

(4) For the purposes of this section, “**external agency**” means—

- (a) the government of a foreign State;
- (b) a recognized agency of such a government;
- (c) an internationally recognized foundation or other body.

12. Modifications in respect of the United Nations Organization

In its application to the United Nations Organization, established by Charter at San Francisco on 25th June, 1945, this Part shall have effect subject to the following modifications—

- (a) a reference to the governing body or a committee of the organization shall be construed as referring to the General Assembly or any council or other organ of the United Nations Organization; and
- (b) the powers conferred upon the Minister by subsection (2) of section 9 of this Act shall include power to confer on the judges and registrars of the International Court set up under the Charter, and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly.

13. Reciprocal treatment

Notwithstanding the foregoing provisions of this Part, the Minister may decline to accord immunities and privileges to, or may withdraw immunities and privileges from, nationals or representatives of any State on the ground that the State is failing to accord corresponding immunities and privileges to citizens or representatives of Kenya.

PART V – GENERAL**14. Oaths and notarial acts**

A diplomatic agent or consular officer of any State may, if authorized to do so under the Laws of that State, administer oaths, take affidavits and do notarial acts—

- (a) required by a person for use in that State or under the Laws thereof; or
- (b) otherwise required by a national of that State but not for use in Kenya except under the Laws of some other country.

15. Restriction of immunities, privileges or powers

If it appears to the Minister that the immunities, privileges or powers accorded to a diplomatic mission or consular post of Kenya in the territory of any State, or to persons connected with that mission or post, are less than those accorded by this Act to the diplomatic mission or consular post of that State, or to the persons connected therewith, the Minister may, by order, withdraw such of the immunities, privileges or powers accorded by this Act from the diplomatic mission or consular post of that State, or from such persons connected therewith, as appears to the Minister to be proper.

16. Evidence

If in any proceedings any question arises whether or not a person is entitled to the benefit of an immunity or privilege, or to exercise any power, under this Act, a certificate given by the Minister stating any fact relating to that question shall be conclusive evidence of that fact, and any such certificate purporting to be signed by the Minister shall be presumed to have been signed by him until the contrary is proved.

17. Making of orders

Any order made under this Act shall, unless a draft thereof has been laid before Parliament and approved by resolution before the making thereof, be laid before Parliament without unreasonable delay, and, if a resolution is passed by Parliament within twenty days on which Parliament next sits after such order is laid before it that the order be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder, or to the making of a new order.

18. Repeal and savings

(1) The Diplomatic Privileges Act, 1708, of the United Kingdom is hereby repealed in its application to Kenya.

(2) The following Acts are hereby repealed—

- (a) the Administration of Estates by Consular Officers Act (Cap. 164);
- (b) the Diplomatic Privileges Extension Act (Cap. 179);
- (c) the Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Act (Cap. 180);
- (d) the Consular Conventions Act (Cap. 181).

(3) Nothing in this Act shall affect any order made, or list or notice published, under any law repealed by this Act, but any such order, list or notice shall, if in force at the commencement of this Act, continue in force and, so far as it could have been made or published under this Act, have effect as if so made or published.

FIRST SCHEDULE

ARTICLES OF VIENNA CONVENTION ON DIPLOMATIC RELATIONS HAVING THE FORCE OF LAW IN KENYA

[Sections 4 and 10.]

ARTICLE 1

For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them—

- (a) the “**head of the mission**” is the person charged by the sending State with the duty of acting in that capacity;
- (b) the “**members of the mission**” are the head of the mission and the members of the staff of the mission;
- (c) the “**members of the staff of the mission**” are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;
- (d) the “**members of the diplomatic staff**” are the members of the staff of the mission having diplomatic rank;
- (e) a “**diplomatic agent**” is the head of the mission or a member of the diplomatic staff of the mission;
- (f) the “**members of the administrative and technical staff**” are the members of the staff of the mission employed in the administrative and technical service of the mission;
- (g) the “**members of the service staff**” are the members of the staff of the mission in the domestic service of the mission;
- (h) a “**private servant**” is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;
- (i) the “**premises of the mission**” are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

ARTICLE 22

1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.
2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.
3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

ARTICLE 23

1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific service rendered.
2. The exemption from taxation referred to in this Article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or the head of the mission.

ARTICLE 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

ARTICLE 27

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.
2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.
3. The diplomatic bag shall not be opened or detained.
4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.
5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate diplomatic couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

ARTICLE 28

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

ARTICLE 29

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and take all appropriate steps to prevent any attack on his person, freedom or dignity.

ARTICLE 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.
2. His papers, correspondence and, except as provided in paragraph 3 of Article 31, his property, shall likewise enjoy inviolability.

ARTICLE 31

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of—
 - (a) a real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
 - (b) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
 - (c) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.
2. A diplomatic agent is not obliged to give evidence as a witness.
3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under subparagraphs (a), (b) and (c) of paragraph 1 of this Article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

ARTICLE 32

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under Article 37 may be waived by the sending State.

2. The waiver must always be express.

3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under Article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

ARTICLE 33

1. Subject to the provisions of paragraph 3 of this Article, a diplomatic agent shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall also apply to private servants who are in the sole employ of a diplomatic agent, on condition—

- (a) that they are not nationals of or permanently resident in the receiving State; and
- (b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State.

5. The provisions of this Article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

ARTICLE 34

A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal except—

- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

- (b) dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
- (c) estate, succession or inheritance, duties levied by the receiving State, subject to the provisions of paragraph 4 of Article 39;
- (d) dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;
- (e) charges levied for specific services rendered;
- (f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property subject to the provisions of Article 23.

ARTICLE 35

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

ARTICLE 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services on—

- (a) articles for the official use of the mission;
- (b) articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.

2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this Article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorized representative.

ARTICLE 37

1. The members of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in Articles 29 to 36.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in Articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of Article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in Article 36, paragraph 1, in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption contained in Article 33.

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

ARTICLE 38

1. Except in so far as additional privileges and immunities may be granted by the receiving State, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

ARTICLE 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other ministry as may be agreed.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his family forming part of his household, the receiving State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property the

presence of which in the receiving State was due solely to the presence there of the deceased as a member of the mission or as a member of the family of a member of the mission.

ARTICLE 40

1. If a diplomatic agent passes through or is in the territory of a third State, which has granted him a passport visa if such visa was necessary, while proceeding to take up or to return to his post, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges or immunities who are accompanying the diplomatic agent, or travelling separately to join him or to return to their country.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the passage of members of the administrative and technical or service staff of a mission, and of members of their families, through their territories.

3. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as is accorded by the receiving State. They shall accord to diplomatic couriers, who have been granted a passport visa if such visa was necessary, and diplomatic bags in transit the same inviolability and protection as the receiving State is bound to accord.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and diplomatic bags, whose presence in the territory of the third State is due to *force majeure*.

SECOND SCHEDULE

[Sections 5 and 7.]

ARTICLES OF VIENNA CONVENTION ON CONSULAR RELATIONS HAVING THE FORCE OF LAW IN KENYA

ARTICLE 1

Definitions

1. For the purposes of the present Convention, the following expressions shall have the meanings hereunder assigned to them—

- (a) “**consular post**” means any consulate-general, consulate, vice-consulate or consular agency;
- (b) “**consular district**” means the area assigned to a consular post for the exercise of consular functions;
- (c) “**head of consular post**” means the person charged with the duty of acting in that capacity;

- (d) “**consular officer**” means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;
- (e) “**consular employee**” means any person employed in the administrative or technical service of a consular post;
- (f) “**member of the service staff**” means any person employed in the domestic service of a consular post;
- (g) “**members of the consular post**” means consular officers, consular employees and members of the service staff;
- (h) “**members of the consular staff**” means consular officers, other than the head of a consular post, consular employees and members of the service staff;
- (i) “**member of the private staff**” means a person who is employed exclusively in the private service of a member of the consular post;
- (j) “**consular premises**” means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;
- (k) “**consular archives**” includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safekeeping.

2. Consular officers are of two categories, namely career consular officers and honorary consular officers. The provisions of Chapter II of the present Convention apply to consular posts headed by career consular officers; the provisions of Chapter III govern consular posts headed by honorary consular officers.

3. The particular status of members of the consular posts who are nationals or permanent residents of the receiving State is governed by Article 71 of the present Convention.

CHAPTER I – CONSULAR RELATIONS IN GENERAL

ARTICLE 5

Consular Functions

Consular functions consist in—

- (a) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;
- (b) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;
- (c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;

- (d) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;
- (e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;
- (f) acting as notary and civil Registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;
- (g) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of succession *mortis causæ* in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;
- (h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;
- (i) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests;
- (j) transmitting judicial and extra-judicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;
- (k) exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews;
- (l) extending assistance to vessels and aircraft mentioned in subparagraph (k) of this Article, and to their crews, taking Statements regarding the voyage of a vessel, examining and stamping the ship's papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen in so far as this may be authorized by the laws and regulations of the sending State;
- (m) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the

receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

ARTICLE 17

Performance of Diplomatic Acts by Consular Officers

1. In a State where the sending State has no diplomatic mission and is not represented by a diplomatic mission of a third State, a consular officer may, with the consent of the receiving State, and without affecting his consular status, be authorized to perform diplomatic acts. The performance of such acts by a consular officer shall not confer upon him any right to claim diplomatic privileges and immunities.

2. A consular officer may, after notification addressed to the receiving State, act as representative of the sending State to any inter-governmental organization. When so acting, he shall be entitled to enjoy any privileges and immunities accorded to such a representative by customary international law or by international agreements; however, in respect of the performance by him of any consular function, he shall not be entitled to any greater immunity from jurisdiction than that to which a consular officer is entitled under the present Convention.

CHAPTER II – FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO
CONSULAR POSTS, CAREER CONSULAR OFFICERS AND OTHER
MEMBERS OF A CONSULAR POST

SECTION I – FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO
A CONSULAR POST

ARTICLE 31

Inviolability of the Consular Premises

1. Consular premises shall be inviolable to the extent provided in this Article.
2. The authorities of the receiving State shall not enter that part of the consular premises which is used exclusively for the purpose of the work of the consular post except with the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action.
3. Subject to the provisions of paragraph 2 of this Article, the receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.
4. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If expropriation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State.

ARTICLE 32

Exemption from Taxation of Consular Premises

1. Consular premises and the residence of the career head of consular post of which the sending State or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.
2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

ARTICLE 33

Inviolability of the Consular Archives and Documents

The consular archives and documents shall be inviolable at all times and wherever they may be.

ARTICLE 34

Freedom of Movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure freedom of movement and travel in its territory to all members of the consular post.

ARTICLE 35

Freedom of Communication

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.
2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.
3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this Article, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.
4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State he shall be neither a national of the receiving State, nor, unless he is a national of the sending State, a permanent resident of the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State, its diplomatic missions and its consular posts may designate consular couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

7. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

ARTICLE 36

Communication and Contact with Nationals of the Sending State

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State—

- (a) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State;
- (b) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this subparagraph;
- (c) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgment. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

2. The rights referred to in paragraph 1 of this Article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this Article are intended.

ARTICLE 38

Communication with the Authorities of the Receiving State

In the exercise of their functions, consular officers may address—

- (a) the competent local authorities of their consular district;
- (b) the competent central authorities of the receiving State if and to the extent that this is allowed by the laws, regulations and usages of the receiving State or by the relevant international agreements.

ARTICLE 39

Consular Fees and Charges

1. The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.

2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this Article, and the receipts for such fees and charges, shall be exempt from all dues and taxes in the receiving State.

SECTION II – FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO
CAREER CONSULAR OFFICERS AND OTHER MEMBERS OF A
CONSULAR POST

ARTICLE 41

Personal Inviolability of Consular Officers

1. Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.

2. Except in the case specified in paragraph 1 of this Article, consular officers shall not be committed to prison or liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

3. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except in the case specified in paragraph 1 of this Article, in a manner which will hamper the exercise of consular functions as little as possible. When, in the circumstances mentioned in paragraph 1 of this Article, it has become necessary to detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.

ARTICLE 43

Immunity from Jurisdiction

1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.
2. The provisions of paragraph 1 of this Article shall not, however, apply in respect of a civil action either—
 - (a) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State; or
 - (b) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

ARTICLE 44

Liability to give Evidence

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this Article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.
2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a Statement from him in writing.
3. Members of a consular post are under no obligations to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the Law of the sending State.

ARTICLE 45

Waiver of Privileges and Immunities

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in Articles 41, 43 and 44.
2. The waiver shall in all cases be express, except as provided in paragraph 3 of this Article, and shall be communicated to the receiving State in writing.
3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under Article 43, shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.
4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

ARTICLE 46

Exemption from Registration of Aliens and Residence Permits

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.
2. The provisions of paragraph 1 of this Article shall not, however, apply to any consular employee who is not a permanent employee of the sending State or who carries on any private gainful occupation in the receiving State or to any member of the family of any such employee.

ARTICLE 47

Exemption from Work Permits

1. Members of the consular post shall, with respect to services rendered for the sending State, be exempt from any obligations in regard to work permits imposed by the laws and regulations of the receiving State concerning the employment of foreign labour.
2. Members of the private staff of consular officers and of consular employees shall, if they do not carry on any other gainful occupation in the receiving State, be exempt from the obligations referred to in paragraph 1 of this Article.

ARTICLE 48

Social Security Exemption

1. Subject to the provisions of paragraph 3 of this Article, members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from social security provisions which may be in force in the receiving State.
2. The exemption provided for in paragraph 1 of this Article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition—
 - (a) that they are not nationals of or permanently resident in the receiving State; and
 - (b) that they are covered by the social security provisions which are in force in the sending State or a third State.
3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.
4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

ARTICLE 49

Exemption from Taxation

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except—

- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of Article 32;
- (c) estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph (b) of Article 51;
- (d) dues and taxes on private income, including capital gains, having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State;
- (e) charges levied for specific services rendered;
- (f) registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of Article 32.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

3. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose upon employers concerning the levying of income tax.

ARTICLE 50

Exemption from Customs Duties and Inspection

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on—

- (a) articles for the official use of the consular post;
- (b) articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this Article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in subparagraph (b) of paragraph 1 of this Article, or articles the import or export of which is prohibited by the Laws and regulations of

the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

ARTICLE 51

Estate of a Member of the Consular Post or of a Member of his Family

In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State—

- (a) shall permit the export of the movable property of the deceased, with the exception of any such property **acquire**d in the receiving State the export of which was prohibited at the time of his death;
- (b) shall not levy national, regional or municipal estate, succession of inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

ARTICLE 52

Exemption from Personal Services and Contributions

The receiving State shall exempt members of the consular post and members of their families forming part of their households from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning military contributions and billeting.

ARTICLE 53

Beginning and End of Consular Privileges and Immunities

1. Every member of the consular post shall enjoy the privileges and immunities provided in the present Convention from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.
2. Members of the family of a member of the consular post forming part of his household and members of his private staff shall receive the privileges and immunities provided in the present Convention from the date from which he enjoys privileges and immunities in accordance with paragraph 1 of this Article or from the date of their entry into the territory of the receiving State or from the date of their becoming a member of such family or private staff, whichever is the latest.
3. When the functions of a member of the consular post have come to an end, his privileges and immunities and those of a member of his family forming part of his household or a member of his private staff shall normally cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period in which to do so, whichever is the sooner, but shall subsist until that time, even in case of armed conflict. In the case of the persons referred to in paragraph 2 of this Article, their privileges and immunities shall come to an end when they cease to belong to the household or to be in the service of a member of the consular post provided, however, that if such persons intend leaving the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. However, with respect to acts performed by a consular officer or a consular employee in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the members of his family forming part of his household shall continue to enjoy the privileges and immunities accorded to them until they leave the receiving State or until the expiry of a reasonable period enabling them to do so whichever is the sooner.

ARTICLE 54

Obligations of Third States

1. If a consular officer passes through or is in the territory of a third State, which has granted him a visa if a visa was necessary, while proceeding to take up or return to his post or when returning to the sending State, the third State shall accord to him all immunities provided for by the other Articles of the present Convention as may be required to ensure his transit or return. The same shall apply in the case of any member of his family forming part of his household enjoying such privileges and immunities who are accompanying the consular officer or travelling separately to join him or to return to the sending State.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the transit through their territory of other members of the consular post or of members of their families forming part of their households.

3. Third States shall accord to official correspondence and to other official communications in transit, including messages in code or cipher, the same freedom and protection as the receiving State is bound to accord under the present Convention. They shall accord to consular couriers who have been granted a visa, if a visa was necessary, and to consular bags in transit, the same inviolability and protection as the receiving State is bound to accord under the present Convention.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and to consular bags, whose presence in the territory of the third State is due to *force majeure*.

ARTICLE 55

Respect for the Laws and Regulations of the Receiving State

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the international affairs of that State.

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

3. The provisions of paragraph 2 of this Article shall not exclude the possibility of offices of other institutions or agencies being installed in part of the building in which the consular premises are situated, provided that the premises assigned to them are separate from those used by the consular post. In that event, the said offices shall not for the purposes of the present Convention, be considered to form part of the consular premises.

ARTICLE 56

Insurance against Third Party Risks

Members of the consular post shall comply with any requirement imposed by the laws and regulations of the receiving State in respect of insurance against third party risks arising from the use of any vehicle, vessel or aircraft.

ARTICLE 57

Special Provisions Concerning Private Gainful Occupation

1. Career consular officers shall not carry on for personal profit any professional or commercial activity in the receiving State.
2. Privileges and immunities provided in this Chapter shall not be accorded—
 - (a) to consular employees or to members of the service staff who carry on any private gainful occupation in the receiving State;
 - (b) to members of the family of a person referred to in subparagraph (a) of this paragraph or to members of his private staff;
 - (c) to members of the family of a member of a consular post who themselves carry on any private gainful occupation in the receiving State.

CHAPTER III – REGIME RELATING TO HONORARY CONSULAR OFFICERS AND CONSULAR POSTS HEADED BY SUCH OFFICERS

ARTICLE 58

General Provisions Relating to Facilities, Privileges and Immunities

1. Articles 28, 29, 30, 34, 35, 36, 37, 38 and 39, paragraph 3 of Article 54 and paragraphs 2 and 3 of Article 55 shall apply to consular posts headed by an honorary consular officer. In addition, the facilities, privileges and immunities of such consular posts shall be governed by Articles 59, 60, 61 and 62.
2. Articles 42 and 43, paragraph 3 of Article 44, Articles 45 and 53 and paragraph 1 of Article 55 shall apply to honorary consular officers. In addition, the facilities, privileges and immunities of such consular officers shall be governed by Articles 63, 64, 65, 66 and 67.
3. Privileges and immunities provided in the present Convention shall not be accorded to members of the family of an honorary consular officer or of a consular employee employed at a consular post headed by an honorary consular officer.
4. The exchange of consular bags between two consular posts headed by honorary consular officers in different States shall not be allowed without the consent of the two receiving States concerned.

ARTICLE 59

Protection of the Consular Premises

The receiving State shall take such steps as may be necessary to protect the consular premises of a consular post headed by an honorary consular officer against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

ARTICLE 60

Exemption from Taxation of Consular Premises

1. Consular premises of a consular post headed by an honorary consular officer of which the sending State is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the laws and regulations of the receiving State, they are payable by the person who contracted with the sending State.

ARTICLE 61

Inviolability of Consular Archives and Documents

The consular archives and documents of a consular post headed by an honorary consular officer shall be inviolable at all times and wherever they may be, provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of a consular post and of any person working with him, and from the materials, books or documents relating to their profession or trade.

ARTICLE 62

Exemption from Customs Duties

The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of, and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services on the following articles, provided that they are for the official use of a consular post headed by an honorary consular officer: coat of arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending State to the consular post.

ARTICLE 63

Criminal Proceedings

If criminal proceedings are instituted against an honorary consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except when he is under arrest or detention, in a manner which will hamper the exercise of consular functions as little as possible. When it has become necessary to detain an honorary consular officer, the proceedings against him shall be instituted with the minimum of delay.

ARTICLE 65

Exemption from Registration of Aliens and Residence Permits

Honorary consular officers, with the exception of those who carry on for personal profit any professional or commercial activity in the receiving State, shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

ARTICLE 66

Exemption from Taxation

An honorary consular officer shall be exempt from all dues and taxes on the remuneration and emoluments which he receives from the sending State in respect of the exercise of consular functions.

ARTICLE 67

Exemption from Personal Services and Contributions

The receiving State shall exempt honorary consular officers from all personal services and from all public services of any kind whatsoever and from military obligations such as those connected with requisitioning, military contributions and billeting.

CHAPTER IV – GENERAL PROVISIONS

ARTICLE 70

Exercise of Consular Functions by Diplomatic Missions

1. The provisions of the present Convention apply also, so far as the context permits, to the exercise of consular functions by a diplomatic mission.
2. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission shall be notified to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry.
3. In the exercise of consular functions a diplomatic mission may address—
 - (a) the local authorities of the consular district;
 - (b) the central authorities of the receiving State if this is allowed by the laws, regulations and usages of the receiving State or by relevant international agreements.
4. The privileges and immunities of the members of a diplomatic mission referred to in paragraph 2 of this Article shall continue to be governed by the rules of international law concerning diplomatic relations.

ARTICLE 71

Nationals or Permanent Residents of the Receiving State

1. Except in so far as additional facilities, privileges and immunities may be granted by the receiving State, consular officers who are nationals of or permanently resident in the receiving State shall enjoy only immunity from jurisdiction and personal inviolability in respect of official acts performed in the

exercise of their functions, and the privilege provided in paragraph 3 of Article 44. So far as these consular officers are concerned, the receiving State shall likewise be bound by the obligation laid down in Article 42. If criminal proceedings are instituted against such a consular officer, the proceedings shall, except when he is under arrest or detention, be conducted in a manner which will hamper the exercise of consular functions as little as possible.

2. Other members of the consular post who are nationals of or permanently resident in the receiving State and members of their families, as well as members of the families of consular officers referred to in paragraph 1 of this Article, shall enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. Those members of the families of members of the consular post and those members of the private staff who are themselves nationals of or permanently resident in the receiving State shall likewise enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. The receiving State shall, however, exercise its jurisdiction over those persons in such a way as not to hinder unduly the performance of the functions of the consular post.

THIRD SCHEDULE

[Section 6.]

PROVISIONS FOR GIVING EFFECT TO OTHER AGREEMENTS

1. The like exemption from dues and taxes may be extended to the residence of any member of a consular post as is accorded under Article 32 in the Second Schedule to this Act to the residence of a career head of a consular post.
2. Paragraph 1 of Article 49 in the Second Schedule may be extended to members of the service staff.
3. Paragraph 2 of Article 50 in the said Second Schedule may be applied as if it were among the Articles mentioned in paragraph 2 of Article 58 in that Schedule, as if the reference to consular employees included members of the service staff and also such members of the families of consular employees or of members of the service staff as form part of their households, and as if the words "in respect of articles imported at the time of first installation" were omitted.
4. Articles 29 and 31 in the First Schedule to this Act may be extended to members of a consular post and members of their families forming part of their households.
5. Article 22 in the said First Schedule may be extended to consular premises, and paragraph 1 of Article 30 in that Schedule may be extended to the residences of consular officers.
6. Article 27 in the First Schedule may be extended to the communications of a consular post.

FOURTH SCHEDULE

[Sections 9 and 11.]

Pdf by:
<https://www.pro-memoria.info>**IMMUNITIES AND PRIVILEGES OF AN ORGANIZATION AND OFFICERS THEREOF****PART I***Immunities and Privileges of the Organization*

1. Immunity from suit and legal process.
2. The like inviolability of premises occupied as offices and of official archives as is accorded by Articles 22 and 24 of the First Schedule to this Act.
3. The like exemption from rates and taxes, other than taxes on the importation of goods, as is accorded to a mission by the First Schedule.
4. Exemption from taxes on the importation of goods directly imported by the organization for its official use in Kenya or for exportation, or on the importation of any publications of the organization directly imported by it, such exemption to be subject to compliance with such conditions as any written law relating to customs and excise may prescribe.
5. Exemptions from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organization for its official use and in the case of any publications of the organization directly imported or exported by it.
6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the Press or for wireless 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.

PART II*Immunities and Privileges of Representatives, Members of Committees, High Officers and Persons on Missions*

1. The like immunity from suit and legal process as is accorded to a diplomatic agent under the First Schedule to this Act.
2. The like inviolability of residence as is so accorded to such agent.
3. The like exemption or relief from taxes as is so accorded to such agent.

PART III*Immunities and Privileges of other Officers and Servants*

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.
2. Exemption from direct taxes upon the emoluments received as an officer or servant of the organization.
3. Immunity from national service obligations.

4. Immunity from immigration restrictions and alien registration in respect of the officers and servants and their spouses and dependent relatives.
5. The like privileges in respect of exchange control facilities as are accorded to officials of equivalent status forming part of a diplomatic mission.
6. The like facilities, for the officers and servants and their spouses and dependent relatives, for repatriation in times of international crises as are afforded to diplomatic missions.
7. Exemption from tax or duty on the importation of furniture, personal property and household effects of an officer or servant first arriving to take up his post in Kenya.

PART IV

Immunities and Privileges of Official Staffs and of the Families of High Officers

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as a representative on any organ of the organization or as a member of any committee of the organization or of any organ thereof, his official staff accompanying him as such a representative or member shall also be entitled to those immunities and privileges, to the same extent, as are accorded to the members of the diplomatic staff of a mission by or under the First Schedule to this Act.
2. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as an officer of the organization, that person's spouse and children under the age of twenty-one shall be entitled to the immunities and privileges accorded to the family of a diplomatic agent by or under the First Schedule to this Act.

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[G.N. 1237/1949, G.N. 903/1955, G.N. 1237/1955, L.N. 523/1956, L.N. 23/1961, L.N. 603/1962.]

The United Nations.

The International Court of Justice.

The Inter-African Bureau of Animal Health.

The Universal Postal Union.

The International Telecommunication Union.

The World Meteorological Organization.

The International Labour Organisation.

The Food and Agriculture Organisation.

The International Civil Aviation Organisation.

The World Health Organisation.

The United Nations Educational, Scientific and Cultural Organisation.

The Inter-governmental Maritime Consultative Organization.

The Commission for Technical Co-operation in Africa South of the Sahara.

Orders under section 2(2) of the Diplomatic Privileges Extension Act
(now repealed)

**DIPLOMATIC PRIVILEGES (UNITED NATIONS AND INTERNATIONAL COURT
OF JUSTICE) ORDER, 1949**

[G.N. 1238/1949, L.N. 374/1962, L.N. 2/1964.]

PART I – CITATION

1. This Order may be cited as the Diplomatic Privileges (United Nations and International Court of Justice) Order, 1949.

PART II – THE UNITED NATIONS

A – The Organisation

2. The United Nations shall have the legal capacity 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 United Nations 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 United Nations 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 United Nations shall have exemption from taxes on the importation of goods directly imported by the organization for its official use in Kenya or for exportation, or on the importation of any publications of the organization 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 United Nations shall have exemption from prohibitions and restrictions on importation and exportation in the case of goods directly imported or exported by the organization for its official use and in the case of any publications of the organization directly imported or exported by it.

7. The United Nations 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. Except in so 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 General Assembly or to any Council or other organ of the United Nations 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

[Subsidiary]

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 except 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 while exercising their functions or during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to Kenya citizens, or persons whose usual place of abode is in Kenya.

9. For the purposes of the application of this Order, “**representatives of member governments**” includes their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegation.

C – High Officials of the United Nations

10. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General or the Security Council of the United Nations, the Secretary-General and Assistant Secretaries-General of the United Nations (and not exceeding at one time six in number) shall be accorded in respect to themselves and their spouses and 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 is accorded to an envoy of a foreign sovereign Power accredited to Kenya and his spouse and children. They shall also enjoy exemption from income tax in respect of emolument received by them as officers of the United Nations.

D – Persons Employed on Missions on behalf of the United Nations

11. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General of the United Nations, persons employed on missions on behalf of the United Nations shall enjoy—

- (a) while exercising their functions as such, as 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 the exercise of these functions.

E – Other Officials of the United Nations

12. Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General of the United Nations, officials of the United Nations (other than those referred to in Article 10 above, and officials engaged locally and remunerated by payment calculated by the number of hours worked) 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; and
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the United Nations;
- (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

[Subsidiary]

- (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. 374/1962, s. 2.]

PART II – INTERNATIONAL COURT OF JUSTICE

13. Except in so far as in any particular case any privilege or immunity is waived by the Court, the judges and Registrar of the International Court of Justice (including any officer of the Court acting as Registrar) shall, when engaged on the business of the Court and during any journey to and from the place where the Court is sitting in connexion with such business, enjoy the like immunity from suit and legal process, the inviolability of residence and also unless they are British subjects whose usual place of abode is in Kenya the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to Kenya.

14. The judges and Registrar of the International Court of Justice shall have exemption from income tax in respect of all emoluments received by them as judges or Registrar.

15. Except in so far as in any particular case any privilege or immunity is waived by the government whom they represent before the Court, the agents, counsel and advocates of parties before the Court shall enjoy—

- (a) when engaged on their missions before the Court and during their journeys to and from the place where the Court is sitting in connexion with such missions, 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 this capacity;
- (c) when engaged on their missions before the Court and during their journeys to and from the place where the Court is sitting in connexion with such mission, 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 or excise duties or purchase tax except in respect of goods imported as part of their personal baggage. They shall not, where incidence of any form of tax depends upon residence, be deemed to be resident in Kenya during any period when they are present in Kenya while exercising these functions or during their journey to and from the place of meeting. The provisions of this paragraph shall not apply to Kenya citizens, or persons whose usual place of abode is in Kenya.

PART III – GENERAL

16. 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. 374/1962, s. 2.]

[Subsidiary]

ANNEX 1

GENERAL CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS, TOGETHER WITH CERTAIN RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 13TH FEBRUARY, 1946

1.

THE GENERAL ASSEMBLY approves the annexed convention on the Privileges and Immunities of the United Nations and proposes it for accession by each Member of the United Nations.

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

WHEREAS Article 104 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes, and

WHEREAS Article 105 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of the functions in connexion with the Organization.

Consequently the General Assembly by a Resolution adopted on the 13th February, 1946, approved the following Convention and proposes it for accession by each Member of the United Nations.

ARTICLE I – Juridical Personality

Section 1.—The United Nations shall possess juridical personality. It shall have the capacity—

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

ARTICLE II – Property, Funds and Assets

Section 2.—The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except in so far as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 3.—The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 4.—The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Section 5.—Without being restricted by financial controls, regulations or moratoria of any kind—

- (a) the United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;
- (b) the United Nations shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.

[Subsidiary]

Section 6.—In exercising its rights under section 5 above, the United Nations shall pay due regard to any representations made by the Government of any Member in so far as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

Section 7.—The United Nations, its assets, income and other property shall be—

- (a) exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;
- (c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Section 8.—While the United Nations will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the United Nations is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE III – *Facilities in Respect of Communications*

Section 9.—The United Nations shall enjoy in the territory of each Member for its official communications treatment not less favourable than that accorded by the Government of that Member to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

Section 10.—The United Nations shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE IV – *The Representatives of Members*

Section 11.—Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities—

- (a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;
- (b) inviolability for all papers and documents;
- (c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the State they are visiting or through which they are passing in the exercise of their functions;

*Privileges and Immunities***[Subsidiary]**

- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys; and also
- (g) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

Section 12.—In order to secure for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

Section 13.—Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations are present in a State for the discharge of their duties shall not be considered as periods of residence.

Section 14.—Privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the United Nations. Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 15.—The provisions of sections 11, 12 and 13 are not applicable as between a representative and the authorities of the State of which he is a national or of which he is or has been the representative.

Section 16.—In this Article the expression “representatives” shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

ARTICLE V – *Officials*

Section 17.—The Secretary-General will specify the categories of officials to which the provisions of this Article and Article VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.

Section 18.—Officials of the United Nations shall—

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) be exempt from taxation on the salaries and emoluments paid to them by the United Nations;
- (c) be immune from national service obligations;
- (d) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;

[Subsidiary]

- (f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Section 19.—In addition to the immunities and privileges specified in section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 20.—Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

Section 21.—The United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse in connexion with the privileges, immunities and facilities mentioned in this Article.

ARTICLE VI – *Experts on Missions for the United Nations*

Section 22.—Experts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connexion with their missions. In particular they shall be accorded—

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;
- (c) inviolability for all papers and documents;
- (d) for the purpose of their communications with United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

Section 23.—Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

ARTICLE VII – *United Nations Laissez-Passer*

Section 24.—The United Nations may issue United Nations *laissez-passer* to its officials. These *laissez-passer* shall be recognized and accepted as valid travel documents, by the authorities of Members, taking into account the provisions of section 25.

[Subsidiary]

Section 25.—Applications for visas (where required) from the holders of United Nations *laissez-passer*, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 26.—Similar facilities to those specified in section 25 shall be accorded to experts and other persons who, though not the holders of United Nations *laissez-passer*, have a certificate that they are travelling on the business of the United Nations.

Section 27.—The Secretary-General, Assistant Secretaries-General and Directors travelling on United Nations *laissez-passer* on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

Section 28.—The provisions of this Article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under Article 63 of the Charter so provide.

ARTICLE VIII – *Settlement of Disputes*

Section 29.—The United Nations shall make provisions for appropriate modes of settlement of—

- (a) disputes arising out of contracts or other disputes of a private law character, to which the United Nations is a party;
- (b) disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

Section 30.—All differences arising out of the interpretation or application of the present convention shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between the United Nations on the one hand and a Member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court. The opinion given by the Court shall be accepted as decisive by the parties.

Final Article

Section 31.—This convention is submitted to every Member of the United Nations for accession.

Section 32.—Accession shall be effected by deposit of an instrument with the Secretary-General of the United Nations and the convention shall come into force as regards each Member on the date of deposit of each instrument of accession.

Section 33.—The Secretary-General shall inform all Members of the United Nations of the deposit of each accession.

Section 34.—It is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this convention.

Section 35.—This convention shall continue in force as between the United Nations and every Member which has deposited an instrument of accession for so long as that Member remains a Member of the United Nations, or until a revised general convention has been approved by the General Assembly and that Member has become a party to this revised convention.

Section 36.—The Secretary-General may conclude with any Member or Members supplementary agreements adjusting the provisions of this convention so far as that Member or those Members are concerned. These supplementary agreements shall in each case be subject to the approval of the General Assembly.

ANNEX 2

1. *Extracts from the Statute of the Court.*

ARTICLE 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

ARTICLE 30

2. The rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

ARTICLE 32

1. Each member of the Court shall receive an annual salary.
2. The President shall receive a special annual allowance.
3. The Vice-President shall receive a special allowance for every day on which he acts as President.
4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.
5. These salaries, allowances and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.
6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.
7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their travelling expenses refunded.
8. The above salaries, allowances and compensation shall be free of all taxation.

ARTICLE 42

1. The parties shall be represented by agents.
2. They may have the assistance of counsel or advocates before the Court.
3. The agents, counsel and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

2. *Privileges and Immunities of Members of the International Court of Justice, the Registrar, Officials of the Registry, Assessors, the Agents and Counsel of the parties and of witnesses and experts.*

By a resolution adopted on 13th February, 1946, the General Assembly with a view to insuring that the International Court of Justice should enjoy the privileges, immunities and facilities necessary for the exercise of its functions and the fulfilment of its purposes, in the country of its seat and elsewhere, invited the Court at its first session to consider this question and to inform the Secretary-General of its recommendations.

The Court has accordingly examined the problem in its various aspects during its first session, held at The Hague from 3rd April to 6th May, 1946, and has transmitted to the General Assembly its conclusions.

[Subsidiary]

The General Assembly considered the recommendations of the Court during the second part of its first session, and the report of the Sixth Committee.

The General Assembly,

1. APPROVES the agreements concluded between the International Court of Justice and the Netherlands Government, as recorded in the exchange of letters between the President of the Court and the Minister of Foreign Affairs of the Netherlands.
2. RECOMMENDS that if a judge, for the purpose of holding himself permanently at the disposal of the Court, resides in some country other than his own, he should be accorded diplomatic privileges and immunities during the period of his residence there.
3. RECOMMENDS that judges should be accorded every facility for leaving the country where they may happen to be, for entering the country where the Court is sitting, and again for leaving it. On journeys in connexion with the exercise of their functions, they should, in all countries through which they may have to pass, enjoy all the privileges, immunities and facilities granted by these countries to diplomatic envoys.

This provision should also apply to the Registrar and to any officer of the Court acting as Registrar.

4. RECOMMENDS that—

- (a) Officials of the Court should enjoy in any country where they may be on the business of the Court, or in any country through which they may pass on such business, such privileges, immunities and facilities for residence and travel as may be necessary for the independent exercise of their functions.

The Registrar, and any officer of the Court acting as Registrar, should, while on the business of the Court, be accorded diplomatic privileges and immunities.

- (b) Inasmuch as these privileges and immunities are granted to officials of the Court in the interests of the International Court of Justice, and not for the personal benefit of the individuals themselves, the Registrar of the Court, with the President's approval, should have the right and the duty to waive the immunity in any case where, in his opinion, the immunity would impede the course of justice, and can be waived without prejudice to the interests of the Court. In the case of the Registrar, the Court should have the right to waive immunity.

5. RECOMMENDS that—

- (a)
 - (i) The agents, counsel and advocates before the Court should be accorded during the period of their missions, including the time spent on journeys in connexion with their missions, the privileges and immunities provided for in Article IV, sections 11, 12 and 13, of the Convention on the Privileges and Immunities of the United Nations under the conditions of Article IV, section 15 of that Convention;
 - (ii) *Assessors* of the Court should be accorded, during the period of their missions, including the time spent on journeys in connexion with their missions, the privileges and immunities provide for in Article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations;
 - (iii) *Witnesses, experts and persons* performing missions by order of the Court should be accorded, during the period of their missions, including the time spent on journeys in connexion with their missions, the privileges and immunities provided for in Article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations.

[Subsidiary]

- (b) Inasmuch as the privileges and immunities referred to above under (a) are granted in the interests of the due administration of justice and not for the personal benefit of the individuals themselves, the appropriate authority should have the right and duty to waive the immunity in any case where, in its opinion, the immunity would impede and can be waived without prejudice to the course of justice.

For this purpose, the competent authority in the case of agents, counsel and advocates representing a State, will be the State concerned. In other cases (including those of assessors of the Court, persons performing missions by order of the Court and witnesses or experts), the competent authority will be the International Court of Justice or, when the Court is not sitting, the President of the Court.

6. RECOMMENDS that—

- (a) The authorities of Members should recognize and accept United Nations *laissez-passer*, issued by the International Court of Justice to the members of the Court, the Registrar and the officials of the Court, as valid travel documents, taking into account the provisions of subparagraph (b);
- (b) Applications for visas (when required) from the judges of the Court and the Registrar should be dealt with as speedily as possible. All other holders of *laissez-passer* should receive the same facilities when the applications for visas are accompanied by a certificate that they are travelling on the business of the Court. In addition, all holders of *laissez-passer* should be granted facilities for speedy travel;
- (c) Similar facilities to those specified in subparagraph (b) should be accorded to experts and other persons who, though not the holders of United Nations *laissez-passer* delivered by the International Court of Justice, have a certificate that they are travelling on the business of the Court.
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[Subsidiary]

**DIPLOMATIC PRIVILEGES (INTER-AFRICAN BUREAU OF
ANIMAL HEALTH) ORDER, 1955**

[G.N. 904/1955, L.N. 559/1962, L.N. 602/1962.]

1. This Order may be cited as the Diplomatic Privileges (Inter-African Bureau of Animal Health) Order.
 2. The Inter-African Bureau of Animal Health shall have the legal capacities of a body corporate.
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DIPLOMATIC PRIVILEGES (INTERNATIONAL TELECOMMUNICATION UNION) ORDER, 1955

[G.N. 1238/1955, L.N. 376/1962.]

A – CITATION

1. This Order may be cited as the Diplomatic Privileges (International Telecommunication Union) Order, 1955.

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.

[Subsidiary]

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;
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the Union;
- (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, s. 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.

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

DIPLOMATIC PRIVILEGES (UNIVERSAL POSTAL UNION) ORDER, 1955

[G.N. 1239/1955, L.N. 375/1962.]

A – CITATION

1. This Order may be cited as the Diplomatic Privileges (Universal Postal Union) Order, 1955.

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 and 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.
7. The Union 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.

C – REPRESENTATIVES OF THE UNION

8. (1) Except in so far as in any particular case any privilege or immunity is waived by the Government whom they represent, representatives of members at Congresses, on the Executive and Liaison Committee, at administrative conferences or on commissions provided for in the constitution of the Union, or 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.

[Subsidiary]

(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

9. Except in so far as in any particular case any privilege or immunity is waived by the Union, the Director of the International Bureau of the Union (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

10. 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;
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the Union;
- (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. 375/1962, s. 2.]

F – GENERAL

11. 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. 375/1962, s. 2.]

DIPLOMATIC PRIVILEGES (WORLD METEOROLOGICAL ORGANIZATION) ORDER, 1955

[G.N. 1240/1955, L.N. 373/1962.]

A – CITATION

1. This Order may be cited as the Diplomatic Privileges (World Meteorological Organization) Order, 1955.

B – THE ORGANIZATION

2. The Organization 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 Organization 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 Organization 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 Organization shall have exemption from taxes on the importation of goods directly imported by the Organization for its official use in Kenya or for exportation, or on the importation of any publication of the Organization 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 Organization shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organization for its official use and in the case of any publications of the Organization directly imported or exported by it.

7. The Organization 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.

C – REPRESENTATIVES OF THE ORGANIZATION

8. (1) Except in so far as in any particular case any privilege or immunity is waived by the Governments whom they represent, representatives of members at the World Meteorological Congress, on the Executive Committee, at regional associations on technical commissions, 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; and
- (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.

[Subsidiary]

(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 ORGANIZATION

9. Except in so far as in any particular case any privilege or immunity is waived by the Organization, any officer of the Organization 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 Organization.

E – OTHER OFFICIALS OF THE ORGANISATION

10. Except in so far as in any particular case any privilege or immunity is waived by the Organization, officials of the Organization 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;
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the Organization; 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. 373/1962, s. 2.]

F – GENERAL

11. 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. 373/1962, s. 2.]

DIPLOMATIC PRIVILEGES (INTERNATIONAL LABOUR ORGANISATION) ORDER, 1956

[L.N. 524/1956, L.N. 25/1961, L.N. 497/1961.]

1. This Order may be cited as the Diplomatic Privileges (International Labour Organisation) Order, 1956.

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: MEMBERS OF THE GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE

8. (1) Except in so far as any privilege or immunity is waived, in the case of representatives of member governments, by the governments whom they represent; and in the case of members and deputy members of the Governing Body of the International Labour Office and their substitutes, by the Governing Body, representatives of member governments and the employers' and workers' members and deputy members of the Governing Body of the International Labour Office and their substitutes 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 or as members of the Governing Body of the International Labour Office, as the case may be;

[Subsidiary]

- (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 except 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, officers of the Organisation holding the offices of Director-General and Deputy Director-General and Assistant Director-General 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 above, 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, and their spouses and dependent relatives;

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- (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.]

13. The Diplomatic Privileges (International Organisation) Order, 1950 (G.N. 715/1950), is hereby cancelled:

Provided that any lists compiled and published in accordance with paragraph 10 thereof shall, unless cancelled, be deemed to have been published under provision 12 of this Order.

**DIPLOMATIC PRIVILEGES (FOOD AND AGRICULTURE ORGANISATION)
ORDER, 1956**

[L.N. 525/1956, L.N. 25/1961, L.N. 497/1961.]

1. This Order may be cited as the Diplomatic Privileges (Food and Agriculture Organisation) Order, 1956.

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 communication 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: CHAIRMAN OF THE COUNCIL OF THE
ORGANISATION**

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

[Subsidiary]

purchase tax except 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, officers of the Organisation holding the offices of Director-General and Deputy Director-General 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 is 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; and
- (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, and 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;

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- (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.]

13. The Diplomatic Privileges (Food and Agriculture Organisation) Order, 1950 (G.N. 714/1950), is hereby cancelled:

Provided that any lists compiled and published in accordance with paragraph 10 thereof shall, unless cancelled, be deemed to have been published under provision 12 of this Order.

DIPLOMATIC PRIVILEGES (INTERNATIONAL CIVIL AVIATION ORGANISATION) ORDER, 1956

[L.N. 526/1956, L.N. 25/1961, L.N. 497/1961.]

1. This Order may be cited as the Diplomatic Privileges (International Civil Aviation Organisation) Order, 1956.

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

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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, and 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;

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- (f) the like facilities for officers and servants, and their spouses and dependent relatives for repatriation in time 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.]

13. The Diplomatic Privileges (International Civil Aviation Organisation) Order, 1950 (G.N. 713/1950), is hereby cancelled:

Provided that any lists compiled and published in accordance with paragraph 10 thereof shall, unless cancelled, be deemed to have been published under provision 12 of this Order.

DIPLOMATIC PRIVILEGES (WORLD HEALTH ORGANISATION) ORDER, 1956

[L.N. 527/1956, L.N. 25/1961, L.N. 497/1961.]

1. This Order may be cited as the Diplomatic Privileges (World Health Organisation) Order, 1956.

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 AND OF THE EXECUTIVE BOARD OF THE ORGANISATION

8. (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, and in the case of person designated to serve on the Executive Board of the Organisation and their alternates and advisers by the Executive Board, representatives of member governments and persons designated to serve on the Executive Board of the Organisation and their alternates and advisers 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

[Subsidiary]

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. 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, officers of the Organisation holding the offices of Director-General and Deputy Director-General 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 is 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 above, 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 and servants of the Organisation;
- (c) immunity from national service obligations;
- (d) immunity from immigration restrictions and alien registration in respect of officers and servants, and 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;

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- (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.]

13. The Diplomatic Privileges (World Health Organisation) Order, 1950 (G.N. 712/1950), is hereby cancelled:

Provided that any lists compiled and published in accordance with paragraph 10 thereof shall, unless cancelled, be deemed to have been published under provision 12 of this Order.

DIPLOMATIC PRIVILEGES (UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION) ORDER, 1956

[L.N. 528/1956, L.N. 25/1961, L.N. 497/1961.]

1. This Order may be cited as the Diplomatic Privileges (United Nations Educational, Scientific and Cultural Organisation) Order, 1956.

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; THE PRESIDENT OF THE CONFERENCE; MEMBERS OF THE EXECUTIVE BOARD OF THE ORGANISATION

8. (1) Except in so far as any privilege or immunity is waived, in the case of representatives of member governments, by the governments whom they represent, and in the case of the President of the Conference by the Organisation; and in the case of members of the Executive Board, by the Executive Board of the Organisation; representatives of member governments, the President of the Conference of the Organisation and members of the Executive Board 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;

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- (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 except 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, officers of the Organisation holding the offices of Secretary-General and Deputy Secretary-General 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 is 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 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 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 privileges 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 and servants of the Organisation;
- (c) immunity from national service obligations;
- (d) immunity from immigration restrictions and alien registration in respect of officers and servants, and their spouses and dependent relatives;

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- (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.]

**DIPLOMATIC PRIVILEGES (INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANISATION) ORDER, 1960**

[L.N. 22/1961, L.N. 294/1961.]

1. This Order may be cited as the Diplomatic Privileges (Inter-governmental Maritime Consultative Organization) Order, 1960.

A – THE ORGANIZATION

2. The Organization 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 Organization 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 Organization 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 Organization shall have exemption from taxes on the importation of goods directly imported by the Organization for its official use in Kenya or for exportation, or on the importation of any publications of the Organization 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 Organization shall have exemption from prohibitions and restriction on importation or exportation in the case of goods directly imported or exported by the Organization for its official use and in the case of any publications of the Organization directly imported or exported by it.

7. The Organization 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: CHAIRMAN OF THE COUNCIL OF THE
ORGANIZATION**

8. (1) Except in so far as any privilege or immunity is waived, in the case of representatives of member governments, by the governments whom they represent, and, in the case of the Chairman of the Council of the Organization, by the Council of the Organization, representatives of member governments, and the Chairman of the Council of the Organization 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 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

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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 except 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 Organization, officers of the Organization holding the offices of Director-General and Deputy Director-General shall be accorded in respect of themselves, their spouses and 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 ORGANIZATION

10. Except in so far as in any particular case any privilege or immunity is waived by the Organization, persons (other than officials of the Organization) serving on Committees of or employed on missions on behalf of the Organization 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 Organization; and
- (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 Organization.

E – OTHER OFFICIALS OF THE ORGANIZATION

11. Except in so far as in any particular case any privilege or immunity is waived by the Organization, all officials of the Organization, other than those referred to in paragraph 9 above, 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 Organization;
- (c) immunity from National Service obligations;
- (d) immunity from immigration restrictions and alien registration in respect of officers and servants, and their spouses and dependent relatives;

[Subsidiary]

- (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. 294/1961, 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.

DIPLOMATIC PRIVILEGES (COMMISSION FOR TECHNICAL CO-OPERATION IN AFRICA SOUTH OF THE SAHARA) ORDER, 1960

[L.N. 24/1961.]

1. This Order may be cited as the Diplomatic Privileges (Commission for Technical Co-operation in Africa South of the Sahara) Order, 1960.

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, 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 an envoy of a foreign sovereign Power accredited to Kenya.

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 Kenya 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 meeting 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;

[Subsidiary]

- (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 Kenya, 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, and part of the personal baggage of their family, on the occasion of their first arrival in Kenya to take up employment. 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.

D – GENERAL

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 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.

**PRIVILEGES AND IMMUNITIES (REGIONAL CENTRE FOR SERVICES IN
SURVEYING AND MAPPING) ORDER, 1975**

[L.N. 183/1975.]

1. This Order may be cited as the Privileges and Immunities (Regional Centre for Services in Surveying and Mapping) Order, 1975.

2. In this Order—

“**Centre**” means the Regional Centre for Services in Surveying and Mapping established by an Agreement made at Nairobi between the governments of certain sovereign states in eastern and central Africa, including the Government of Kenya, which came into force on 18th April, 1975;

“**senior officer of the Centre**” means any officer of the Centre holding the post of deputy assistant head of a technical department or any post above the post of deputy assistant head of a technical department.

3. The Centre is declared to be an organization of which the Government of Kenya and other governments are members.

4. The Centre shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in Part I of the Fourth Schedule to the Act.

5. The exemption from rates and taxes made under paragraph 3 of Part I of the Fourth Schedule to the Act shall, notwithstanding paragraph 4(b), be like, and be limited to, the exemption made under Articles 23 and 28 of the First Schedule to the Act.

6. Any persons who are representatives (whether of governments or not) on any organ of the Centre or are members of any committee of the Centre or of an organ thereof, other than as a representative of the Government of Kenya or as a member of the staff of such representative, and who are specified in a notice in the *Gazette* pursuant to section 9(4)(a) of the Act, shall have the privileges and immunities specified in Part II of the Fourth Schedule to the Act.

7. Any senior officer of the Centre who is not—

- (a) a resident of Kenya except solely for the purpose of rendering services to the Centre; or
- (b) having dealings with the Centre as the representative of the Government of Kenya or as a member of the staff of such representative, shall have the privileges and immunities specified in Part III of the Fourth Schedule to the Act.

8. The exemption from tax or duty on importation made under paragraph 7 of Part III of the Fourth Schedule to the Act shall, notwithstanding paragraph 7, be like, and be limited to the exemption made under item 5(3) of Part A of the Third Schedule to the Customs Act (Cap. 472).

PRIVILEGES AND IMMUNITIES (THE DESERT LOCUST CONTROL ORGANIZATION FOR EASTERN AFRICA) ORDER, 1977

[L.N. 58/1977.]

1. This Order may be cited as the Privileges and Immunities (The Desert Locust Control Organization for Eastern Africa) Order, 1977.

2. The Desert Locust Control Organization for Eastern Africa, hereinafter in this Order called "the Organization", being an organization of which the Government of Kenya and other foreign governments are members, is hereby declared to be an organization to which section 9 of the Act shall apply.

3. The Organization shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in paragraphs 1, 2 and 4 of Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Organization shall, while residing in Kenya and performing duties in the service of the Organization, have the privileges and immunities specified in paragraphs 1 to 7 (inclusive) 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 citizens or nationals of any country of the Community, 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 Organization.

PRIVILEGES AND IMMUNITIES (INTERNATIONAL RED LOCUST CONTROL ORGANIZATION FOR CENTRAL AND SOUTHERN AFRICA) ORDER, 1978

[L.N. 30/1978.]

1. This Order may be cited as the Privileges and Immunities (International Red Locust Control Organization for Central and Southern Africa) Order, 1978.

2. The International Red Locust Control Organization for Central and Southern Africa, in this Order called "the Organization", being an organization of which the Government of Kenya and other Foreign Governments are members, is hereby declared to be an Organization to which section 9 of the Act shall apply.

3. The Organisation shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in paragraphs 1, 2 and 4 of Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Organization shall, while residing in Kenya and performing duties in the services of the Organization, have the privileges and immunities specified in paragraphs 1 to 7 (inclusive) 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 citizens or nationals of any country of the community 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 Organization.

**PRIVILEGES AND IMMUNITIES (AFRICAN SOCIAL STUDIES PROGRAMME)
ORDER, 1978**

[L.N. 173/1978.]

1. This Order may be cited as the Privileges and Immunities (African Social Studies Programme) Order, 1978.

2. The African Social Studies Programme, in this Order referred to as the "the Organization", being an organization of which the Government of Kenya and other governments are members, is hereby declared to be an organization to which section 9 of the Act applies.

3. The Organization shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in paragraphs 1 to 4 (inclusive) of Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the organization shall, while residing in Kenya and performing duties in the service of the organization, have the privileges and immunities specified in paragraph 1 to 7 (inclusive) of Part III of the Fourth Schedule to the Act:

Provided that the provisions of this paragraph shall not apply to citizens of Kenya who are employees of the organization, 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 organization.

PRIVILEGES AND IMMUNITIES (UNITED NATIONS ENVIRONMENT PROGRAMME) ORDER, 1979

[L.N. 302/1979, L.N. 315/1979.]

1. This Order may be cited as the Privileges and Immunities (United Nations Environment Programme) Order, 1979 and shall be deemed to have come into operation on the 1st September, 1973.

2. The United Nations Environment Programme, hereinafter referred to as “the Organization”, being an organization of which the Government of Kenya and other governments are members, is declared to be an organization to which section 9 of the Act shall apply.

3. The Organization shall have—

- (a) the legal capacities of a body corporate; and
- (b) the immunities and privileges specified in Part I of the Fourth Schedule to the Act.

4. The exemption from rates and taxes made under paragraph 3 of Part I of the Fourth Schedule to the Act shall, notwithstanding paragraph 3(b) of this Order, be like, and be limited to, the exemption made under Articles 23 and 28 of the First Schedule to the Act.

5. Any person who is an employee of the Organization shall, while residing in Kenya and performing duties in the service of the Organization, have the Immunities and Privileges specified in Part III of the Fourth Schedule to the Act:

Provided that the provisions of this paragraph shall only apply to citizens of Kenya or to any person ordinarily resident in Kenya subject to the Agreement between the Kenya Government and United Nations Environment Programme establishing the United Nations Environment Programme headquarters.

[L.N. 315/1979, s. 2.]

6. The exemption from tax or duty importation made under paragraph 7 of Part III of the Fourth Schedule to the Act shall, notwithstanding paragraph 5 of this Order, be like and be limited to, the exemption made under paragraph 7(3) of Part A of the Third Schedule to the Customs and Excise Act (No. 10 of 1978).

PRIVILEGES AND IMMUNITIES (UNION OF RADIO AND TELEVISION NETWORK OF AFRICA) ORDER, 1980

[L.N. 192/1980.]

1. This Order may be cited as the Privileges and Immunities (Union of Radio and Television Network of Africa) Order, 1980.
2. The Union of Radio and Television Network of Africa, hereinafter referred to as the "organization", being an organization of which the Government of Kenya and other foreign Governments are members is declared to be an organization to which section 9 of the Act shall apply.
3. The Organization shall have—
 - (a) the legal capacities of a body corporate; and
 - (b) the immunities and privileges specified in Part I of the Fourth Schedule to the Act.
4. Notwithstanding paragraph 3(b) of this Order, the exemption from rates and taxes under paragraph 3 of Part I of the Fourth Schedule to the Act shall be limited to the exemption made under Article 23 of the First Schedule to the Act.
5. The Director of the Programme Exchange Centre of the organization or any person acting in his behalf shall be accorded the immunities and privileges specified in Part II of the Fourth Schedule to the Act.
6. Any person who is a designated employee of the organization shall, while residing in Kenya and performing duties in the services of the organization, have the immunities and privileges specified in paragraphs 1 to 7 (inclusive) of Part III of the Fourth Schedule to the Act:

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

**PRIVILEGES AND IMMUNITIES (THE EASTERN AND SOUTHERN AFRICAN
MANAGEMENT INSTITUTE) ORDER, 1983**

[L.N. 4/1983.]

1. This Order may be cited as the Privileges and Immunities (The Eastern and Southern African Management Institute) Order, 1983.

2. The Eastern and Southern African Management Institute, in this Order referred to as "the institute", being an organization of which the Government of Kenya and other foreign governments are members, is declared to be an organization to which section 9 of the Act shall apply.

3. The Institute shall have—

- (a) the legal capacities of a body corporate;
- (b) the privileges and immunities specified in Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the institute shall, while residing in Kenya and performing duties in the service of the institute, have the privileges and immunities specified in paragraphs 2 to 7 (inclusive) 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, or working exclusively for, the Institute.

**PRIVILEGES AND IMMUNITIES (COMMONWEALTH SECRETARIAT)
ORDER, 1983**

[L.N. 16/1983.]

1. This Order may be cited as the Privileges and Immunities (Commonwealth Secretariat) Order, 1983.

2. The Commonwealth Secretariat in this Order referred to as “the Secretariat”, being an organization to which the Government of Kenya and other foreign governments are members, is declared to be an organization to which section 9 of the Act shall apply.

3. The Secretariat shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in paragraph 4 of Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Secretariat shall, while residing in Kenya and performing duties in the service of the Secretariat, have the privileges and immunities specified in paragraphs 2 to 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, or working exclusively for, the Secretariat.

5. For the purposes of this Order the Secretariat includes any fund or technical assistance agency established by the Secretariat.

PRIVILEGES AND IMMUNITIES (SHELTER AFRIQUE) ORDER, 1984

[L.N. 129/1984.]

1. This Order may be cited as the Privileges and Immunities (Shelter Afrique) Order, 1984.
2. Shelter Afrique, hereinafter referred to as the “organization”, being an organization of which the Government of Kenya and other foreign governments are members is declared, to be an organization to which section 9 of the Act applies.
3. The organization shall have—
 - (a) the legal capacities of a body corporate; and
 - (b) the immunities and privileges specified in Part I of the Fourth Schedule to the Act.
4. Notwithstanding paragraph 3(b) of this Order, the exemption from rates and taxes under paragraph 3 of Part I of the Fourth Schedule to the Act shall be limited to the exemption made under Article 23 of the First Schedule to the Act.
5. Any person who is an employee of the organization shall, while residing in Kenya and performing duties in the service of the organization have the immunities and privileges specified in paragraphs 1 to 7 (inclusive) of Part III of the Fourth Schedule to the Act:

Provided that the provisions of this paragraph shall not apply to a citizen 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 organization.

**PRIVILEGES AND IMMUNITIES (INTERNATIONAL CENTRE FOR INSECT
PHYSIOLOGY AND ECOLOGY) ORDER, 1989**

[L.N. 13/1989.]

1. This Order may be cited as the Privileges and Immunities (International Centre for Insect Physiology and Ecology) Order, 1989.

2. The International Centre for Insect Physiology and Ecology, hereinafter referred to as the "Centre", being an organization of which the Government of Kenya and other foreign governments are members, is hereby declared to be an organization to which section 9 of the Act shall apply.

3. The Centre shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in paragraphs 1, 4 and 5 of Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Centre shall, while residing in Kenya and performing duties in the service of the Centre, have the privileges and immunities specified in paragraphs 1 to 7 (inclusive) 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 Centre.

PRIVILEGES AND IMMUNITIES (PREFERENTIAL TRADE AREA FOR EASTERN AND SOUTHERN AFRICAN STATES) ORDER, 1989

[L.N. 365/1989.]

1. This Order may be cited as the Privileges and Immunities (Preferential Trade Area for Eastern and Southern African States) Order, 1989.

2. The Preferential Trade Area for Eastern and Southern African States, hereinafter referred to as the "Organization", being an organization of which the Government of Kenya and other foreign governments are members, is hereby declared to be an organization to which section 9 of the Act shall apply.

3. The organization shall have—

- (a) the legal capacity of a body corporate; and
- (b) the privileges and immunities specified in paragraphs 1, 4 and 5 of Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Organization shall, while residing in Kenya and performing duties in the service of the Organization, have the privileges and immunities specified in paragraphs 1 to 7 (inclusive) 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 Organization.

**PRIVILEGES AND IMMUNITIES (AFRICAN REINSURANCE CORPORATION)
ORDER, 1989**

[L.N. 407/1989.]

1. This Order may be cited as the Privileges and Immunities (African Reinsurance Corporation) Order, 1989.

2. The African Reinsurance Corporation, in this Order referred to as "the Corporation", being an organization of which the Government of Kenya and other Governments are members, is declared to be an organization to which section 9 of the Act shall apply.

3. The Corporation shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in paragraphs 1, 4 and 5 of Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Corporation shall, while residing in Kenya and performing duties in the service of the Corporation, have the privileges and immunities specified in paragraphs 1 to 7 (inclusive) 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, or working exclusively for, the Corporation.

**PRIVILEGES AND IMMUNITIES (INTERNATIONAL ORGANIZATION FOR
MIGRATION) ORDER, 1990**

[L.N. 461/1990.]

1. This Order may be cited as the Privileges and Immunities (International Organization for Migration) Order, 1990.
2. The International Organization for Migration (formerly called the Inter-Governmental Committee for Migration) in this order called “the Organization” being an Organization of which the Government of Kenya and other government are members is declared to be an Organization to which section 9 of the Act shall apply.
3. The Organization shall have—
 - (a) the legal capacities of a body corporate; and
 - (b) the privileges and immunities specified in Part I of the Fourth Schedule to the Act.
4. Any person who is an employee of the Organization shall, while residing in Kenya and performing duties in the service of the Organization, have the privileges and immunities specified in paragraphs 2 to 7 (inclusive) of Part III of the Fourth Schedule to the Act:

Provided that the provisions of this paragraph shall not apply to citizens of Kenya who are ordinarily resident in Kenya except solely for the purpose of being an employee of, or working exclusively for, the Organization.
5. The Privileges and Immunities (Inter-Governmental Committee for Migration) Order, 1983 (L.N. 71/1983, Sub. Leg.) is revoked.

PRIVILEGES AND IMMUNITIES (EASTERN AND SOUTHERN AFRICAN TRADE DEVELOPMENT BANK) ORDER, 1991

[L.N. 265/1991.]

1. This Order may be cited as the Privileges and Immunities (Eastern and Southern African Trade Development Bank) Order, 1991.

2. The Eastern and Southern African Trade Development Bank established by the member states of the Preferential Trade Area for Eastern and Southern African States, hereinafter referred to as “the Bank”, being an organization of which the Government of Kenya and other foreign Governments are members, is declared to be an organization to which section 9 of the Act applies.

3. The Bank shall have—

- (a) the legal capacity of a body corporate; and
- (b) the privileges and immunities specified in Part I of the Fourth Schedule to the Act.

4. Notwithstanding paragraph 3(b) of this Order, the exemption from rates and taxes under paragraph 3 of Part I of the Fourth Schedule to the Act shall be limited to the exemption made under Article 23 of the First Schedule to the Act.

5. Any person who is an employee of the Bank shall, while residing in Kenya and performing duties in the service of the Bank, have the privileges and immunities specified in paragraphs 1 to 7 (inclusive) of Part III of the Fourth Schedule to the Act:

Provided that the provision of this paragraph shall not apply to a citizen 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 Bank.

**PRIVILEGES AND IMMUNITIES (INTER-GOVERNMENTAL STANDING
COMMITTEE ON SHIPPING) ORDER, 1992**

[L.N. 149/1992.]

1. This Order may be cited as the Privileges and Immunities (Inter-Governmental Standing Committee on Shipping) Order, 1992.

2. The Inter-Governmental Standing Committee on Shipping, in this Order called “the Standing Committee”, being an organization of which the Government of Kenya and other governments are members, is declared to be an organization to which section 9 of the Act shall apply.

3. The Standing Committee shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Standing Committee shall, while residing in Kenya and performing duties in the service the Standing Committee, have the privileges and immunities specified in 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, or working exclusively for, the Standing Committee.

**PRIVILEGES AND IMMUNITIES (INTERNATIONAL CROPS RESEARCH
INSTITUTE FOR THE SEMI-ARID TROPICS) ORDER, 1992**

[L.N. 212/1992.]

1. This Order may be cited as the Privileges and Immunities (International Crops Research Institute for the Semi-Arid Tropics) Order, 1992.
2. The International Crops Research Institute for the Semi-Arid Tropics, in this Order, called "the Institute", being an Institute of which the Government of Kenya and other governments are members is declared to be an Institute to which section 9 of the Act shall apply.
3. The Institute shall have—
 - (a) the legal capacities of a body corporate; and
 - (b) the privileges and immunities specified in Part I of the Fourth Schedule to the Act.
4. Any person who is an employee of the Institute shall, while residing in Kenya and performing duties in the service of the Institute, have the privileges and immunities specified in paragraphs 1 to 7 (inclusive) of part III of the Fourth Schedule to the Act:

Provided that the provision of paragraphs 2 to 7 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, or working exclusively for, the Institute.
5. Nothing in this order shall be construed as conferring on any person in the said institute any immunities or privileges greater in extent than those provided under the agreement signed between the Government of Kenya and the Institute.

PRIVILEGES AND IMMUNITIES (AFRICAN HOUSING FUND) ORDER, 1992

[L.N. 226/1992.]

1. This Order may be cited as the Privileges and Immunities (African Housing Fund) Order, 1992.

2. The African Housing Fund, established by Shelter Afrique and hereinafter referred to as the "Fund" being an organization of which the Government of Kenya and other Governments are members is declared to be an organization to which section 9 of the Act applies.

3. The Fund shall have—

- (a) the legal capacities of a body corporate; and
- (b) the immunities and privileges specified in Part I of the Fourth Schedule to the Act.

4. Notwithstanding paragraph 3(b) of this Order, the exemption from rates and taxes under paragraph 3 of Part I of the Fourth Schedule to the Act shall be limited to the exemption made under Article 23 of the First Schedule to the Act.

5. Any person who is an employee of the Fund shall, while residing in Kenya and performing duties in the service of the Fund, have the immunities and privileges specified in paragraphs 1 to 7 (inclusive) of Part III of the Fourth Schedule of the Act:

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

**PRIVILEGES AND IMMUNITIES (INTERNATIONAL LABORATORY FOR
RESEARCH ON ANIMAL DISEASES) ORDER, 1993**

[L.N. 134/1993.]

1. This Order may be cited as the Privileges and Immunities (International Laboratory for Research on Animal Diseases) Order, 1993.

2. The International Laboratory for Research on Animal Diseases, in this Order referred to as I.L.R.A.D., being an Organization of which the Government of Kenya and other governments are members, is declared to be an Organization to which section 9 of the Act shall apply.

3. I.L.R.A.D. shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of I.L.R.A.D. shall, while residing in Kenya and performing duties in the service of I.L.R.A.D., have the privileges and immunities specified in 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, or working exclusively for, I.L.R.A.D.

**PRIVILEGES AND IMMUNITIES (CENTRE FOR AGRICULTURE AND
BIOSCIENCES INTERNATIONAL (C.A.B.I.)) ORDER, 1994**

[L.N. 224/1994.]

1. This Order may be cited as the Privileges and Immunities (Centre for Agriculture and Biosciences International (C.A.B.I.)) Order, 1994.
 2. The Centre for Agriculture and Biosciences International (C.A.B.I.) being an organization of which the Government of Kenya and other governments are members, is declared to be an organization to which section 9 of the Act shall apply.
 3. The Centre for Agriculture and Biosciences International (C.A.B.I.) shall have—
 - (a) the legal capacities of a body corporate; and
 - (b) the privileges and immunities specified in Part I of the Fourth Schedule to the Act.
 4. Any person who is an employee of Centre for Agriculture and Biosciences International (C.A.B.I.) shall, while residing in Kenya and performing duties in the service of the Centre for Agriculture and Biosciences International (C.A.B.I.) have the privileges and immunities specified in Part III of the Fourth Schedule to the Act, provided that the provisions of this paragraph shall not apply to citizens of Kenya or any person who is ordinarily resident in Kenya except solely for the purpose of being an employee of or working exclusively for Centre for Agriculture and Biosciences International (C.A.B.I.).
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PRIVILEGES AND IMMUNITIES (THE AFRICAN ASSOCIATION FOR PUBLIC ADMINISTRATION AND MANAGEMENT) ORDER, 1994

[L.N. 433/1994.]

1. This Order may be cited as the Privileges and Immunities (African Association for Public Administration and Management) Order, 1994.

2. The African Association for Public Administration and Management in this Order referred to as "the Organization", being an organization of which the Government of Kenya and other governments are members is declared to be an organization to which section 9 of the Act shall apply.

3. The organization shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the organization shall while residing in Kenya and performing duties in the service of the organization have the privileges and immunities specified in 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, or working exclusively for the organization.

PRIVILEGES AND IMMUNITIES (INTERNATIONAL COMMITTEE OF THE RED CROSS) ORDER, 1996

[L.N. 115/1996.]

1. This Order may be cited as the Privileges and Immunities (International Committee of the Red Cross) Order, 1996.

2. The International Committee of the Red Cross (hereinafter referred to as the "Committee"), constituting part of International Red Cross and Red Crescent Movement of which the Government of the Republic of Kenya and other foreign governments are members by virtue of being parties to the Geneva Conventions of 12th August, 1946, is declared to be an organization to which section 9 of the Act applies.

3. The Committee shall have—

- (a) the legal capacities of a body corporate; and
- (b) the immunities and privileges specified in Part I of the Fourth Schedule to the Act.

4. Notwithstanding paragraph 3(b) of this Order, the exemption from rates and taxes under paragraph 3 of Part I of the Fourth Schedule to the Act shall be limited to the exemption made under Article 23 of the First Schedule to the Act.

5. Any person who is an employee of the Committee shall, while residing in Kenya and performing duties in the service of the Committee, have the immunities and privileges specified in paragraphs 1 to 7 (inclusive) of Part III of the Fourth Schedule to the Act:

Provided that the provisions of this paragraph shall not apply to a citizen 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 Committee.

PRIVILEGES AND IMMUNITIES (AFRICAN UNION OF THE BLIND) ORDER, 1996

[L.N. 319/1996.]

1. This order may be cited as the Privileges and Immunities (African Union of the Blind) Order, 1996.
 2. The African Union of the Blind hereafter referred to as “the Union” being an organization of which the Government of Kenya and other governments are members, is hereby declared to be an organization to which section 11 of the Act shall apply.
 3. The Union shall have—
 - (a) the legal capacities of a body corporate; and
 - (b) the Privileges and Immunities specified in part I of the Fourth Schedule to the Act.
 4. Any person who is an employee of the Union shall, while residing in Kenya and performing duties in the service of the Union, have the privileges and immunities specified in paragraphs 1 to 7 (inclusive) of part III of the Fourth Schedule to the Act;
 5. Provided that the provision of this paragraph shall not apply to citizens of Kenya or to any person who is ordinarily resident in Kenya except for purposes of being an employee of and working exclusively for the union.
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**PRIVILEGES AND IMMUNITIES (WORLD-WIDE FUND FOR NATURE)
ORDER, 1997**

[L.N. 151/1997.]

1. This Order may be cited as the Privileges and Immunities (World-wide Fund for Nature) Order, 1997.
 2. The World-Wide Fund for Nature, in this Order referred to as the “the Fund”, being an organization of which the Government of Kenya and other governments are members, is declared to be an organization to which section 9 of the Act shall apply.
 3. The Fund shall have—
 - (a) the legal capacities of a body corporate;
 - (b) the privileges and immunities specified in paragraphs 3 to 6 of part I of the Fourth Schedule to the Act.
 4. Despite paragraph 3(b) of this order, the exemption from rates and taxes under paragraph 3 of part I of the Fourth Schedule to the Act shall be limited to the exemption made under Article 23 of the First Schedule to the Act.
 5. Any person who is an employee of the Fund, while residing in Kenya and performing duties in the service of the Fund, shall have the privileges and immunities specified in paragraphs 2 to 7 of part III of the Fourth Schedule to the Act, provided that the provisions of this paragraph shall not apply to a citizen of Kenya or to any person who is permanently resident in Kenya.
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**PRIVILEGES AND IMMUNITIES (AGA KHAN DEVELOPMENT NETWORK)
ORDER, 1997**

[L.N. 165/1997.]

1. This Order may be cited as the Privileges and Immunities (Aga Khan Development Network) Order, 1997 and shall be deemed to have come into operation on the 11th July, 1997.
2. (1) The Aga Khan Development Network, in this Order referred to as “the Network”, being a network of development agencies with which the Government of Kenya has entered into an agreement for cooperation, is declared to be an organisation to which section 11 of the Act shall apply.

(2) For the purposes of this Order, the expression “**development agencies**” means the agencies specified in Schedule 1 of the agreement for co-operation dated the 24th November, 1996.
3. The Network shall have the privileges and immunities specified in Part I of the Fourth Schedule to the Act.
4. Except in so far as, in any particular case, any privilege or immunity is waived by His Highness Prince Karim Aga Khan or his successor to the Imam designated by his predecessor, the personal representative of His Highness the Prince Karim Aga Khan, the 49th hereditary Imam of the Shia Imami Ismaili Muslims or his successor to the Imam designated by his predecessor, while residing in Kenya for purposes of the Network and his spouse and dependant relatives shall have diplomatic status with the privileges and immunities specified in Part III of the Fourth Schedule to the Act.
5. Except in so far as, in any particular case, any privilege or immunity is waived, the representative of the Network and the senior executive members of each of the development agencies shall, while residing in Kenya and performing duties in the service of the Network, have the privileges and immunities specified in Part III of the Fourth Schedule to the Act:

Provided that this paragraph shall not apply to employees of the Network who are Kenya citizens and who are permanently resident in Kenya.
6. Senior officials of the Network who are neither citizens of nor resident in Kenya shall, while in Kenya on temporary missions to perform duties in the service of the Network, have the privileges and immunities specified in paragraphs 1, 4 and 6 of Part III of the Fourth Schedule to the Act.

PRIVILEGES AND IMMUNITIES (AFRICAN CENTRE FOR TECHNOLOGY STUDIES) ORDER, 1998

[L.N. 87/1998.]

1. This Order may be cited as the Privileges and Immunities (African Centre for Technology Studies) Order, 1998.
2. The African Centre for Technology Studies, hereinafter referred to as "The Centre" being an organization of which the Government of Kenya and other governments are members, is declared to be an organization to which section 9 of the Act shall apply.
3. The Centre shall have—
 - (a) the legal capacity of a body corporate; and
 - (c) the privileges and immunities specified in paragraphs 3 to 6 of part I of the Fourth Schedule to the Act.
4. Notwithstanding paragraph 3(b) of this Order, the exemption from rates and taxes under paragraph 3 of part I of the Fourth Schedule to the Act shall be limited to the exemption made under article 23 of the First Schedule to the Act.
5. Any person who is an employee of the Centre, shall while residing in Kenya and performing duties in the service of the Centre, have the privileges and immunities specified in paragraphs 2 to 7 of part III of the Fourth Schedule to the Act:
Provided that the provisions of this paragraph shall not apply to a Kenyan citizen or to any person who is permanently resident in Kenya.

**PRIVILEGES AND IMMUNITIES (WORLD ORGANIZATION OF THE SCOUT
MOVEMENT) ORDER, 1998**

[L.N. 90/1998.]

1. This Order may be cited as the Privileges and Immunities (World Organization of the Scout Movement) Order, 1998.
2. The World Organization of the Scout Movement, in this Order referred to as “the Scout Movement”, being an organization with which the Government of Kenya has entered into an agreement for co-operation, is declared to be an organization to which section 11 of the Act shall apply.
3. The Scout Movement shall have the privileges and immunities specified in paragraphs 3, 4, 5 and 6 of Part I of the Fourth Schedule to the Act.
4. Any person who is an employee of the Scout Movement shall, while residing in Kenya and performing duties in the service of the Scout Movement, 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, or working exclusively for the Scout Movement.

PRIVILEGES, AND IMMUNITIES (INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES, REGIONAL DELEGATION FOR EASTERN AFRICA) ORDER, 1998

[L.N. 126/1998.]

1. This Order may be cited as the Privileges and Immunities (International Federation of Red Cross and Red Crescent Societies, Regional Delegation for Eastern Africa) Order, 1998.

2. The International Federation of Red Cross and Red Crescent Societies, Regional Delegation for Eastern Africa, in this Order called the "the Delegation", being an agency with which the Government of Kenya has entered into an agreement for co-operation, is declared to be an organization to which section 11 of the Act shall apply.

3. The Delegation shall have the privileges and immunities specified in Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Delegation shall, while residing in Kenya and performing duties in the service of the Delegation, have the Privileges and immunities set out in paragraphs 2 to 7 (inclusive) of Part III of the Fourth Schedule to the Act.

Provided that the provisions of this paragraph shall not apply to employees of the Delegation who are Kenya citizens and who are permanently resident in Kenya.

**PRIVILEGES AND IMMUNITIES (THE INTERNATIONAL UNION FOR THE
CONSERVATION OF NATURE AND NATURAL RESOURCES) ORDER, 1999**

[L.N. 130/1999.]

1. This Order may be cited as the Privileges and Immunities (The International Union for the Conservation of Nature and Natural Resources) Order, 1999.
2. The International Union for the Conservation of Nature and Natural Resources, in this Order referred to as “the Union”, being an Organization of which the Government of Kenya and other governments are members, is declared to be an organization to which section 9 of the Act shall apply.
3. The union shall have—
 - (a) the legal capacity of a body corporate; and
 - (b) the privileges and immunities specified in paragraphs 1 to 6 of Part I and III of the Fourth Schedule to the Act.
4. Notwithstanding paragraph 3(b) of this Order, the exemption from rates and taxes under paragraph 3 of Part I of the Fourth Schedule to the Act shall be limited to the exemption made under Article 23 of the First Schedule to the Act.
5. Any person who is an employee of the Union shall, while residing in Kenya and performing duties in the service of the Union, have the privileges and immunities specified in paragraphs 1 to 7 of Part III of the Fourth Schedule to the Act:

Provided that the provisions of this paragraph shall not apply to employees of the Union who are Kenya citizens or to any person who is permanently resident in Kenya.

**PRIVILEGES AND IMMUNITIES (EAST AFRICAN DEVELOPMENT BANK)
ORDER, 1999**
[L.N. 147/1999.]

1. This Order may be cited as the Privileges and Immunities (East African Development Bank) Order, 1999.
 2. The East African Development Bank, in this order referred to as “the Bank” being an organization of which the Government of Kenya and other governments are members, is declared to be an organization to which section 9 of the Act shall apply.
 3. The bank shall have—
 - (a) the legal capacities of a body corporate; and
 - (b) the privileges and immunities specified in paragraphs 2 to 6 of part I of the Fourth Schedule to the Act.
 4. Any person who is an employee of the Bank shall, while residing in Kenya and performing duties in the service of the Bank, have the privileges and immunities specified in paragraphs 2 to 7 of part III of the Fourth Schedule of 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, or working exclusively for the Bank.
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**PRIVILEGES AND IMMUNITIES (INTERNATIONAL CRIMINAL POLICE
ORGANIZATION ON SUB-REGIONAL BUREAU FOR EASTERN AFRICA)**

ORDER, 1999

[L.N. 160/1999.]

1. This Order may be cited as the Privileges and Immunities (International Criminal Police Organization Sub-regional Bureau for Eastern Africa) Order, 1999.

2. The International Criminal Police Organization Sub-regional Bureau for Eastern Africa, in this Order referred to as “the Sub-regional Bureau”, being an organization of which the Government of Kenya and other governments are members, is declared to be an organization to which section 9 of the Act shall apply.

3. The Sub-regional Bureau shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in paragraphs 2 to 6 of part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Sub-regional Bureau shall, while residing in Kenya and performing duties in the service of the Sub-regional Bureau, have the privileges and immunities specified in paragraphs 2 to 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 Sub-regional Bureau.

PRIVILEGES AND IMMUNITIES (THE INTERNATIONAL CO-OPERATIVE ALLIANCE) ORDER, 1999

[L.N. 186/1999.]

1. This Order may be cited as the Privileges and Immunities (The International Co-operative Alliance) Order, 1999.
2. The International Co-operative Alliance, in this Order referred to as “the alliance” being an organization with which the Government of Kenya, has entered into an agreement for co-operation, is declared to be an organization to which section 11 of the Act shall apply.
3. The alliance shall have the Privileges and Immunities specified in part I of the Fourth Schedule to the Act.
4. Any person who is an employee of the alliance shall, while residing in Kenya and performing duties in the service of the alliance, have the privileges and immunities specified in paragraphs 2 to 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, or working exclusively for, the alliance.

PRIVILEGES AND IMMUNITIES (INTER GOVERNMENTAL AUTHORITY ON DEVELOPMENT) ORDER, 2000

[L.N. 10/2000.]

1. This Order may be cited as the Privileges and Immunities (Inter Governmental Authority on Development) Order, 1999.

2. The Inter Governmental Authority on Development in this Order referred to as the "Authority", being an organization of which the Government of Kenya and other governments are members, is declared to be an organization to which section 9 of the Act, shall apply.

3. The Authority shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in Part I of the Fourth Schedule to the Act.

4. Representatives of member states shall have the privileges and immunities specified in Part II of the Fourth Schedule to the Act.

5. Any person who is an employee of the Authority shall, while residing in Kenya and performing duties in the service of the Authority, have the privileges and immunities specified in 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.

**PRIVILEGES AND IMMUNITIES (AFRICAN ECONOMIC RESEARCH
CONSORTIUM) ORDER, 2000**

[L.N. 24/2000.]

1. This Order may be cited as the Privileges and Immunities (African Economic Research Consortium) Order, 2000.

2. The African Economic Research Consortium, in this Order referred to as “the Consortium”, being an organization with which the Government of Kenya has entered into an agreement for co-operation, is declared to be an organization to which section 11 of the Act shall apply.

3. The Consortium shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in paragraphs 2 to 6 of Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Consortium shall, while residing in Kenya and performing duties in the service of the Consortium, have the privileges and immunities specified in paragraphs 2 to 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, or working exclusively for the Consortium.

**PRIVILEGES AND IMMUNITIES (COMMONWEALTH ASSOCIATION OF
POLYTECHNICS IN AFRICA) ORDER, 2000**

[L.N. 104/2000.]

1. This Order may be cited as the Privileges and Immunities (Commonwealth Association of Polytechnics in Africa) Order, 2000.

2. The Commonwealth Association of Polytechnics in Africa, in this Order referred to as "the Association", being an organization with which the Government of Kenya has entered into an agreement, is declared to be an organization to which section 11 of the Act shall apply.

3. The Association shall have the privileges and immunities specified in paragraphs 2 to 5 (inclusive) of Part I of the Fourth Schedule to the Act.

4. Notwithstanding paragraph 3 of this Order, the exemption from rates and taxes under paragraph 3 of Part I of the Fourth Schedule to the Act shall be limited to the exemption made under Article 23 of the First Schedule to the Act.

5. Any person who is an employee of the Association shall, while residing in Kenya and performing duties in the service of the Association, have the privileges and immunities specified in paragraphs 2 to 7 (inclusive) 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 Association.

PRIVILEGES AND IMMUNITIES (THE INTERNATIONAL LIVESTOCK RESEARCH INSTITUTE (ILRI) ORDER, 2000

[L.N. 2/2001.]

1. This Order may be cited as the Privileges and Immunities (The International Livestock Research Institute (ILRI)) Order, 2000.

2. The International Livestock Research (ILRI), in this Order referred to as “the Institute”, being an organization of which the Government of Kenya and other governments are members, is declared to be an organization to which section 9 of the Act shall apply.

3. The Institute shall have—

- (a) the legal capacity of a body corporate; and
- (b) the privileges and immunities specified in paragraphs 3 to 6 of Part I of the Fourth schedule to the Act.

4. Notwithstanding paragraph 3(b) of this Order, the exemption from rates and taxes under paragraph 3 of Part I of the Fourth Schedule to the Act shall be limited to the exemption made under article 23 of the First Schedule to the Act.

5. Any person who is an employee of the Institute shall, while residing in Kenya and performing duties in the service of the Institute, have the privileges and immunities specified in paragraphs 2 to 7 of Part III of the Fourth Schedule to the Act:

Provided that the provisions of this paragraph shall not apply to employees of the Institute who are Kenya citizens or to any person who is permanently resident in Kenya.

**PRIVILEGES AND IMMUNITIES (TASK FORCE ON CO-OPERATIVE
ENFORCEMENT OPERATIONS DIRECTED AT ILLEGAL TRADE IN WILD FAUNA
AND FLORA) ORDER, 2001**

[L.N. 49/2001.]

1. This Order may be cited as the Privileges and Immunities (Task Force on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora) Order, 2001.

2. The Task Force 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:

Provided that no waiver of immunity shall be deemed to extend to any measure of execution.

3. The Task Force 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 Task Force shall have the like exemption or relief from taxes and rates, including taxes on the importation of goods, as is accorded to a Foreign Sovereign Power.

5. The Task Force shall have exemption from taxes on the importation of goods directly imported by the Task Force, for its official use in Kenya or for exportation, or on the importation of any publications of the Task Force 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 revenue.

6. The Task Force shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Task Force for its official use and in the case of any publication of the Task Force directly imported or exported by it.

7. The Task Force 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 dispatched from places outside Kenya), of any reduced rates applicable for the corresponding service in the case of press telegrams.

8. (1) Except in so far as any privilege or immunity is waived, in the case of representatives of member governments, by the governments whom they represent, and in the case of the chairperson and members of the Governing Council of the Task Force, by the Governing Council, representatives of member governments and the chairperson and members of the Governing Council of the Task Force 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 relating to the work of the Task Force;
- (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; and
- (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 except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation

[Subsidiary]

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, “**representatives of member governments**” includes their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

9. Except in so far as in any particular case any privilege or immunity is waived by the Task Force, officers of the Task Force holding the offices of Director, field officers and Intelligence officers 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 Task Force.

10. Except in so far as in any particular case any privilege or immunity is waived by the Task Force, persons employed on missions on behalf of the Task Force 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 Task Force; and
- (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 Task Force.

The provisions of this paragraph shall not apply to citizens of Kenya or to a person who is ordinarily resident in Kenya.

11. Except in so far as in any particular case any privilege or immunity is waived by the Task Force, all officials of the Task Force, 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 and servants of the Task Force;
- (c) immunity from national service obligations, provided that, with respect to Kenyan nationals such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Director and approved by the Government; provided further that should any officials, other than those listed, who are Kenyan nationals, be called up for national service, the Government shall, upon request of the Director, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption of the essential work of the Task Force;
- (d) immunity from immigration restrictions and alien registration in respect of officers and servants and 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 accredited to the Republic of Kenya;

[Subsidiary]

- (f) the like facilities for officers and servants, and their spouses and dependant relatives for repatriation in times of international crisis as are accorded to diplomatic missions accredited to the Republic of Kenya; and
- (g) exemption from tax or duty on the importation of furniture, personal property and household effects of an officer or servant first arriving to take up his post in Kenya.

The provisions of paragraph 11 shall not apply to citizens of Kenya or to any person who is ordinarily resident in Kenya

**PRIVILEGES AND IMMUNITIES (THE AFRICAN TRADE INSURANCE AGENCY)
ORDER, 2001**

[L.N. 89/2001.]

1. This Order may be cited as the Privileges and Immunities (The African Trade Insurance Agency) Order, 2001.
2. The African Trade Insurance Agency, in this Order referred to as “the Agency”, being an organization of which the Government of Kenya and other governments are members, is hereby declared to be an organization to which Section 9 of the Act shall apply.
3. The Agency shall have—
 - (a) the legal capacities of a body corporate; and
 - (b) the privileges and immunities specified in Part I of the Fourth Schedule to the Act.
4. Any person who is an employee of the Agency shall, while residing in Kenya and performing duties in the service of the Agency, have the privileges and immunities specified in 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 Agency.

**PRIVILEGES AND IMMUNITIES (THE AFRICAN ADVANCED LEVEL
TELECOMMUNICATIONS INSTITUTE) ORDER, 2001**

[L.N. 118/2001.]

1. This order may be cited as the Privileges and Immunities (the African Advanced Level Telecommunications Institute) Order, 2001.

2. The African Advanced Level Telecommunications Institute, in this Order referred to as the "Institute", being an organization of which the Government of Kenya and other governments are members, is declared to be an organization to which section 9 of the Act shall apply.

3. The Institute shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in paragraphs 3, 4, 5 and 6 of Part I of the Fourth Schedule to the Act.

4. Notwithstanding paragraph 3(b) of this Order, the exemption from rates and taxes under paragraph 3 of Part I of the Fourth Schedule to the Act shall be limited to the exemption made under Article 23 of the First Schedule to the Act.

5. Any person who is an employee of the Institute shall, while residing in Kenya and performing duties in the service of the Institute, have the privileges and immunities specified in paragraphs 2 to 7 of Part III of the Fourth Schedule to the Act:

Provided that the provisions of this paragraph shall not apply to any citizen 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 Institute.

**PRIVILEGES AND IMMUNITIES (THE PREPARATORY COMMISSION OF THE
COMPREHENSIVE NUCLEAR TEST-BAN TREATY ORGANIZATION)**

ORDER, 2001

[L.N. 120/2001.]

1. This Order may be cited as the Privileges and Immunities (The Preparatory Commission of the Comprehensive Nuclear Test-Ban Treaty Organization) Order, 2001.
2. The Preparatory Commission of the Comprehensive Nuclear Test-Ban Treaty Organization, in this Order referred to as “the Preparatory Commission”, being an organization of which the Government of Kenya and other governments are members, is declared to be an organization to which section 9 of the Act shall apply.
3. The Preparatory Commission shall have—
 - (a) the legal capacity of a body corporate; and
 - (b) the privileges and immunities specified in paragraphs 3 to 6 of Part I of the Fourth Schedule to the Act.
4. Notwithstanding paragraph 3(b) of this Order, the exemption from rates and taxes under paragraph 3 of Part I of the Fourth Schedule to the Act shall be limited to the exemption made under article 23 of the First Schedule to the Act.
5. Any person who is an employee of the Preparatory Commission shall, while residing in Kenya and performing duties in the service of the Preparatory Commission, have the privileges and immunities in paragraphs 2 to 7 of Part III of the Fourth Schedule to the Act:
Provided that the provisions of this paragraph shall not apply to employees of the Preparatory Commission who are Kenya citizens or to any person who is permanently resident in Kenya.

PRIVILEGES AND IMMUNITIES (THE AFRICAN POPULATION ADVISORY COUNCIL (APAC)) ORDER, 2001

[L.N. 124/2001.]

1. This Order may be cited as the Privileges and Immunities (The African Population Advisory Council (APAC)) Order, 2001.
2. The African Population Advisory Council (APAC), in this Order referred to as “the Council”, being an organization with which the Government of Kenya has entered into an agreement, is declared to be an organization to which section 11 of the Act shall apply.
3. The Council shall have the privileges and immunities specified in paragraphs 3 to 6 of Part I of the Fourth Schedule to the Act.
4. Any person who is an employee of the Council shall, while residing in Kenya and performing duties in the service of the Council, have the privileges and immunities specified in paragraphs 2 to 7 of Part III of the Fourth Schedule to the Act:

Provided that the provisions of this paragraph shall not apply to employees of the Council who are Kenya citizens or to any person who is permanently resident in Kenya.

PRIVILEGES AND IMMUNITIES (THE CENTRE FOR AFRICAN FAMILY STUDIES (CAFS)), ORDER, 2001

[L.N. 125/2001.]

1. This Order may be cited as the Privileges and Immunities (The Centre for African Family Studies (CAFS)) Order, 2001.
2. The Centre for African Family Studies (CAFS) in this Order referred to as “the Centre”, being an organization with which the Government of Kenya has entered into an agreement, is declared to be an organization to which section 11 of the Act shall apply.
3. The Centre shall have the privileges and immunities specified in paragraphs 3 to 6 of Part I of the Fourth Schedule to the Act.
4. Any person who is an employee of the Centre shall, while residing in Kenya and performing duties in the service of the Centre, have the privileges and immunities specified in paragraphs 2 to 7 of Part III of the Fourth Schedule to the Act:

Provided that the provisions of this paragraph shall not apply to employees of the Centre who are Kenya citizens or to any person who is permanently resident in Kenya.

PRIVILEGES AND IMMUNITIES (THE AFRICAN POPULATION AND HEALTH RESEARCH CENTRE (A.P.H.R.C.)) ORDER, 2001

[L.N. 126/2001.]

1. This Order may be cited as the Privileges and Immunities (The African Population and Health Research Centre (A.P.H.R.C.)) Order, 2001.
2. The African Population and Health Research Centre (A.P.H.R.C.) in this Order referred to as "the Centre", being an organization with which the Government of Kenya has entered into an agreement, is declared to be an organization to which section 11 of the Act shall apply.
3. The Centre shall have the privileges and immunities specified in paragraphs 3 to 6 of Part I of the Fourth Schedule to the Act.
4. Any person who is an employee of the Centre shall while residing in Kenya and performing duties in the service of the Centre, have the privileges and immunities specified in paragraphs 2 to 7 of Part III of the Fourth Schedule to the Act:

Provided that the provisions of this paragraph shall not apply to employees of the Centre who are Kenya citizens or to any person who is permanently resident in Kenya.

**PRIVILEGES AND IMMUNITIES (SOS-KINDERDORF INTERNATIONAL (SOS))
ORDER, 2002**

[L.N. 53/2002.]

1. This Order may be cited as the Privileges and Immunities (SOS-Kinderdorf International (SOS)) Order, 2002.
2. The SOS-Kinderdorf International (SOS), in this Order referred to as “SOS” being an organization with which the Government of Kenya has entered into an agreement is declared to be an organization to which section 11 of the Act shall apply.
3. SOS shall have—
 - (a) the legal capacity of a body corporate; and
 - (b) the privileges and immunities specified in paragraphs 3 to 6 of part I of the Fourth Schedule to the Act.
4. Notwithstanding paragraphs 3(b) of this Order, the exemption from rates and taxes under paragraph 3 of part I of the Fourth Schedule to the Act shall be limited to the exemption made under article 23 of the First Schedule to the Act.
5. Any person who is an employee of SOS shall while residing in Kenya and performing duties in the service of SOS, have the privileges and immunities specified in paragraphs 2 to 7 of part III of the Fourth Schedule to the Act:

Provided that the provisions of this paragraph shall not apply to employees of SOS who are Kenya citizens or to any person who is permanently resident in Kenya.

**PRIVILEGES AND IMMUNITIES (THE AFRICAN VIRTUAL UNIVERSITY (AVU))
ORDER, 2003**

[L.N. 5/2003.]

1. This Order may be cited as the Privileges and Immunities (The African Virtual University (AVU)) Order, 2002.

2. The African Virtual University (AVU), in this Order referred to as the "AVU" being an organization of which the Government of the Republic of Kenya and other Governments are members, is declared to be an organization to which section 9 of the Act shall apply.

3. The AVU shall have—

- (a) the legal capacity of a body corporate; and
- (b) the privileges and immunities specified in part I of the Fourth Schedule to the Act.

4. Notwithstanding paragraph 3(b) of this Order, the exemption from rates and taxes under paragraphs 3 of Part I of the Fourth Schedule to the Act, shall be limited to the exemptions made under Article 23, of the First Schedule to the Act.

5. Any person who is an employee of the AVU shall, while residing in Kenya and performing duties in the service of the AVU, have the privileges and immunities specified in paragraphs 2 to 7 of Part III of the Fourth Schedule to the Act:

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

**PRIVILEGES AND IMMUNITIES (THE PAN AFRICAN NEWS AGENCY)
(PANAPRESS) ORDER, 2003**

[L.N. 113/2003.]

1. This Order may be cited as the Privileges and Immunities (the Pan African News Agency (Panapress) Order, 2003.
2. The Pan African News Agency in this Order referred to as “the Agency”, being an organization of which the Government of Kenya and other Governments are members, is declared to be an organization to which section 9 of the Act shall apply.
3. The Agency shall have—
 - (a) the legal capacity of a body corporate; and
 - (b) the privileges and immunities specified in paragraphs 2 to 6 of Part I of the Fourth Schedule to the Act.
4. Notwithstanding paragraph 3(b) of this Order, the exemption from rates and taxes under paragraph 3 of Part I of the Fourth Schedule to the Act shall be limited to the exemptions made under Article 23 and 28 of the First Schedule to the Act.
5. Any person who is an employee of the Agency shall, while residing in Kenya and performing duties in the service of the Agency, have the privileges and immunities specified in Part III of the Fourth Schedule to the Act:

Provided that the provisions of this paragraph shall not apply to employees of the Agency who are Kenya citizens 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 Agency.

**PRIVILEGES AND IMMUNITIES (LAKE VICTORIA BASIN COMMISSION)
ORDER, 2008**

[L.N. 15/2008.]

1. This Order may be cited as the Privileges and Immunities (Lake Victoria Basin Commission) Order, 2008.

2. The Lake Victoria Basin Commission, hereinafter referred in this Order to as "The Commission", being a Regional International body established by a Protocol subscribed to by the Government of Kenya and other governments, is hereby declared to be an organization to which section 9 of the Act shall apply.

3. The Organization shall have—

- (a) The legal capacities of a body corporate;
- (b) The immunities and privileges set out in paragraph 2, 3, 4, 5 and 6 of Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Commission shall, while residing in Kenya and performing duties in the service of the Commission have the privileges and immunities specified in paragraphs 1 to 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 citizens or nationals of any country 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 Commission.

PRIVILEGES AND IMMUNITIES (AFRICAN INSTITUTE FOR CAPACITY DEVELOPMENT) ORDER, 2008

[L.N. 18/2008.]

1. This Order may be cited as the Privileges and Immunities (African Institute for Capacity Development) Order, 2008.

2. The African Institute for Capacity Development, hereinafter referred to in this Order as "the Institute", being a Regional International body established by a Charter subscribed to by the Governments of Kenya, the United Republic of Tanzania and the Republic of Uganda with the primary objective of facilitating poverty reduction in the African region through human capacity building, is hereby declared to be an organisation to which section 9 of the Act shall apply.

3. The Institute shall have—

- (a) the legal capacities of a body corporate;
- (b) the immunities and privileges set out in paragraphs 2, 3, 4, 5 and 6 of Part I of the Fourth Schedule of the Act.

4. Any person who is an employee of the Institute shall, while residing in Kenya and performing duties in the service of the Commission, have the privileges and immunities specified in paragraphs 1 to 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 citizens or nationals of any country 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 Institute.

**PRIVILEGES AND IMMUNITIES (AFRICAN AIRLINES ASSOCIATION)
ORDER, 2008**

[L.N. 19/2008.]

1. This Order may be cited as the Privileges and Immunities (African Airlines Association) Order, 2008.

2. The African Airlines Association, in this Order referred to as "the Association", being a regional association of airlines with the primary objective of promoting the development of safe, reliable, economical and efficient air transport in the African region, is hereby declared to be an organization to which section 11 of the Act shall apply.

3. The Association shall have the privileges specified in paragraphs 3, 4 and 5 of Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Association shall, while residing in Kenya and performing duties in the service of the Association, have the privileges and immunities specified in paragraphs 1 to 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 citizens or nationals of any country 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 Association.

**PRIVILEGES AND IMMUNITIES (INTERNATIONAL PLANNED PARENTHOOD
FEDERATION) ORDER, 2008**

[L.N. 20/2008.]

1. This Order may be cited as the Privileges and Immunities (International Planned Parenthood Federation) Order, 2008.

2. The International Planned Parenthood Federation, in this Order referred to as “the Organization”, being an international non-Government and non-profit making organization with the primary objective of safeguarding sexual and reproductive healthcare and rights of persons, established by a Charter subscribed to by the Government of Kenya and other governments, is hereby declared to be an organization to which section 11 of the Act shall apply.

3. The Organization shall have the privileges specified in paragraphs 2, 3, 4 and 5 of Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Organization shall, while residing in Kenya and performing duties in the service of the Organization, have the privileges and immunities specified in paragraphs 1 to 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 citizens or nationals of any country 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 Organization.

PRIVILEGES AND IMMUNITIES (AFRICAN REGIONAL ORGANIZATION FOR STANDARDIZATION) ORDER, 2008

[L.N. 21/2008.]

1. This Order may be cited as the Privileges and Immunities (African Regional Organization for Standardization) Order, 2008.

2. The African Regional Organization for Standardization, in this Order referred to as “the Organization”, being an organization of which the Government of Kenya and other Governments are members, is declared to be an organization to which section 9 of the Act shall apply.

3. The Organization shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in paragraphs 1, 2, 3, 4 and 5 of Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Organization shall, while residing in Kenya and performing duties in the service of the Organization, have the privileges and immunities specified in paragraphs 1 to 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 any person who is ordinarily resident in Kenya except solely for the purpose of being an employee of, and working exclusively for, the Organization.

PRIVILEGES AND IMMUNITIES (THE ASSOCIATION OF EVANGELICALS IN AFRICA) ORDER, 2008

[L.N. 34/2008.]

1. This Order may be cited as the Privileges and Immunities (The Association of Evangelicals in Africa) Order, 2008.
2. The Association of Evangelicals in Africa, in this Order called “the Association”, being a fellowship of not-for-profit and independent African Evangelical National Association with which the Government has entered into an agreement for co-operation, is declared to be an organization to which section 11 of the Act shall apply.
3. The Association shall have the privileges and immunities specified in paragraph 4 of Part I of the Fourth Schedule to the Act.
4. The regional representative, professional staff members, advisors and consultants of the Association shall, while residing in Kenya and performing duties in the service of the Association, have the privileges and immunities specified in paragraph 3 of Part II and paragraphs 2 to 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, or work exclusively for, the Association.

**PRIVILEGES AND IMMUNITIES (THE AFRICAN WILDLIFE FOUNDATION)
ORDER, 2008**

[L.N. 39/2008.]

1. This Order may be cited as the Privileges and Immunities (The African Wildlife Foundation) Order, 2008.

2. The African Wildlife Foundation in this Order referred to as “the Foundation” being an international conservation organization with the primary objective of building the people of Africa’s capacity to manage natural resources and protect the biodiversities of the continent, with which the Government of Kenya has entered into an agreement for co-operation, is declared to be an organization to which section 11 of the Act shall apply.

3. Foundation shall have the immunities and privileges specified in paragraphs 2, 3 and 4 of Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Foundation shall, while residing in Kenya and performing duties in the service of the Foundation, have the privileges and immunities specified in paragraphs 1, 2, 3, 4 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, or work exclusively for, the Foundation.

PRIVILEGES AND IMMUNITIES (CHURCH WORLD SERVICE) ORDER, 2008

[L.N. 42/2008.]

1. This Order may be cited as the Privileges and Immunities (Church World Service) Order, 2008.
2. The Church World Service, in this Order referred to as “the Organization” being a non-profit making Non-Governmental organization with the primary objective of responding to humanitarian needs, enjoying membership from thirty-six independent denominational churches and holding consultative status with the United Nations Economic and Social Council, is declared to be an organization to which section 11 of the Act shall apply.
3. The Organization shall have the immunities and privileges specified in paragraphs 3, 4 and 5 of Part I of the Fourth Schedule to the Act.
4. Any person who is an employee of the Organization shall, while residing in Kenya and performing duties in the service of the Organization, have the privileges and immunities specified in paragraphs 2, 3, 4 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, or working exclusively for, the Organization.

PRIVILEGES AND IMMUNITIES (REGIONAL DISASTER MANAGEMENT CENTRE OF EXCELLENCE) ORDER, 2008

[L.N. 95/2008.]

1. This Order may be cited as the Privileges and Immunities (Regional Disaster Management Centre of Excellence) Order, 2008.

2. The Regional Disaster Management Centre of Excellence, in this Order, referred to as "the Organization", being an organization of which the Government of Kenya and other Governments are members, is declared to be an organization to which section 9 of the Act shall apply.

3. The Organization shall have—

- (a) the legal capacities of a body corporate; and
- (b) the privileges and immunities specified in paragraphs 2, 3 4, 5 and 6 of Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Organization shall, while residing in Kenya and performing duties in the service of the Organization, have the privileges and immunities specified in paragraphs 1 to 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 Organization.

**PRIVILEGES AND IMMUNITIES (ALL AFRICA CONFERENCE OF CHURCHES)
ORDER, 2008**

[L.N. 99/2008.]

1. This Order may be cited as the Privileges and Immunities (All Africa Conference of Churches) Order, 2008.
 2. The All Africa Conference of Churches, in this Order, referred to as “the Organization”, being a fellowship of Christian churches in Africa, with the objective of mobilizing to faithfully live the message of God’s love, nurturing a common understanding of the faith and interpreting and responding to the challenges to human dignity, is declared to be an organization to which section 11 of the Act shall apply.
 3. The Organization shall have the privileges and immunities specified in paragraphs 3, 4 and 5 of Part I of the Fourth Schedule to the Act.
 4. Any person who is an employee of the Organization shall, while residing in Kenya and performing duties in the service of the Organization, have the privileges and immunities specified in paragraphs 2, 3 and 7 of Part III of the Fourth Schedule to the Act:
 Provided that 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 Organization.
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**PRIVILEGES AND IMMUNITIES (THE LUTHERAN WORLD FEDERATION)
ORDER, 2008**

[L.N. 104/2008.]

1. This Order may be cited as the Privileges and Immunities (The Lutheran World Federation) Order, 2008.

2. The Lutheran World Federation, in this Order referred to as “the Organization”, being an international humanitarian non-profit organization, with which the Government has entered into an agreement, is declared to be an organization to which section 11 of the Act shall apply.

3. The Organization shall have—

- (a) the legal capacity of a body corporate; and
- (b) the privileges and immunities specified in paragraphs 3, 4 and 5 of Part I of the Fourth Schedule to the Act.

4. The officials of the Organization and expatriate professional staff shall, while residing in Kenya and performing duties in the service of the Organization, have the privileges and immunities specified in paragraph 3 of Part II and paragraphs 2 to 7 of Part III of the Fourth Schedule to the Act:

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

**PRIVILEGES AND IMMUNITIES (THE INTERNATIONAL RESCUE COMMITTEE)
ORDER, 2008**
[L.N. 105/2008.]

1. This Order may be cited as the Privileges and Immunities (International Rescue Committee) Order, 2008.

2. The International Rescue Committee, in this Order referred to as “the Organization”, being an international humanitarian non-profit organization, with which the Government has entered into an agreement for co-operation, is declared to be an organization to which section 11 of the Act shall apply.

3. The Organization shall have—

- (a) the legal capacity of a body corporate; and
- (b) the privileges and immunities specified in paragraphs 3, 4 and 5 of Part I of the Fourth Schedule to the Act.

4. The officials of the Organization and expatriate professional staff shall, while residing in Kenya and performing duties in the service of the Organization have the privileges and immunities specified in paragraph 3 of Part II and paragraphs 2 to 7 of Part III of the Fourth Schedule to the Act:

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

PRIVILEGES AND IMMUNITIES (EASTERN AFRICA STANDBY BRIGADE CO-ORDINATION MECHANISM (EASBRICOM)) ORDER, 2008

[L.N. 106/2008.]

1. This Order may be cited as the Privileges and Immunities (Eastern Africa Standby Brigade Co-ordination Mechanism (EASBRICOM)) Order, 2008.

2. The Eastern Africa Standby Brigade Co-ordination Mechanism (EASBRICOM), in this Order referred to as “the Organization”, being an organization, with which the Government of Kenya and other governments are members is declared to be an organization to which section 9 of the Act shall apply.

3. The Organization shall have—

- (a) the legal capacity of a body corporate; and
- (b) the privileges and immunities specified in paragraphs 1, 2, 3, 4 and 5 of Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Organization shall, while residing in Kenya and performing duties in the service of the Organization, have the privileges and immunities specified in paragraphs 1 to 7 of Part III of the Fourth Schedule to the Act:

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

PRIVILEGES AND IMMUNITIES (INTERNATIONAL CENTRE FOR TROPICAL AGRICULTURE) ORDER, 2008

[L.N. 160/2008.]

1. This Order may be cited as the Privileges and Immunities (International Centre for Tropical Agriculture) Order, 2008.

2. The International Centre for Tropical Agriculture, in this Order referred to as the “the Organization”, being an organization to which the Government of Kenya and other governments are members, with primary objective of reducing poverty and hunger while protecting natural resources in developing countries, is declared to be an Organization to which section 9 of the Act shall apply.

3. The Organization shall have—

- (a) the legal capacity of a body corporate; and
- (b) the immunities and privileges specified in Part I of the Fourth Schedule to the Act.

4. Any person who is an employee of the Organization shall, while residing in Kenya and performing duties in the service of the Organization, have the privileges and immunities specified in paragraphs 2, 3, 4 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 citizens or nationals of any country 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 Organization.

**PRIVILEGES AND IMMUNITIES (AGENCE FRANCAISE DE DEVELOPMENT)
ORDER, 2009**

[L.N. 120/2009.]

1. This Order may be cited as the Privileges and Immunities (Agence Francaise De Development) Order, 2009.

2. The Agence Francaise De Development, in this Order referred to as “the organization”, being both a public institution fully owned by the French State and a financial institution with which the Government of Kenya has entered into an agreement for co-operation, is declared to be an organization to which section 11 of the Act apply.

3. The organization shall have—

- (a) the legal capacity of a body corporate, and
- (b) the privileges and immunities specified in paragraph 3, 4 and 5 Part I of the Fourth Schedule to the Act.

4. The officials of the Organization and expatriate professional staff, shall, while residing in Kenya and performing duties in the service of the organization, have the privileges and immunities specified in paragraph 3 of Part II and paragraph 2 to 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, or work exclusively for the organization.

PRIVILEGES (AFRICAN SEED TRADE ASSOCIATION) ORDER, 2010

[L.N. 18/2010.]

1. This Order may be cited as the Privileges (African Seed Trade Association) Order, 2010.

2. The African Seed Trade Association, in this Order referred to as “the Association” being a regional non-profit making and non-political association with which the Government of Kenya has entered into an agreement for co-operation, is declared to be an organization to which section 11 of the Act shall apply.

3. The Association shall have the privileges and immunities specified in paragraph 4 of Part I of the Fourth Schedule to the Act.

4. The regional director and internationally recruited staff members of the Association shall, while residing in Kenya and performing duties in the service of the Association, have the privileges specified in paragraphs 2 to 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, or working exclusively for the Association.

**PRIVILEGES (THE WORLD VISION INTERNATIONAL)
ORDER, 2010**

[L.N. 44/2010.]

1. This Order may be cited as the Privileges (The World Vision International) Order, 2010.

2. The World Vision International, in this Order referred to as—

“the Association”, being a regional non-profit making and non-political association with which the Government of Kenya has entered into an agreement for co-operation, is declared to be an organization to which section 11 of the Act shall apply.

3. The Association shall have the privileges and immunities specified in paragraph 4 of Part I of the Fourth Schedule to the Act.

4. The regional director and internationally recruited staff members of the Association shall, while residing in Kenya and performing duties in the service of the Association, have the privileges specified in paragraphs 2 to 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 for the purpose of being an employee of, or working exclusively for the Association.

PRIVILEGES (NEW PARTNERSHIP FOR AFRICAN RED CROSS AND RED CRESCENT SOCIETIES) ORDER, 2010

[L.N. 104/2010.]

1. This Order may be cited as the Privileges (New Partnership For African Red Cross and Red Crescent Societies) Order, 2010.
2. The New Partnerships for African Red Cross and Red Crescent Societies, in this Order referred to as “the Association” being a regional non-profit making and non-political association with which the Government of Kenya has entered into an agreement for cooperation, is declared to be an organization to which section 11 of the Act shall apply.
3. The Association shall have the privileges and immunities specified in paragraph 2 to 6 of Part I of the Fourth Schedule to the Act.
4. The regional director and internationally recruited staff members of the Association shall, while residing in Kenya and performing duties in the service of the Association, have the privileges specified in paragraphs 2 to 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 for the purpose of being an employee of, or working exclusively for the Association.

**PRIVILEGES AND IMMUNITIES (THE INTERNATIONAL CRIMINAL COURT)
ORDER, 2010**

[L.N. 170/2010.]

1. This Order may be cited as the Privileges and Immunities (The International Criminal Court) Order, 2010.

2. The International Criminal Court, in this Order referred to as—

“the Court” being an organization to which the Government of Kenya and other Government are members, is declared to be an organization to which sections 9 and 9A of the Act shall apply.

3. The Court shall have the immunities and privileges set out in Part I of the Fourth Schedule of the Act.

4. Any person who is an employee of the Court shall, while residing in Kenya and performing duties in the service of the Court, have the privileges and immunities specified in paragraphs 2, 3, 4 and 7 of Part III of the Fourth Schedule to the Act:

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

PRIVILEGES AND IMMUNITIES (SNV NETHERLANDS DEVELOPMENT ORGANIZATION) ORDER, 2010

[L.N. 176/2010.]

1. This Order may be cited as the Privileges and Immunities (SNV Netherlands Development Organization) Order, 2010.

2. SNV Netherlands Development Organization, in this Order referred to as “the Organization”, being a non-profit making and International Development Organization with which the Government of Kenya has entered into an agreement for co-operation, is declared to be an organization to which section 11 of the Act shall apply.

3. The Organization shall have privileges and immunities specified in paragraph 2 and 6 of Part I of the Fourth Schedule to the Act.

4. The regional director and internationally recruited staff members of the Organization shall, while residing in Kenya and performing duties in the service of the Organization, have the privileges specified in paragraph 1 to 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 purposes of being an employee of, or working exclusively for, the Organization.

PRIVILEGES AND IMMUNITIES (MEDECINS SANS FRONTIERES) ORDER, 2011

[L.N. 17/2011.]

1. This Order may be cited as the Privileges and Immunities (Medecins Sans Frontieres) Order, 2011.
2. Medecins Sans Frontieres (MFS), in this Order referred to as “the Organization” being non-profit making and a Non-Governmental Organization with which the Government of Kenya has entered into agreement for co-operation, is declared to be an Organization to which section 11 of the Act shall apply.
3. The Organization shall have the privileges and immunities specified in paragraphs 2 to 6 of Part I of the Fourth Schedule to the Act.
4. The Regional Director and internally recruited staff members of the Organization shall, while residing in Kenya and performing duties in the service of the Organization, have the privileges and immunities specified in paragraph 1 to 7 of Part III of the Fourth Schedule to the Act.

Provided that this paragraph shall not apply to the 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 organization.

**PRIVILEGES AND IMMUNITIES (NORWEGIAN REFUGEE COUNCIL)
ORDER, 2011**

[L.N. 35/2011.]

1. This Order may be cited as the Privileges and Immunities (Norwegian Refugee Council) Order, 2011.

2. Norwegian Refugee Council (NRC), in this Order referred to as “the Organization” being a non-profit making and a Non-Governmental Organization with which the Government of Kenya has entered into agreement for co-operation, is declared to be an Organization to which section 11 of the Act shall apply.

3. The Organization shall have the privileges and immunities specified in paragraphs 3 to 5 of Part I of the Fourth Schedule to the Act.

4. The Regional Director and internationally recruited staff members of the Organization, while residing in Kenya and performing duties in the service of the Organization, shall have the privileges and immunities specified in paragraphs 2 to 7 of Part III of the Fourth Schedule to the Act:

Provided that 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 Organization.

PRIVILEGES AND IMMUNITIES (COLUMBIA GLOBAL CENTER IN EASTERN AND SOUTHERN AFRICA) ORDER, 2011

[L.N. 111/2011.]

1. This Order may be cited as the Privileges Immunities (Columbia Global Center in Eastern and Southern Africa) Order, 2011.

2. Columbia Global Center in Eastern and Southern Africa, in this Order referred to as "the Company" being a non-profit body corporate established as a company Limited by Guarantee and registered in Kenya with which the Government of Kenya has entered into an agreement for co-operation, is declared to be an organization to which section 11 of the Act shall apply.

3. The company shall have the privileges and immunities specified in paragraph 3 and 4 of the Fourth Schedule to the Act.

4. The Regional Director and internationally recruited members of staff of the company shall, while residing in Kenya and performing duties in the service of the company, have the privileges specified in paragraphs 2, 3, 4 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, or working exclusively for the company.

PRIVILEGES AND IMMUNITIES (GLOBAL E-SCHOOLS AND COMMUNITIES INITIATIVE) ORDER, 2011

[L.N. 153/2011.]

1. This Order may be cited as the Privileges and Immunities (Global E-Schools and Communities Initiative) Order, 2011.
2. Global E-Schools and Communities Initiative, in this Order referred to as “the Organization” being a non-profit making body and non-governmental organization with which the Government of Kenya has entered into an agreement for co-operation, is declared to be an organization to which section 11 of the Act shall apply.
3. The company shall have the privileges and immunities specified in paragraph 3 and 4 of Part I of the Fourth Schedule to the Act.
4. The Africa Regional Director and internationally recruited staff members of the Organization shall, while residing in Kenya and performing duties in the service of the Organization, have the privileges specified in paragraphs 2, 3, 4 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, or working exclusively for the Organization.

PRIVILEGES AND IMMUNITIES (WORLD ORGANIZATION FOR ANIMAL HEALTH) (OIE) ORDER, 2011

[L.N. 184/2011.]

1. This Order may be cited as the Privileges and Immunities (World Organization for Animal Health) (OIE) Order, 2011.
2. The World Organization for Animal Health (OIE), in this Order referred to as “the Organization” being a Sub-Regional non-profit making body and non-political organization with which the Government of Kenya has entered into an agreement for co-operation, is declared to be an organization to which section 11 of the Act shall apply.
3. The Organization shall have the privileges and immunities specified in paragraphs 2 and 4 of Part I of the Fourth Schedule to the Act.
4. The Sub-Regional Representative and internationally recruited professional staff members of the Organization shall, while residing in Kenya and performing duties in the service of the Organization, have the privileges specified in paragraphs 2, 3, 4 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, or working exclusively for the Organization.

PRIVILEGES AND IMMUNITIES (NETWORK FOR AFRICAN NATIONAL HUMAN RIGHTS INSTITUTIONS) ORDER, 2012

[L.N. 16/2012.]

1. This Order may be cited as the Privileges and Immunities (Network for African National Human Rights Institutions) Order, 2012.

2. The Network for African National Human Rights Institutions in this Order referred to as "the Company", being a non-profit body corporate established as a company limited by guarantee and registered in Kenya with which the Government of Kenya has entered into an agreement for co-operation, is declared to be an organization to which section 11 of the Act shall apply.

3. The Company shall have the Privileges and Immunities specified in paragraph 3 and 4 of Part I of the Fourth Schedule to the Act.

4. The Executive Director and internationally recruited staff of the Company shall, while residing in Kenya and performing duties in the service of the Company, have the Privileges specified in paragraphs 2, 3, 4, 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, or working exclusively for, the Company.

PRIVILEGES AND IMMUNITIES (EASTERN AND SOUTHERN AFRICAN TRADE DEVELOPMENT BANK) (PTA BANK) ORDER, 2012

[L.N. 17/2012.]

1. This Order may be cited as the Privileges and Immunities (Eastern and Southern African Trade and Development Bank) (PTA Bank) Order, 2012.

2. The Eastern and Southern African Trade and Development Bank) (PTA Bank) hereinafter referred to in this Order as "the Bank; being a bank established by a Protocol subscribed to by the Government of Kenya and other governments, is declared to be an organization to which section 9 of the Act shall apply.

3. The organization shall have—

- (a) the legal capacity of a body corporate; and
- (b) the privileges and immunities specified in paragraph 2, 3, 4, 5 and 6 of Part I of the Fourth Schedule of the Act.

4. Any person who is an employee of the Bank shall, while residing in Kenya and performing duties in the service of the Bank, have privileges and immunities specified in paragraphs 1 to 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 nationals of any country or to any person who is ordinarily resident in Kenya except solely for the purpose of being an employee of, or working exclusively for, the bank.
