

PUBLIC NOTICE NO. 2 OF 1973

Published 15th February, 1973

**THE DIPLOMATIC IMMUNITIES AND PRIVILEGES
ACT, 1961
(No. 35 of 1961)**

Short title. **THE DIPLOMATIC PRIVILEGES (INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANISATION) ORDER, 1973**

In exercise of the powers conferred upon him by section 11 of the Diplomatic Immunities and Privileges Act, the President acting in accordance with the advice of the Cabinet hereby makes the following Order:—

Commencement. 1. This Order shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.

A. THE ORGANISATION

Nature of the Organisation. 2. The Inter-Governmental Maritime Consultative Organisation (hereinafter called the "Organisation") is an international body of which Sierra Leone and other sovereign powers are members.

Legal Status 3. The Organisation shall have the legal capacity of a body corporate and immunity from suit and legal process except in so far as in any particular case it has expressly waived such immunity. No waiver of immunity shall be deemed to extend to any measure of execution.

Inviolability of official documents. 4. 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 Sierra Leone.

Relief from rates and taxes. 5. 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.

Relief from customs duties. 6. The Organisation shall have exemption from taxes on the importation of goods directly imported by it for its official use in Sierra Leone or for exportation, and such exemption shall be subject to compliance with such conditions as the Minister of Finance may prescribe for the protection of the revenue of Sierra Leone.

Exemptions re imports and exports 7. The Organisation shall have exemption from prohibitions and restrictions on importation and 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, such exemption shall be subject to compliance with such conditions as the Minister of Finance may prescribe for the protection of public health, the prevention of diseases in plants and animals and otherwise in the public interest.

B. REPRESENTATIVES, OTHER THAN REPRESENTATIVES OF
SIERRA LEONE ON THE ORGANS OR COMMITTEES
OF THE ORGANISATIONS

8. (1) Except in so far as in any case any privilege or immunity is waived by the Governments whom they represent, representatives of member Governments at plenipotentiary and administrative conferences, or the administrative council, on consultative committees or on any committee of any of these bodies shall enjoy—

- (a) while exercising their functions as such and during their journeys to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal luggage and inviolability of all papers and documents;
- (b) immunity from legal process of every kind in respect of words spoken or written and things done or omitted to be 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 Sierra Leone during any period when they are present in Sierra Leone for the discharge of their duties.

(3) For the purposes of the application of this section, the expression "representatives" shall be deemed to include, in addition to the representatives, the following members of their official staffs accompanying them as such representatives—

- Alternate representatives,
- Advisers,
- Technical Experts,
- Secretaries of delegations,

and the fourth Schedule shall not operate so as to confer privileges and immunities on the staffs or representatives other than on those falling within the above-mentioned descriptions.

(4) The provisions of the proceeding sub-paragraphs shall not confer any immunity or privileges on any persons as a representative of the Sierra Leone Government in Sierra Leone or as a member of the staff of such representative or on any person who is a citizen of Sierra Leone.

C. HIGH OFFICIALS OF THE ORGANISATION

9. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, an officer of the Organisation 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 years, 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 Sierra Leone, his spouse and children, and exemption from income tax in respect of emoluments received by him as an officer of the Organisation.

D. OTHER OFFICIALS OF THE ORGANISATION

Privileges
and immuni-
ties of other
officials.

10. Except in so far as in any particular case any privilege or immunity is waived by the Organisation, an official of the Organisation 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 Organisation.
- (c) Exemptions from taxes on the importation of furniture and effects at the time of first taking up their post in Sierra Leone subject to compliance with such conditions as the Minister of Finance may prescribe for the protection of Sierra Leone.

MADE this 25th day of January, 1973.

SIAKA STEVENS,
President.