

S.I. 3 of 1985

DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT 1962  
(1962 No. 42)

**Diplomatic Immunities and Privileges (African Re-insurance Corporation) Order 1985**

In exercise of the powers conferred by section 11 of the Diplomatic Immunities and Privileges Act 1962, and of all other powers enabling me in that behalf, I, Minister of External Affairs, hereby make the following Order :—

*Diplomatic Immunities Conferred on the Corporation*

1. The African Re-insurance Corporation (hereinafter in this Order referred to as "the Corporation") is an international organisation of which Nigeria and foreign sovereign powers are members. International membership.

2.—(1) The Corporation shall have the legal capacities of a body corporate and in particular shall have full capacity to contract, to acquire and dispose of movable and immovable property and to institute legal proceedings. Body corporate.

(2) Except in so far as in any particular case the Corporation expressly waives its immunity, immunity from suit and legal process ; but no waiver of immunity shall extend to any measure of execution arising out of any action to which subsection (3) of this section relates.

(3) Disputes arising from reinsurance contracts entered into by the Corporation shall be subject to conventional practices or to ordinary legal processes applicable to comparable business as shall be agreed in the respective contracts.

(4) In all cases to which subsection (3) of this section relates, the Corporation and its property and assets wherever located and by whomsoever held shall be immune from all forms of seizure attachment or execution before the delivery of final judgement against the Corporation.

3.—(1) All the properties, archives and assets of the Corporation shall be exempt from search, requisition and confiscation. Exemption from search, etc.

(2) Notwithstanding the provisions of subsection (1) of this section, all properties, archives and assets of the Corporation shall for the purposes of public safety and public order be subject to the laws of Nigeria.

4.—(1) The offices and properties of the Corporation shall be exempted from levies in respect of certain non-beneficial portion of rates and taxes, that is to say, property and other municipal taxes normally payable by property owners but which are not charges levied for specific services rendered. Exemption from certain taxes, rates and customs duties.

(2) All goods which are imported or exported by the Corporation and which are necessary for the proper performance of its activities, shall be exempted from all customs duties and other charges excepting payments for services rendered ; and for the sole purpose of servicing its conferences and similar programmes, the Corporation shall be allowed to import free of custom duty reasonable quantities of drinks and tobacco.

*Representatives of Member Governments of the Corporation*

Immunities of representatives of member countries.

5.—(1) 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 at meetings in Nigeria of the Corporation (not being Nigerians) 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 functions of the Corporation ;

(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 international organisation recognised by the Federal Military Government, save that the relief allowed shall not include relief from customs and excise duties 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 in Nigeria, be deemed to be resident in Nigeria during any period when they are present in Nigeria whilst exercising their functions or during their journey to and from the place of meeting.

(2) For the purpose of this section, the expression "representatives of member Governments" shall be deemed to include their official staff accomodating them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations.

*Officials of the Corporation*

Immunity and privileges of the General Manager.

6.—(1) The General Manager of the Corporation, except in so far as in any particular case the immunity is waived by the Corporation, shall enjoy personal immunity for acts performed in pursuance of his duties as the chief executive officer or the administrative head of the Corporation.

(2) Without prejudice to the provisions of subsection (1) of this section, where the General Manager is not a citizen of Nigeria, he shall enjoy the following privileges, that is to say—

(a) exemption from import duty in respect of articles imported including duty-free purchase of a motor vehicle ;

(b) exemption from income tax in respect of emoluments received by him as an employee of the Corporation ; and

(c) exemption from payment of custom duties for limited quantity and assortment of drinks and tobacco for official entertainment.

Immunities of persons engaged.

7.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Corporation, officials of the Corporation shall enjoy—

(a) while exercising their functions as such, and during any journey to and from the Corporation, immunity from personal arrest or detention and from seizure of their personal baggages and inviolability of all papers and documents, relating to the work of the Corporation ; 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.

(2) Nothing in this section shall be construed as entitling any person to enjoy any such immunity or exemption if he is a Nigerian, a permanent foreign resident of Nigeria or a locally recruited staff.

8. This Order may be cited as the Diplomatic Immunities and Privileges (African Reinsurance Corporation) Order 1985. Citation.

MADE at Lagos this 16th day of January 1985.

DR IBRAHIM GAMBARI,  
*Minister of External Affairs*

#### EXPLANATORY NOTE

*(This note does not form part of the above Order but is intended to explain its purpose)*

The Order is made under the Diplomatic Immunities and Privileges Act 1962 to grant certain immunities and privileges to the African Reinsurance Corporation.