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<i>S. I. No.</i>	<i>Short Title</i>	<i>Page</i>
7	Diplomatic Immunities and Privileges (Africa Finance Corporation) Order ..	B415-417

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DIPLOMATIC IMMUNITIES AND PRIVILEGES (AFRICA FINANCE CORPORATION) ORDER

In exercise of the powers conferred on me by Section 11 of the Diplomatic Immunities and Privileges Act 1962, and all other powers enabling me in that behalf, I, CHIEF OJO MADUEKWE, Honourable Minister of Foreign Affairs hereby make the following Regulations—

[12th February, 2010]

A.—THE CORPORATION

1. The Africa Finance Corporation (hereinafter referred to as “the Corporation”) is an organization 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. Legal Capacity.

(2) The Corporation may expressly waive any immunity that by law it may enjoy.

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

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

4.—(1) The Corporation, its assets, properties, income, operations and transactions authorized by its Articles of Agreement, shall be immune from taxation, custom duties and from liability for the collection or payment of any tax or duty. Exemption from Certain Taxes, Rate and Customs Duties.

(2) The offices and properties of the Corporation shall be exempted from levies in respect of certain non-beneficial rates and taxes, that is to say, property rates based on rateable value of the property and other municipal rates normally payable by property owners but which are not charges levied for specific services rendered.

(3) 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, duty free, reasonable quantities of drinks and tobacco.

(4) The Corporation shall have exemption from taxes on the importation of telecommunication systems and transmission equipment directly imported for its exclusive official use in Nigeria or on the importation of official correspondence, publications, documents, still and moving pictures, films and sound recorders directly imported by the Corporation, (such exemption to be subject to compliance with the laws and regulation of Nigeria).

**B.—REPRESENTATIVES OF MEMBERS AND OFFICIALS AND
EMPLOYEES OF THE CORPORATION**

Privileges of
Representa-
tives,
Officials and
Employees.

5. Except in so far as in any particular case any immunity or privilege is waived in the case of representatives of members states, by the members states whom they represent, and in the case of persons designated to serve on the Board of Directors of the Corporation and their alternates and advisers and officials and employees of the Corporation, by the Board of Directors, acting on behalf of the Corporation, the representatives of member states and persons designated to serve on the Board of Directors of the Corporation and, as appropriate, their alternates and advisers and officials and employees of the Corporation shall enjoy—

(a) immunity from suit 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 salaries and emoluments received by them as officers or employees of the Corporation ;

(c) exemption from immigration restriction and alien registration requirements ;

(d) exemption from import duty in respect of personal effects imported on first arrival including duty free purchase of a motor vehicle.

(e) exemption from payment of custom duty for a limited quantity and assortment of drinks and tobacco for official entertainment.

Provided that :

(aa) if a representative of a member state, their alternates or advisers is a citizen of Nigeria, he shall not enjoy any immunity under Sub-sections (d) and (e) of this Section.

(bb) the provisions of this Section shall not apply to domestic servants ; and

(cc) except in so far as in any particular case any privilege or immunity is waived by the Corporation, the Chief Executive Officer, Executive Directors, Chief Operating Officer, Chief Financial Officer and Chief Legal Officer of the Corporation shall be accorded in respect of themselves, their spouses and children under the age of 21, 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 any envoy

or a foreign sovereign power accredited to Nigeria, his spouse and children.

C.—EXPERTS ON MISSION

6. Except in so far as in any particular case any immunity or privilege is waived by the Board of Directors, acting on behalf of the Corporation, any expert employed on a mission on behalf of the Corporation shall enjoy—

Expert on
Missions.

(a) in respect of words spoken or written and all acts done by him in the course of the performance of official duties, the like immunity from legal process as is accorded to an envoy of a foreign sovereign power accredited to Nigeria ;

(b) while present in Nigeria for the discharge of his duties, the like immunity from personal arrest or detention and from seizure of his personal baggage as is accorded to an envoy of a foreign sovereign power accredited to Nigeria ;

(c) while present in Nigeria for the discharge of his duties, the like inviolability for all papers and documents relating to the work on which he is engaged for the Corporation as is accorded to any envoy of a foreign power accredited to Nigeria.

Provided that if any such expert is a citizen of Nigeria he shall not enjoy any immunity under Sub-section (b) of this Section.

E.—GENERAL

7.—(1) The names of the persons to whom the provisions of Sections 5 and 6 of this Order apply shall be set forth in a list compiled and published from time to time by the Minister under Section 11 (2) of the Act, and such list shall show in regard to each person the date as from which, for the purposes of this Order, he first held the office or employment in question, and the date when he ceased to hold that office or employment.

List to be
Published.

(2) Every reference to the Corporation in this Order includes reference to the subsidiaries of the Corporation.

8. This Order may be cited as the Diplomatic immunities and Privileges (Africa Finance Corporation) Order.

Short Title.

MADE in Abuja this 12 day of February, 2010

OJO MADUEKWE, CFR
Honourable Minister of Foreign Affairs