

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 87 OF 2015

The Diplomatic Immunities and Privileges Act
(Laws, Volume 2, Cap. 20)**The Diplomatic Immunities and Privileges (ZEP-RE PTA
Re-Insurance Company) Order, 2015**

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IN EXERCISE of the powers contained in section *four* of the Diplomatic Immunities and Privileges Act, the following Order is made:

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| 1. This Order may be cited as the Diplomatic Immunities and Privileges (ZEP-RE PTA Re-Insurance Company) Order, 2015. | Title |
| 2. The ZEP-RE PTA Re-Insurance Company is declared an organisation of which the Government and the governments of certain other States are members. | Declaration under section 4 |
| 3. The Company has the legal capacity of a body corporate. | Legal capacity |
| 4. (1) Except where it has expressly waived its immunity, the Company shall have immunity from suit and legal process.

(2) The waiver of immunity under subparagraph (1) shall not be deemed to extend to the execution of a court order. | Immunity from suit and legal process |
| 5. The Company has the like inviolability of official archives and premises occupied as offices as is accorded in respect of a diplomatic agent of a sending State accredited to Zambia. | Inviolability of official archives and premises |
| 6. The official communications of the Company shall be accorded the same treatment as that accorded to official communications of international organisations and diplomatic missions. | Official communication |
| 7. (1) Subject to sub-paragraph (2), the Company, its operations and transactions are exempted from all taxation and from all customs, prohibitions and restrictions on imports and exports and in respect of articles imported by the Company for its official use.

(2) Articles imported by the Company shall not be sold or otherwise disposed of in Zambia except in accordance with the conditions determined by the Commissioner-General under the Customs and Excise Act. | Exemption from taxes on importation and exportation of goods

Cap. 322 |
| 8. The Company is exempted from rates and taxes on any obligations or securities issued and securities guaranteed by it, including any dividends or interest thereon by whomsoever held as is accorded to a sending State. | Exemption from rates and taxes on obligations or securities guaranteed by Company |

Reduced rates for certain telegraphic communications

9. The Company has 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 Zambia, of reduced rates applicable for the corresponding service in the case of press telegrams.

ZEP-RE PTA Reinsurance Company

10. For the purpose of the application of this Order, the organisation entitled “ZEP-RE PTA Reinsurance Company” shall include its organs, commissions, boards and other constituent parts, however styled.

Immunities and privileges of representatives of member States

11. (1) Except where any immunity or privilege is waived by the government concerned, representatives of the member States on any organ of the Company, or at any conference or seminar convened by the Company, shall enjoy—

- (a) while exercising their functions as such and from the place of meeting, the like immunity from personal arrest or detention and from seizure of their personal baggage, and the like inviolability for all papers and documents, as are accorded to a diplomatic agent of a sending State accredited to Zambia;
- (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 such representatives; and
- (c) while exercising their functions as such representatives, and during their journey to, and from, the place of meeting, the like exemption from taxes as is accorded to a diplomatic agent accredited to Zambia, except 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.

(2) For the purpose of the application of this Order, the expression “representative of member State” shall be deemed to include representatives, deputy representatives, advisors, technical experts and secretaries of delegations, but shall not include any person who is the representative of the Government of the Republic of Zambia.

12. (1) Except where any immunity or privilege is waived by the Board of Trustees or by the Director of the Company, the Director of the Company and such of the immediate assistants of the Director as may be agreed between the Company and the Government of the Republic of Zambia, shall be accorded in respect of themselves, their spouses and children under the age of eighteen years, 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 a diplomatic agent accredited to Zambia, the spouse and children of the diplomatic agent.

Immunities and privileges of high officials of Company

(2) The persons referred to in subparagraph (1) shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Company.

(3) This paragraph shall not, except with the consent of the Government of Zambia, apply to an official of the Company based in Zambia who is a citizen or permanent resident.

13. Except where any immunity or privilege is waived by the Director, persons employed on missions on behalf of the Company shall enjoy—

Immunities and privileges of persons employed on mission

- (a) while performing their missions and during journeys in connection therewith, 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 Company;
- (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; and
- (c) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions as officers of the Company.

14. (1) Except where any immunity or privilege is waived by the Board of Directors, officials of the Company who shall be designated by the Director of the Company for this purpose, other than those referred to in paragraph 12, shall enjoy—

Immunities and privileges of other officials of Company

- (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 officials of the Company;

- (c) the right to import free of duty, within nine months of commencement of a contract of service or such reasonable time as may be agreed upon between the Government of the Republic of Zambia and the Director of the Company in each individual case, their furniture and personal effects, including one motor vehicle, at the time of first taking up their post in Zambia;
- (d) immunity from seizure of their personal and official baggage;
- (e) immunity, together with their spouses and families forming part of their households from immigration restrictions and alien registration;
- (f) immunity from national service obligations, except that this shall not apply to any official of the Company who is a citizen or an established resident of Zambia and is based in Zambia;
- (g) the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions accredited to Zambia, in accordance with the laws of Zambia;
- (h) the same repatriation facilities in time of international crises, together with members of their families and their personal employees as diplomatic envoys; and
- (i) exemption from any form of direct taxation on income derived from sources outside the Republic of Zambia and the freedom to maintain within the Republic of Zambia, or elsewhere, foreign securities and other moveable and immoveable property whilst employed by the Company, and at the time of termination of such employment, the right to take out of Zambia funds in non-Zambian currencies without any restrictions, except that such officials shall show good cause for their lawful possession of such funds.

(2) Paragraph (b) of subparagraph (1) may, with the consent of the Government of the Republic of Zambia, apply to an official of the Company based in Zambia who is a citizen or permanent resident.

15. Subject to the other provisions of this Order, locally recruited staff, excluding their spouses and other members of their families forming part of their households, shall enjoy immunities and privileges indicated in sub-paragraphs (a), (b), (e) and (g) of paragraph 14, except that sub-paragraph (g) of paragraph 15 shall apply in respect of official purposes only.

Immunity
and
privileges of
locally
recruited
staff

LUSAKA

21st October, 2015

[MFA.104/23/17]

EDGAR, C. LUNGU,

President

