

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 23 OF 1984

**The Diplomatic Immunities and Privileges Act**  
(Laws, Volume I, Cap. 36)

**The Diplomatic Immunities and Privileges (Preferential Trade Area for Eastern and Southern African States) Order, 1984**

IN EXERCISE of the powers conferred upon the President by section *four* of the Diplomatic Immunities and Privileges Act, the following Order is hereby made:

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| 1. This Order may be cited as the Diplomatic Immunities and Privileges (Preferential Trade Area for Eastern and Southern African States) Order, 1984.   | Title   |
| 2. The Preferential Trade Area for Eastern and Southern African States (hereinafter referred to as "the P.T.A.") is hereby declared to be an organisation of which the Government and the governments of certain other States are members.  | Declaration under section 4, Cap. 36  |
| 3. The P.T.A. shall have the legal capacity of a body corporate.  | Legal capacity  |
| 4. Except in so far as in any particular case it has expressly waived its immunity, the P.T.A. shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.  | Immunity from suit and legal process  |
| 5. The P.T.A. shall have 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 P.T.A. shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.  | Relief from taxes and rates   |
| 7. The P.T.A. shall have exemption from taxes on the importation of goods directly imported by it for its official use in Zambia or for exportation, and on the importation of its own publications directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue. | Exemption from taxes on importation or exportation of goods subject to certain conditions |

Exemption  
from  
prohibitions  
and  
restrictions

8. The P.T.A. shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by it for its official use, and in the case of its own publications directly imported or exported by it.

Reduced  
rates for  
certain  
telegraphic  
communica-  
tions

9. The P.T.A. 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 Zambia), of any reduced rates applicable for the corresponding service in the case of press telegrams.

"Preferential  
Trade Area  
for Eastern  
and  
Southern  
African  
States" to  
include  
constituent  
parts

10. For the purpose of the application of this Order, the organisation entitled "Preferential Trade Area for Eastern and Southern African States" shall include all its organs, commissions, boards and other constituent parts however styled.

Immunities  
and  
privileges of  
representa-  
tives of  
member  
States

11. Except in so far as in any particular case any immunity or privilege is waived by the government concerned, representatives of the member States on any organ of the P.T.A. or at any conference convened by the P.T.A. 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, 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.

Interpreta-  
tion

12. For the purpose of the application of this Order, the expression "representative of member States" 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 Zambia or any person who is a member of the staff of a representative.

13. Except in so far as in any particular case any immunity or privilege is waived by the Council of Ministers of the P.T.A. or by the Secretary-General of the P.T.A., the Secretary-General of the P.T.A. and such of his immediate assistants as may be agreed between the P.T.A. and the Government 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 of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the P.T.A.

Immunities  
and  
privileges of  
high  
officials of  
P.T.A.

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

Immunities  
and  
privileges  
of persons  
employed  
on missions

- (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 P.T.A.;
- (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 P.T.A.:

Provided that this sub-paragraph shall not apply to any citizen or permanent resident of Zambia who is an officer of the P.T.A. based in Zambia.

15. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General of the P.T.A., officials of the P.T.A. who shall be designated by the Secretary-General of the P.T.A. for this purpose (other than those referred to in paragraph 13) shall enjoy—

Immunities  
and  
privileges of  
other  
officials  
of the P.T.A.

- (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 P.T.A.;



- (c) the right to import free of duty, within six months of their arrival in Zambia or such reasonable time as may be agreed upon between the Government of Zambia and the Secretary-General of the P.T.A. 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 families, from immigration restrictions and alien registration;
- (f) immunity from national service obligations;
- (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 Exchange Control Regulations;
- (h) the same repatriation facilities in time of international crisis, together with members of their families and their personal employees, as diplomatic envoys; and
- (i) exemption for officials of the P.T.A. 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 P.T.A., and at the time of termination of such employment, the right to take out of Zambia funds in non-Zambian currencies without any restrictions or limitations provided that such officials show good cause for their lawful possession of such funds:

Provided that the provisions of sub-paragraphs (b), (c), (f), (g), (h) and (i) shall not apply to any officer or servant of the P.T.A. who is a citizen or permanent resident of Zambia and is based in Zambia.

LUSAKA  
8th February, 1984  
[MFA.102/57/2.C]

KENNETH D. KAUNDA,  
*President*