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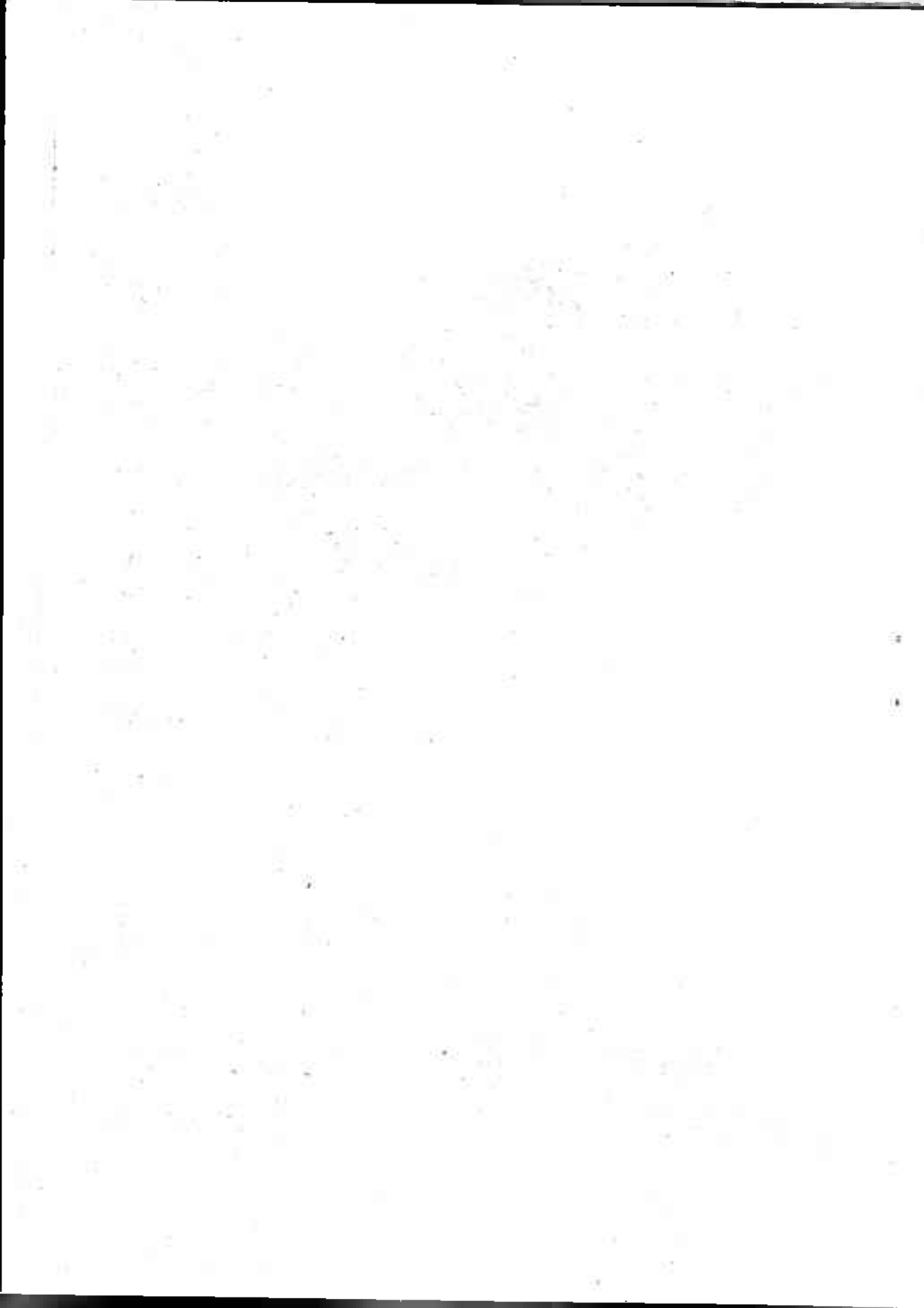
Government Notice No. 31

The following is published as Supplement to this *Gazette* :

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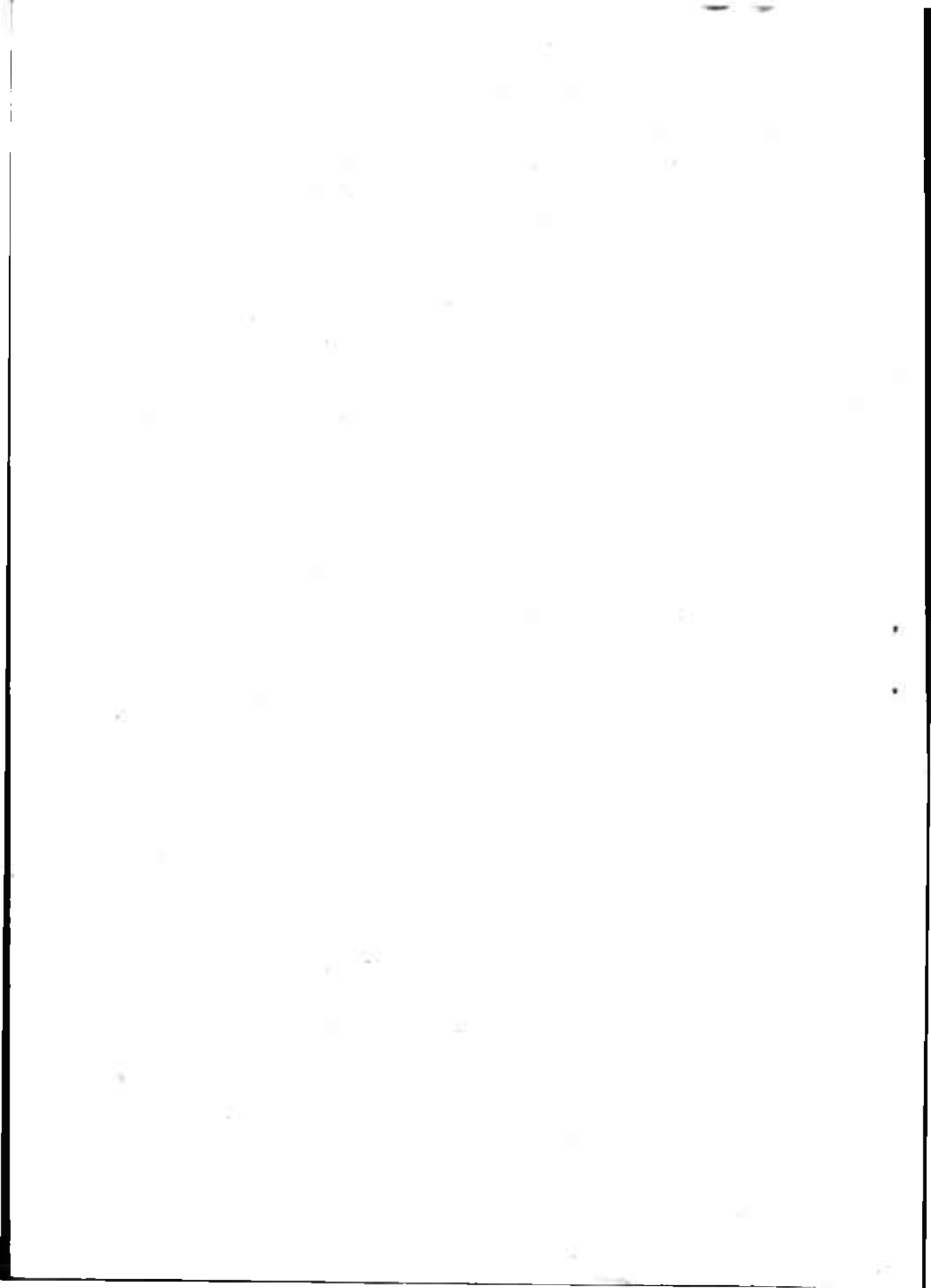
DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT, 2004
DIPLOMATIC IMMUNITIES AND PRIVILEGES (WEST AFRICA
TELECOMMUNICATION REGULATORS ASSEMBLY) ORDER, 2013



ARRANGEMENT OF PARAGRAPHS

Paragraph :

1. Establishment of the West Africa Telecommunication Regulators Assembly.
2. Legal capacity.
3. Exemption from search, etc.
4. Exemption from certain taxes, rates and custom duties.
5. Immunities and Privileges of the Resident Representative.
6. Privileges etc., of Resident Representatives and his deputy, etc.
7. Immunities and Privileges of persons and experts on a mission engaged by WATRA.
8. Citation.



S. I. No. 8 of 2014

DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT, 2004

**DIPLOMATIC IMMUNITIES AND PRIVILEGES (WEST AFRICA
TELECOMMUNICATION REGULATORS ASSEMBLY) ORDER, 2013**

[7th Day of April, 2014]

In exercise of the powers conferred upon me by section 11 of the Diplomatic Immunities and Privileges Act, CAP. D9, Laws of the Federation of Nigeria, 2004 and all other powers enabling me in that behalf, I, AMBASSADOR OLLUGBENGA AYODEJI ASHIRU, Minister of Foreign Affairs, make the following Order—

1. The West Africa Telecommunication Regulators Assembly (in this Order referred to as "WATRA"), an organization of which Nigeria and other foreign sovereign States are members, is hereby established in Nigeria for the purpose of its objectives as spelt out in its Headquarters Agreement.

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

(2) WATRA shall have immunity from suits and legal processes except in so far as in any particular case, it has expressly waived its immunity.

3.—(1) All properties, archives and assets of WATRA shall be exempted from search, requisition and confiscation.

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

4.—(1) The offices and properties of WATRA shall be exempted from levies in respect to certain non-beneficial 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.

(2) All goods which are imported or exported by WATRA 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, WATRA shall be allowed to import, free of customs duties, reasonable quantities of drinks and tobacco.

(3) WATRA shall have exemption from taxes on the importation of equipment directly imported by WATRA for its official use in Nigeria or for exportation or on the importation of any publication directly imported by it, subject to compliance with such conditions as may be prescribed for the protection of public health, the prevention of disease in plants and animals, and otherwise in the public interest.

Commence-
ment.

Establishment
of West
Africa Tele-
communication
Regulators
Assembly.

Legal
capacity.

Exemption
from search,
etc.

Exemption
from certain
taxes, rates
and custom
duties.

(4) WATRA shall have exemption from taxes on the importation of telecommunication system and transmission equipment directly imported for its exclusive official use in Nigeria or on the importation of still and moving pictures, films and sound recorders directly imported by WATRA subject to compliance with relevant laws and regulations of Nigeria.

Immunities and privileges of the Resident Representative.

5.—(1) The Resident Representative of WATRA, except in so far as in any particular case the Immunity is waived by WATRA, shall enjoy personal immunity for acts performed in pursuance of his duties as the chief executive, resident representative or the administrative head of WATRA.

(2) Without prejudice to the provisions of sub-paragraph (1) of this paragraph, where the Executive Secretary of WATRA is not a citizen of Nigeria, he shall enjoy exemption from—

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

(b) payment of income tax in respect of emoluments received by him as an employee of WATRA ; and

(c) payment of customs duty for a limited quantity and assortment of drinks and Tobacco for official entertainment.

Privileges etc. of resident representatives and his deputy, etc.

6.—(1) Subject to this section and except in so far as in any particular case any privilege or immunity is waived by WATRA, the resident representative of WATRA shall be accorded in respect of himself, the deputy resident representative, his spouse and children under the age of twenty-one, immunity from suit and legal process, inviolability of residence and such exemptions or relief from taxes as would be accorded to an envoy of a foreign sovereign power accredited to the Federal Republic of Nigeria, as may be agreed with the Ministry of Foreign Affairs, from time to time.

(2) The provisions of sub-paragraph (1) of this paragraph shall not apply to domestic servants.

Immunities and privileges of persons and experts on a mission engaged by WATRA.

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

(a) while excising their functions as such and during any journey to and from WATRA, immunity from personal arrest or detention and from seizure of their Personal baggage and inviolability of all papers and documents relating to Work of WATRA ;

(b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in exercise of these functions (not being traffic offences or damage caused by motor vehicles) ; and

(c) exemption from income tax in respect of emoluments received by professional staff as officers of WATRA.

(2) Each official of WATRA shall be entitled to exemption from import in respect to articles imported including one duty free car which shall be utilized within 36 months of taking up post in Nigeria.

DIPLOMATIC (3) Nothing in this paragraph shall be construed as entitling any person to enjoy such immunity or exemption if he is a Nigerian, a permanent foreign resident of Nigeria, domestic servant or locally recruited staff.

8. This Order may be cited as the Diplomatic Immunities and Privileges (West Africa Telecommunication Regulators Assembly) Order, 2013. Citation.

MADE at Abuja this 19th day of August, 2013.

AMBASSADOR OLUGBENGA AYODEJI ASHIRU, MFR
Honourable Minister of Foreign Affairs

EXPLANATORY NOTE

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

This Order seeks to establish the West Africa Telecommunication Regulators Assembly in Nigeria for the purpose of its objectives as spelt out in its Headquarters Agreement and to grant immunities and privileges to West Africa Telecommunication Regulators Assembly pursuant to section 11 of the Diplomatic Immunities and Privileges Act, CAP. D9, Laws of the Federation of Nigeria, 2004.

