CHAPTER 356

THE DIPLOMATIC AND CONSULAR IMMUNITIES AND PRIVILEGES ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 356

THE DIPLOMATIC AND CONSULAR IMMUNITIES AND PRIVILEGES ACT

An Act to make better provisions for the conferring of immunities and privileges on representatives of foreign sovereign powers and other representatives in Tanzania.

[1st February, 1987]
[GN. No. 88 of 1987]

Act No. 5 of 1986	GNs. Nos. 122 of 1988	330 of 2000	166 of 2011
	206 of 1988	185 of 2001	1 of 2012
	235 of 1988	186 of 2001	586 of 2015
	104 of 1996	478 of 2002	269 of 2016
	420 of 1997	57 of 2005	288 of 2016
	669 of 1998	368 of 2005	277 of 2022
		410 of 2010	

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PART I
PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Diplomatic and Consular Immunities and Privileges Act.

Application

2. This Act shall apply to Tanzania Zanzibar as well as Mainland Tanzania.

Interpretation

3. In this Act, unless the context otherwise requires-

"consular employee" means a person, other than a consular officer, who is employed in the administrative or technical service of a consular post and whom the Minister recognises as such, but shall not include any driver or private servant employed on domestic duties at or in the upkeep of the consular post;

"consular officer" means any person including the head of a consular post appointed as such by a foreign sovereign

power and holding a valid exequatur or other authorisation to exercise consular functions in the United Republic;

"diplomatic agent" means the head of the mission or a member of the diplomatic staff of the mission;

"diplomatic employee" means a member of the staff of a mission of a foreign sovereign power in the United Republic who has a diplomatic rank;

"Minister" means the Minister responsible for foreign affairs;

"Vienna Convention on Consular Relations" means the Vienna Convention on Consular Relations signed in Vienna on 24th April, 1963;

"Vienna Convention on Diplomatic Relations" means the Vienna Convention on Diplomatic Relations signed in Vienna on 18th April,1961.

Application of Vienna Conventions

4. Subject to this Act, the provisions of the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations shall, to the extent specified in the First and Second Schedules to this Act, respectively have the force of law in the United Republic.

PART II
REPRESENTATIVES OF FOREIGN POWERS

Immunities of representatives

5.–(1) Subject to this Act, representatives in the United Republic of foreign sovereign powers shall be granted immunities and privileges in accordance with this Part.

(2) A person recognised by the Government of the United Republic as the head of mission in Tanzania of any foreign sovereign power, whether he is known by the title of High Commissioner for that country or by any other title, shall be entitled to the like immunities and privileges as are accorded to the envoy of a foreign sovereign power accredited to Tanzania.

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Immunities of members of official staff of diplomatic head of mission

6. A member of the diplomatic staff of a mission performing duties substantially corresponding to those performed by any member of the diplomatic staff of a mission of a foreign sovereign power, shall be entitled to the like immunities as are accorded to members of the diplomatic staff of such a mission.

Immunities of members of family or diplomatic staff of chief representative

7. A member of the family of a head of a mission or of a member of the diplomatic staff of a mission entitled to immunities under section 6 shall be entitled to immunities to the like extent as any member of the family of such an envoy of a member of the diplomatic staff of such a mission.

Immunities of members of domestic staff of head of mission

8. A member of the domestic staff of a head of mission shall be entitled to the like immunities as are accorded to members of the domestic staff of such an envoy.

Power of Minister to confer immunities

9. The Minister may, by order published in the *Gazette*, confer-

(a) on persons in the service of the government of a foreign sovereign power holding such offices or classes of offices as may be specified in the order, being offices or classes of offices appearing to him to involve the performance of duties substantially corresponding to those which in the case of a foreign sovereign power, would be performed by a diplomatic agent;

(b) on a person for the time being recognised by the Government of the United Republic as the head of mission in Tanzania of any state or province of a country represented in the United Republic;

(c) on members of staff of a diplomatic agent holding such offices or classes of offices as may be specified in the order, being offices or classes of offices appearing to the Minister to involve the performance of duties substantially corresponding to those which, in the case of a foreign sovereign power, would be performed by a diplomatic employee,

the like immunity from suit and legal process and the like inviolability of official archives as are accorded to diplomatic

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agents of a foreign sovereign power, and the order may provide for applying, in relation to official premises of persons on whom immunity is conferred under this section, the provisions of subsection (1) of section 11 as if those premises were consular offices of a country to which that section applies and those persons were consular officers.

PART III
CONSULAR IMMUNITIES

Immunities

10. Subject to the provisions of this Act, a member of the consular post of a foreign sovereign power in the United Republic shall be entitled to such immunities and privileges as is necessary to comply with the terms of any treaty or other international agreement to which the foreign power and the United Republic are parties, or as is recognised by the principles of customary international law and usage.

Restriction of powers of entry in relation to consular posts

11.–(1) Subject to the provisions of this Act, the premises of a consular post of a foreign sovereign power shall not be entered by a police officer or other person acting in the execution of any warrant or other legal process or in exercise of powers conferred by or under any enactment, whether passed before or after the commencement of this Act, or otherwise, except with the consent of the consular officer in charge or if that consent is withheld or cannot be obtained, with the consent of the Minister.

(2) An entry shall not be effected to the consular premises except where-

(a) a person is authorised or permitted by law to enter the consular premises without such consent where such entry is necessary for extinguishing a fire which has or is reasonably believed to have broken out thereon or on any premises or place, or for protecting the consular premises or place from acts done for fire-fighting purposes;

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(b) a police officer having reasonable cause to believe that a crime involving violence has been or is being or is about to be committed in the consular premises;

(c) a person is entitled to entry by virtue of any easement, contract or other private right.

(3) This section shall not apply to a consular post which is for the time being in the charge of a consular officer who is a citizen of the United Republic or is not a national of the country by which the post is maintained.

Size of consulate

12. In the absence of an express agreement as to the size of a consulate in the United Republic, the Government of the United Republic may require that the size of the consulate be kept within reasonable and normal limits, having regard to circumstances and conditions in the United Republic and to the needs of the consulate.

PART IV
INTERNATIONAL ORGANISATIONS AND STAFFS

Immunities, privileges and capacities of certain international organisations and persons connected therewith

13.–(1) The Minister may, by order published in the *Gazette*-

(a) provide that any organisation specified in the Third Schedule, hereinafter referred to as the organisation, shall, to such extent as may be so specified in the order, have the immunities and privileges set out in Part I of the Fourth Schedule, and shall also have the legal capacities of a body corporate;

(b) confer upon such number of officers of the organisation as may be so specified in the order, being the holders of such high offices in the organisation as may be specified in the order, and upon such persons employed on missions on behalf of the organisation as maybe so specified, and upon any person who is a representative, whether of a government or not, in, or a member of, the organisation or any organ thereof, to such extent as may be so specified, the immunities and privileges set out in Part II of the Fourth Schedule to this Act; and

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(c) confer upon such other classes of offices and servants of the organisation as may be so specified in the order to such extent as may be so specified, the immunities and privileges set out in Part III of the Fourth Schedule to this Act.

(2) The Minister may, by order published in the *Gazette* add to the Third Schedule, the name of any organisation of which the government of the United Republic and the government or governments of one or more foreign sovereign powers are members, and may delete the name of any organisation of which the government of the United Republic ceases to be a member.

Immunities and privileges of representatives staff or high officer's family

14. Part IV of the Fourth Schedule to this Act shall have effect for the purpose of extending to the staff of representatives and families of officers upon whom immunity and privileges are conferred under section 13(1)(b), the immunities and privileges referred to therein.

Immunities accorded to Tanzanians working with international institution or organisation

15. A citizen of the United Republic employed in any of the Institutions or Organisations specified in the Third Schedule-

(a) as a Director or Assistant Director shall have the immunities and privileges to such extent as are set out in Part III of the Fourth Schedule to this Act;

(b) as an officer or adviser in a general or professional category comparable to any obtaining under the United Nations Schemes of Service, shall be granted functional immunities in relation to the execution of official duties and shall be exempted from paying custom duty, subject to this Act.

Functional immunities to Tanzanian national working with international institute or organisation

16. Where a citizen of the United Republic employed by any of the Institutions or Organisations specified in the Third Schedule to this Act is not in any category described under paragraph (a) or (b) of section 15, he shall-

(a) be granted functional immunities in relation to official duties;

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(b) pay income tax in respect only of such part of his salary as is equivalent to the salary he was earning prior to his employment by the institution or organisation.

All risk insurance

17. A person enjoying diplomatic immunities and privileges conferred under this Act shall have an all risk insurance in respect of any motor-vehicle in his possession or use.

Application of Part IV in respect of United Nations

18. Part IV shall, in its application to the United Nations, have effect subject to the following modifications:

(a) any reference to the governing body or any committee of the organisation shall be construed as referring to the General Assembly;

(b) the powers conferred by section 13 of this Act shall include power by the Minister to confer on the judges and registrars of the International Court of Justice, and on suitors to that court and their agents, counsel and advocates, such immunities privileges and facilities as may be required to give effect to any resolution of or convention approved by the General Assembly of the United Nations.

PART V
GENERAL PROVISIONS

Exemption from taxation of persons entitled to immunity

19.–(1) The Minister may, by order published in the *Gazette*, or by directions-

(a) make such provisions as he thinks fit in order to facilitate any immunity from taxes, rates or fees to which any person is entitled by reason of his being the envoy of a foreign sovereign power accredited to the United Republic, or his being a member of the family or a servant of such envoy or a member of the diplomatic staff of such envoy or of such member's family, or by reason of the provisions of section 5, 6, 7, 8, 15 and 16 or order made under subsection (1) of

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section 13 and may in such order or directions declare the extent of such immunity in respect of any person or class of persons and as to whether or not any particular tax, duty, rate or fee is included therein or excluded therefrom; and where any such declaration is made it shall, in the case of any person to whom an order made under subsection (1) of section 13 refers, subject to the provisions of the Fourth Schedule to this Act, be conclusive;

(b) grant any person or class of persons to whom section 9 or section 10 refers immunity from taxes, duties and rates upon-

(i) the person concerned;

(ii) the movable property of such person; or

(iii) so much of the income of the person concerned as is derived directly from the holding of his office, or from the payment of any fees imposed by law.

(2) It is hereby declared that, no immunity to which paragraph (a) of subsection (1) refers and no immunity granted under paragraph (b) of subsection (1) shall be construed as exempting any person from compliance with the formalities in respect of the importation of goods which are prescribed in any law relating to customs; and every such immunity shall be subject to compliance with such conditions as the Commissioner of Customs and Sales Tax may prescribe for the protection of the revenue.

Minister to publish lists

20.–(1) The Minister shall compile a list of the persons appearing to him to be entitled to immunities or privileges in accordance with the principles of customary international law and usage or by or under the provisions of this Act, except-

(a) children under the age of eighteen years of a person so entitled; or

(b) any person whose name appears on a list published under the provisions of section 21,

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and he shall amend the list, and shall cause the list and any amendment of the list or any amended list to be published in the *Gazette*.

(2) Where in any proceedings, any question arises whether or not any person is entitled to immunities or privileges in accordance with the principles of customary international law and usage or by or under the provisions of this Act, or by reason of being included in a list compiled under the provisions of section 21, a certificate issued by or under the authority of the Minister stating any fact relevant to that question shall be conclusive evidence of that fact.

Immunities of representatives attending international conferences

21.–(1) Where a conference is held in the United Republic and is attended by the representatives of the Government of the United Republic and the government or governments of one or more foreign sovereign powers, the Minister may compile such list of the representatives of such powers and countries and of the members of their official staff as he shall think proper, and shall cause such list and any amendment of that list or amended list to be published in the *Gazette*, and, subject to the provisions of this Act, every representative of a power or country who is for the time being included in the list shall, for the purpose of any enactment or rule of law or custom relating to the immunities of an envoy of a foreign sovereign power or of a head of mission and of the retinue of such an envoy or head, be treated as if he were such an envoy or head, and such of the members of his official staff as are for the time being included in the list shall be treated for the purpose aforesaid as if they were his retinue.

(2) A list published under subsection (1) in relation to any conference shall include a statement of the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to diplomatic or other immunities as representatives attending the conference or as members of the official staff of any such representative may, if a list of

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those person has been so published, be conclusively proved by producing the *Gazette* containing the list or, the last list taking effect before that time, together with the *Gazette* if any containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

Waiver of immunities or privileges

22.–(1) Without prejudice to any other rule of law relating to the waiver of diplomatic immunities or privileges-

(a) a head of mission may waive any immunity conferred by or under the provisions of this Act on himself or on a member of his staff or on a member of his family or of the family of a member of his staff, or on a person in the service of the government of the country which he represents and such immunity of a head of mission or diplomatic employee may also be waived by the government of the country by which he was appointed;

(b) a consular officer may waive any immunity conferred by or under the provisions of this act on himself, or on a consular employee employed in a consular post of which for the time being he is in charge and such immunity of a consular employee may also be waived by the government of the country by which he was appointed.

(2) Waiver under this section shall be express and shall be communicated in writing to the government of the United Republic.

Minister may withdraw immunity

23. The Minister may where he deems it proper, withdraw any immunity or privilege of any staff under any of the organisations specified in the Third Schedule to this Act.

Persons not included in diplomatic list

24. Where the name of any person claiming any immunity is not included in the list compiled under section 20 or 21 and still in force, the revenue or taxing authority to whom the claim is made shall, before according such immunities obtain the directions of the Ministry of Foreign Affairs.

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Special provisions relating to custom duty

25. Where any goods which have been imported or taken out of bond without payment of customs duty or sales tax by a person in pursuance of any diplomatic immunity or privilege, or other immunity or privilege conferred or granted by or under this Act are sold within the United Republic, the buyer shall pay the customs duty and sales tax on those goods unless he is a person enjoying the same customs franchise privileges, he is buying on behalf of the government or the goods are re-exported outside the United Republic.

Sale of motor vehicle subject to customs authorities

26. A motor vehicle that has been imported or taken out of bond without payment of custom duty or sales tax by a person in pursuance of any diplomatic immunity or privilege under this Act, and which exceeds four years after registration, may be sold to any person with or without customs franchise privilege, subject to a written permission from the customs authorities.

Sale of motor vehicle in Zanzibar

27. In Tanzania Zanzibar, a motor vehicle that has been imported or taken out of bond without payment of customs duty by a person in pursuance of any diplomatic immunity or privilege under this Act, and which has less than four years of registration, shall be sold to the State Motor Corporation of Zanzibar.

PART VI

WITHDRAWAL AND RESTRICTION OF DIPLOMATIC AND OTHER IMMUNITIES AND PRIVILEGES

Reciprocal treatment

28. This Act shall not be construed as precluding the Minister from withdrawing-

(a) any immunities or privileges conferred by or under the provisions of Parts II and III or granted under paragraph (b) of subsection (1) of section 19, in respect of any foreign sovereign power or any class of persons

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employed by such power on the grounds that such power is failing to accord corresponding immunities or privileges to the United Republic;

(b) any immunities or privileges referred to in Part IV of the Fourth Schedule to this Act from any representatives or nationals of any foreign sovereign power on the grounds that such power is failing to accord corresponding immunities and privileges to the United Republic; or

(c) from declining to accord any such immunity or privilege as may be conferred by order or directions under the foregoing provisions of this Act on any grounds as aforesaid.

Withdrawal of personal immunities in respect of diplomatic representatives of foreign powers

29. Where it appears to the Minister that the personal immunities conferred by law on the envoys of foreign sovereign powers, their families, and servants, and members of the official staff of such envoys and their families, exceed in any respect those accorded in the territory of any such power to an envoy of the United Republic and persons similarly connected with him, the Minister may, by order published in the *Gazette*, withdraw the said personal immunities in the case of that power, to such extent and in respect of such categories of persons, as appears to the Minister to be proper.

Domestic servants

30. A person shall not be entitled to any immunities or privileges in accordance with customary international law or usage under any of the provisions of this Act, on account of his being a domestic servant of an envoy of a foreign sovereign power or a head of mission, unless his name is included in a list compiled under the provisions of section 20 and published in the *Gazette* and still in force.

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PART VII

REPEAL, SAVINGS AND CONSEQUENTIAL PROVISIONS

Repeal and savings Ord. No. 54 of 1961

31.–(1) [Repeals the Immunities and Privileges (Extension and Miscellaneous Provisions) Ordinance].

(2) [Omitted.]

(3) [Omitted.]

FIRST SCHEDULE

(Made under section 4)

ARTICLES OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS HAVING THE FORCE OF LAW IN TANZANIA

Article 1

For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them-

(a) "head of the mission" is the person charged by the sending state with the duty of acting in that capacity;

(b) "members of the mission" are the head of the mission and the members of the staff of the mission;

(c) "members of the staff of the mission" are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;

(d) "members of the diplomatic staff" are the members of the staff of the mission having diplomatic rank;

(e) "diplomatic agent" is the head of the mission or a member of the diplomatic staff of the mission;

(f) "members of the administrative and technical staff" are the members of the staff of the mission employed in the administrative and technical service of the mission;

(g) "members of the service staff" are the members of the staff of the mission in the domestic service of the mission;

(h) "private servant" is a person who is in the domestic service of a member of the mission and who is not an employee of the sending state;

(i) "premises of the mission" are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

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Article 11

1. In the absence of specific agreement as to the size of the mission to be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving state and to the needs of the particular mission.

2. The receiving state may equally, within similar bounds and on a non-discriminating basis, refuse to accept officials of a particular category.

Article 22

1. The premises of the mission shall be inviolable. The agents of the receiving state may not enter them, except with the consent of the head of the mission.

2. The receiving state is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

Article 23

1. The sending state and the head of the mission shall be exempted from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific service rendered.

2. The exemption from taxation referred to in this Article shall not apply to such dues and taxes payable under the law of the receiving state by persons contracting with the sending state or the head of the mission.

Article 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

Article 25

The receiving state shall accord full facilities for the performance of the functions of the mission.

Article 26

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving state shall ensure to all members of the mission freedom of movement and travel in its territory.

1. The receiving state shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the government and the other missions and consulates of the sending state, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving state.

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2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The diplomatic bag shall not be opened or detained.

4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving state in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending state or the mission may designate diplomatic couriers ad hoc. In such cases the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

7. A diplomatic bag may be entrusted to the captain of a couriers aircraft scheduled to land at an authorised port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

Article 28

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

Article 29

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving state shall treat with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

Article 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

2. His papers, correspondence and except as provided in paragraph 3 of Article 31, property, shall likewise enjoy inviolability.

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Article 31

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving state. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of-

(a) a real action relating to private immovable property situated in the territory of the receiving state, unless he holds it on behalf of the sending state for the purposes of the mission.

(b) an action relating to succession in which the diplomatic agent is involved as executor administrator, heir or legatee as a private person and not on behalf of the sending state;

(c) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving state outside his official functions.

2. A diplomatic agent is not obliged to give evidence as a witness.

3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under subparagraphs (a), (b) and (c) of paragraph 1 of this Article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

4. The immunity of a diplomatic agent from the jurisdiction of the receiving state does not exempt him from the jurisdiction of the sending state.

Article 32

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under Article 37 may be waived by the sending state.

2. Waiver must always be express.

3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under Article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

Article 33

1. Subject to the provisions of paragraph 3 of this Article, a diplomatic agent shall with respect to services rendered for the sending state be exempted from social security provisions which may be in force in the receiving state.

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2. The exemption provided for in paragraph 1 of this article shall also apply to private servants who are in the sole employ of a diplomatic agent on condition-

(a) that they are not nationals of or permanently resident in the receiving state; and

(b) that they are covered by the social security provisions which may be in force in the sending state or a third state.

3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving state impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving state provided that such participation is permitted by that state.

5. The provisions of this Article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

Article 34

A diplomatic agent shall be exempted from all dues and taxes, personal or real, national, regional or municipal, except-

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in the territory of the receiving state, unless he holds it on behalf of the sending state for the purpose of the mission.

(c) estate, succession or inheritance duties levied by the receiving state, subject to the provisions of paragraph 4 of Article 39;

(d) dues and taxes on private income having its source in the receiving state and capital taxes on investments made in commercial undertakings in the receiving state;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of Article 23.

Article 35

The receiving state shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

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Article 36

1. The receiving state shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all custom duties, taxes, and related charges other than charges for storage, cartage and similar services on:

(a) articles for the official use of the mission;

(b) articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.

2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this Article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving state. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorised representative.

Article 37

1. The member of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving state, enjoy the privileges and immunities specified in Articles 29 to 36.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving state, enjoy the privileges and immunities specified in article 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving state specified in paragraph 1 of the Article 31shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in Article 36, paragraph 1, in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission shall, if they are not nationals of or permanently resident in the receiving state be exempted from dues and taxes on the emoluments they receive by reasons of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving state. However, the receiving state must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 38

1. Except in so far as additional privileges and immunities may be granted by the receiving state, a diplomatic agent who is a national of or permanently resident in that state shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.

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2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving state shall enjoy privileges and immunities only to the extent admitted by the receiving state. However, the receiving state must exercise its jurisdiction over these persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving state on proceeding to take up his post or if already in its territory from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other Ministry as may be agreed.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so, but shall subsist until that time, even in the case of armed conflict. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission immunity shall continue to subsist.

3. In case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of a mission not a national of or permanently, resident in the receiving state of a member of his family forming part of his household the receiving state shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property the presence of which in the receiving state was due solely to the presence these of the deceased as a member of the mission or as a member of the family of a member of the mission.

Article 41

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

2. All official business with the receiving state entrusted to the mission by the sending state shall be conducted with or through the Ministry for Foreign Affairs of the receiving state or such other ministry as may be agreed.

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3. The premises of the mission must not be used in any manner incompatible with the functions of the mission as laid down in the present Convention or by other rules of general international law or by any special agreements in force between the sending and the receiving state.

SECOND SCHEDULE

(Made under sections 4)

ARTICLES OF THE VIENNA CONVENTION ON CONSULAR RELATIONS HAVING THE FORCE OF LAW IN TANZANIA

Article 1

For the purposes of the present convention, the following expressions shall have the meanings hereunder assigned to them-

(a) "consular agent" means any consulate-general, consulate, vice-consulate or consular agency;
(b) "consular district" means the area assigned to a consular post for the exercise of consular functions;
(c) "head of consular post" means the person charged with the duty of acting in that capacity;
(d) "consular officer" means any person employed in the administrative or technical service or a consular post;
(e) "consular employee" means any person employed in the administrative or technical service of a consular post;
(f) "member of the service staff" means a consular officers.
(g) "members of the consular post" means consular officers, consular employees and members of the service staff;
(h) "members of the consular staff" means consular officer, other than the head of the a consular post, consular employee and members of the services staff;
(i) "member of the private staff" means a person who is employed exclusively in the private service of a member of the consular post;
(j) "consular premises" means the buildings or parts of buildings, and the land ancillary thereto, irrespective of ownership, used exclusively for the purpose of the consular post;
(k) "consular archives" includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card indexes and any article of furniture intended for their protection or safekeeping.

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Article 32

1. Consular premises and the residence of the career head of consular post of which the sending state or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the law of the receiving state, they are payable to the person who contracted with the sending state or with the person acting on its behalf.

Article 33

The consular archives and documents shall be inviolable at all time and wherever they may be.

Article 35

1. The receiving state shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts wherever situated, of the sending state, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving state.

2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving state have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this Article, they may request that the bag be opened in their presence by an authorised representative of the sending state. If this request is refused by the authorities of the sending state, the bag shall be returned to its place of origin.

4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving state he shall be neither a national of the receiving state, nor unless he is a national of the sending state, a permanent resident of the receiving state. In the performance of this functions he shall be protected by the receiving

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state. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending state, its diplomatic missions and its consular posts may designate consular couriers ad hoc. In such cases the provisions of paragraph 5 of this Article shall also apply except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

7. A consular bag may be entrusted to the captain of a ship or a commercial aircraft scheduled to land at an authorised port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

Article 41

1. Consular officers shall not be liable to arrest or detention pending trial except in the case of a grave crime and pursuant to a decision by the competent judicial authority.

2. Except in the case specified in paragraph 1 of this Article, consular officers shall not be committed to prison or be liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

3. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and except in the case specified in paragraph 1 of this Article, in a manner which will hamper the exercise of consular functions as little as possible. When, in the circumstances mentioned in paragraph 1 of this Article it has become necessary to detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.

Article 42

In the event of the arrest or detention, pending trial, of a member of the consular staff, or of criminal proceedings being instituted against him the receiving state shall promptly notify the head of the consular post. Should the latter be himself the object of any such measure, the receiving state shall notify the sending state through the diplomatic channel.

Article 43

1. Consular officers and consular employees shall not be liable to the jurisdiction of the judicial or administrative authorities of the receiving state in respect of acts performed in the exercise of consular functions.

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2. The provisions of paragraph 1 of this Article shall not, however, apply in respect of a civil action arising out of a contract concluded by a consular officer or a consular employee in which he didn't contract expressly or impliedly as an agent of the sending state.

Article 44

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not except in the cases mentioned in paragraph 3 of this Article decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty maybe applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending state.

Article 45

1. The sending state may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in Articles 41, 43 and 44.

2. The waiver shall in all cases be express; except as provided in paragraph 3 of this Article, and shall be communicated to the receiving state in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under Article 43 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

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Article 46

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws and regulations of the receiving state in regard to the registration of aliens and residence permits.

2. The provisions of paragraph 1 of this Article shall not, however apply to any consular employee who is not a permanent employee of the sending state or who carries on any private gainful occupation in the receiving state or to any member of the family of any such employee.

Article 47

1. Members of the consular post shall, with respect to services rendered for the sending state, be exempt from any obligations in regard to work permits imposed by the laws and regulations of the receiving state concerning the employment of foreign labour.

2. Members of the private staff of consular officer and of consular employees shall, if they do not carry on any other gainful occupation in the receiving state be exempt from the obligations referred to in paragraph 1 of this Article.

Article 48

1. Subject to the provisions of paragraph 3 of this Article, members of the consular post with respect to services rendered by them for the sending state, and members of their families forming part of their households shall be exempt from social security provisions which may be in force in the receiving state.

2. The exemption provided for in paragraph 1 of this Article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition-

(a) that they are not nationals of or permanently resident in the receiving state; and

(b) that they are covered by the social security provisions which are in force in the sending state or a third state.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligation which the social security provisions of the receiving state impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not include voluntary participation in the social security system of the receiving state, provided that such participation is permitted by that state.

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Article 49

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except-

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues or taxes of private immovable property situated in the territory of the receiving state, subject to the provisions of Article 32;

(c) estate, succession or inheritance duties, and duties on transfers, levied by the receiving state, subject to the provisions of paragraph (b) of Article 51;

(d) dues and taxes on private income, including capital gains, having its source in the receiving state and capital taxes relating to investments made in commercial or financial undertakings in the receiving state;

(e) registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of Article 32.

2. Members of the services staff shall be exempt from dues and stamp duties on the wages which they receive for their services.

3. Members of the consular post who employ a person whose wages or salaries are not exempt from income tax in the receiving state shall observe the obligations which the laws and regulations of that state impose upon employers concerning the levying of income tax.

Article 50

1. The receiving state shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all custom duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

(a) articles for the official use of the consular post;

(b) articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilisation by the persons concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph1 of this Article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in subparagraph (b) of paragraph 1 of this Article, or articles the import or export of which

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are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

Article 52

The receiving state shall exempt members of the consular post and members of their families forming part of their households from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 53

1. Every member of the consular post shall enjoy the privileges and immunities provided in the present Convention from the moment he enters the territory of the receiving state on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

2. Members of the family of a member of the consular post forming part of his household and members of his private staff shall receive the privileges and immunities provided in the present Convention from the date from which he enjoys privileges and immunities in accordance with paragraph 1 of this Article or from the date of their entry into the territory of the receiving state or from the date of their becoming a member of such family or private staff, whichever is the latest.

3. When the functions of a member of the consular post have come to an end, his privileges and immunities and those of a member of his family forming part of his household or a member of his private staff shall normally cease at the moment when the person concerned leaves the receiving state or on the expiry of a reasonable period in which to do so, whichever is the sooner, but shall subsist until that time even in case of armed conflict. In the case of the persons referred to in paragraph 2 of this Article, their privileges and immunities shall come to an end when they cease to belong to the household or to be in the service of a member of the consular post provided, however, that if such persons intend leaving the receiving state within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. However, with respect to acts performed by a consular officer or a consular employee in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the members of his family forming part of his household shall continue to enjoy the privileges and immunities accorded to them until they leave the receiving state or until the expiry of a reasonable period enabling them to do so, whichever is the sooner.

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Article 57

1. Career consular officers shall not carry on for personal profit any professional or commercial activity in the receiving state.

2. Privileges and immunities provided in this convention shall not be accorded-

(a) to consular employees or to members of the service staff who carry on any private gainful occupation in the receiving state;

(b) to members of the family of a person referred to in subparagraph (a) of this paragraph to members of his private staff;

(c) to members of the family of a member of a consular post who themselves carry on any private gainful occupation in the receiving state.

THIRD SCHEDULE

(Made under section 13)

ORGANISATIONS

GNs. Nos.		
	1.	The African Development Bank.
122 of 1988	2.	The Aga Khan Development Network (AKDN).
206 of 1988	3.	The Centre for Integrated Rural Development for Africa.
235 of 1988	4.	The Commonwealth Regional Health Bureau for Eastern and Central Africa.
104 of 1996	5.	The Commonwealth Regional Health Secretariat for East Central and Southern Africa.
420 of 1997	6.	The Delegation of the Commission of the European Communities in the United Republic of Tanzania.
669 of 1998	7.	The Desert Locust Control Organisation.
330 of 2000	8.	The East African Development Bank.
186 of 2001	9.	The East African Mineral Resources Development Centre.
478 of 2002 57 of 2005 368 of 2005 410 of 2010 166 of 2011 1 of 2012	10.	The Eastern African Centre for Research on Oral Traditions and African National Languages.
	11.	The Eastern and Southern African Management Institute.
	12.	The Eastern and Southern African Trade and Development Bank (PTA Bank).
586 of 2015	13.	The Food and Agricultural Organisation.
269 of 2016	14.	The General Agreement on Tariffs and Trade.
288 of 2016	15.	The International Atomic Energy Agency.
277 of 2022	16.	The International Civil Aviation Organisation.
	17.	The International Committee of the Red Cross (ICRC).
	18.	The International Court of Justice.
	19.	International Development Agency.
	20.	International Finance Corporation.

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21. The International Fund for Agricultural Development.
22. The International Labour Organisation.
23. The International Maritime Organisation.
24. The International Red Locust Control Organisation.
25. The International Telecommunication Union.
26. The International Union for the Conservation of Nature (IUCN).
27. The Kagera Basin Organisation.
28. The Mechanism for International tribunals.
29. The OAU Coordinating Committee of the Liberation for Africa.
30. The Permanent Secretariat of the Central Corridor Transit Transport (TTFA).
31. The Permanent Secretariat of Dar es Salaam Corridor Committee (DCC).
32. The Pan African Postal Union.
33. The Southern African Development Community Regional Counter Terrorism Centre SADC-RCST.
34. The Southern Africa Extension Unit.
35. The Tanzania/Mozambique Centre for Foreign Relations.
36. The United Nations Conference on Trade and Development.
37. The United Nations Centre for Human Settlements.
38. The United Nations Development Programme.
39. The United Nations Education, Scientific and Cultural Organisation.
40. The United Nations Environment Programme.
41. The United Nations Food Programme.
42. The United Nations Fund for Population Activities.
43. The United Nations High Commissioner for Refugees.
44. The United Nations Industrial Development Organisation.
45. The United Nations Information Centre.
46. The United Nations Institute for Disarmament Research.
47. The United Nations Institute for Trading and Research.
48. The United Nations International Children Emergency Fund.
49. The United Nations Technical Assistance Board and Special Fund.
50. Southern and Eastern Africa Mineral Centre (SEAMIC).
51. The United Nations Volunteers Programme.
52. Universal Postal Union.
53. World Bank Group-International Bank for Reconstruction and Development.
54. World Food Council.
55. World Health Organisation.

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FOURTH SCHEDULE

(Made under sections 13, 14 and 15)

PART I

IMMUNITIES AND PRIVILEGES OF ORGANISATIONS

1. Immunity from suit and legal process.

2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign power accredited to the United Republic.

3. The like exemption or relief from taxes, duties, rates and fees, other than duties accorded to a foreign sovereign power.

4. Exemption from duties and taxes on the importation of goods directly imported or purchased locally by the organisation for its official use in the United Republic or for exportation or on the importation of any publications of the organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Commissioner for Customs and Sales Tax may prescribe for the protection of the revenue.

5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it.

6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for broadcasting or publication by the press (including communications addressed to or dispatched from places outside the United Republic); of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II

IMMUNITIES AND PRIVILEGES OF HIGH OFFICES; REPRESENTATIVES,

MEMBER OF COMMITTEES AND PERSONS ON MISSIONS

1. The like immunity from suit on it and legal process as is accorded to any envoy of foreign sovereign power accredited to the United Republic.

2. The like inviolability of residence as is accorded to such an envoy.

3. The like exemption or relief from taxes, duties, rates and fees as is accorded to such an envoy.

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PART III

FUNCTIONAL IMMUNITIES

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.

2. Exemption from personal tax and income tax in respect of certain emoluments received as an officer or servant of the organisation.

PART IV

IMMUNITIES AND PRIVILEGES OF OFFICIAL STAFF OF REPRESENTATIVE AND THEIR FAMILIES

1. Where any person is entitled to any of the immunities and privileges specified in Part II of this Schedule as a representative, the official staff accompanying him as such a representative shall be entitled to the same immunities and privileges and to the same extent as the retinue of an envoy of a foreign sovereign power accredited to the United Republic is entitled to the immunities and privileges accorded to the envoy.

2. Where any person is entitled to any of the immunities and privileges specified in Part II of this Schedule as an officer of an organisation, that person's spouse and children under the age of twenty-one years shall be entitled to the same immunities and privileges and to the same extent as the spouse and children of any envoy of a foreign sovereign power accredited to the United Republic are entitled to the immunities and privileges accorded to the envoy.

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