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LEGAL NOTICE NO. 3 OF 2017

**International Organisations (Privileges and Immunities)
Southern African Customs Union Regulations, 2017**

Pursuant to section 3 of the International Organisations (Privileges and Immunities) Act, 1969¹, I,

'MAMPHONO KHAKETLA

Minister responsible for foreign affairs and international relations make the following regulations:

Citation and commencement

1. These regulations may be cited as the International Organisations (Privileges and Immunities) Southern African Customs Union Regulations, 2017 and shall come into operation on the date of publication in the Gazette.

Application

2. (1) The Southern African Customs Union is declared as an international organisation to which the International Organisation Privileges Act, 1969 applies.

(2) For purposes of these regulations, "Southern African Customs Union" means the Southern African Customs Union established in terms of Southern African Customs Union Agreement, 2002.

Legal Personality of Southern African Customs Union

3. The Southern African Customs Union shall have legal personality with capacity and power to enter into contracts, acquire, own or dispose of movable or immovable property and to sue and be sued.

Inviolability of Southern African Customs Union

4. (1) Any property and assets of the Southern African Customs Union wherever they are located in Lesotho shall enjoy immunity from legal processes unless such immunity is waived by the Executive Secretary of Southern African

Customs Union.

(2) Any Southern African Customs Union records including documents, correspondence, manuscripts, computer records, films, motion pictures, sound recording or any other information or document relating to the performance of its functions shall enjoy immunity from legal processes.

Exemption from payment of taxes and duties

5. (1) The Southern African Customs Union is exempt from payment of all forms of direct or indirect tax on any of its property (corporeal or incorporeal) and assets including income of its officials.

(2) The Southern African Customs Union and its officials are exempt from -

- (a) payment of customs duties on goods imported or exported for official activities including publications; or
- (b) any restrictions or prohibitions applicable on goods imported or exported for official activities including publications.

The Southern African Customs Union not to dispose of property without Government consent

6. The Southern African Customs Union shall not dispose of, sell or alienate property imported or exported without payment of customs duties unless it has obtained a written permission from the Government of Lesotho.

Officials of Southern African Customs Union Secretariat have immunity from legal processes

7. An official of Southern African Customs Union Secretariat shall, while executing his duties under the Southern African Customs Union Agreement, have immunity from a legal process in respect of words spoken or written and all acts performed by him in his official capacity.

Waiver of rights by Southern African Customs Union Executive Secretary

8. The Southern African Customs Union Executive Secretary shall, without prejudice to the interests of the Southern African Custom Union, retain the right to waive any of the official rights to immunity.

Cooperation by the Southern African Customs Union and its officials

9. The Southern African Customs Union and its officials shall cooperate with a relevant official or institution executing duties under any other law.

DATED:

**DR. 'MAMPHONO KHAKETLA
MINISTER OF FOREIGN AFFAIRS AND
INTERNATIONAL RELATIONS**

NOTE

1. Act No. 32 of 1969