

CHAPTER 14.

CONSULAR CONVENTIONS.

AN ORDINANCE TO CONFER UPON THE CONSULAR OFFICERS OF FOREIGN STATES WITH WHICH CONSULAR CONVENTIONS ARE CONCLUDED BY HIS MAJESTY CERTAIN POWERS RELATING TO THE ADMINISTRATION OF ESTATES AND PROPERTY OF DECEASED PERSONS AND TO RESTRICT THE POWERS OF CONSTABLES AND OTHER PERSONS TO ENTER THE CONSULAR OFFICES OF SUCH STATES. 2 of 1950.

[1st September, 1950.]

1. This Ordinance may be cited as the Consular Conventions Ordinance. Short title.

2. A state to which this section applies—

(1) May acquire land, buildings, parts of buildings and their appurtenances either freehold or leasehold, for the purpose of a consular office or for a residence for a consular officer or employee or for any purpose approved by the Governor in Council. Ownership of land.

(2) May erect buildings and appurtenances on such land for any of the purposes specified in subsection (1) hereof subject to any regulations as to building or otherwise then in force.

3. (1) Subject as hereafter provided a consular office of a State to which this section applies shall not be entered by a constable or other person acting in the execution of any warrant or other legal process or in exercise of powers conferred by or under any law (whether passed before or after the commencement of this Ordinance) or otherwise, except with the consent of the consular officer in charge of that office or, if that consent is withheld or cannot be obtained, with the consent of a Secretary of State: Restriction of powers of entry in relation to consular offices.

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

Provided that the foregoing provisions of this subsection shall not apply in relation to any entry effected

- (a) for the purpose of extinguishing a fire;
- (b) by a constable having reasonable cause to believe that a crime involving violence has been or is being or is about to be committed in the consular office;
- (c) by any person entitled to enter by virtue of any easement, contract or other private right.

(2) This section shall not apply to any consular office which for the time being is in charge of a consular officer who is a citizen of the United Kingdom and Colonies or is not a national of the State by which that office is maintained.

(3) For the purposes of this section the expression "consular office" means any building or part of a building which is exclusively occupied for the purposes of the official business of a consular officer.

Compensation for property expropriated or seized for national defence or for a public purpose.

4. Compensation for any land, building or parts of buildings and appurtenances expropriated or seized for purposes of national defence or for a public purpose payable to a state to which this section applies shall be paid at the official selling rate of exchange most favourable to the State at the time when the property was expropriated or seized in a form readily convertible into the currency of and transferable to the State not later than three months from the date on which the consulate or consular officer or employee is deprived of possession.

Powers of consular officers in relation to property of deceased person in the Colony.

5. (1) Where any person who is a national of the State to which this section applies is named as executor in the will of a deceased person disposing of property in the Colony, or is otherwise a person to whom a grant of representation to the estate in the Colony of a deceased person may be made, then if the Court is satisfied, on the application of a consular officer of the State, that the said national is not resident in the Colony, and if no application for a grant of such representation is made by a person duly authorised by power of attorney to act for him in that behalf, the court shall make to that officer any such grant of representation to the estate of the deceased as would be made to him if he were so authorised as aforesaid.

(2) Where any person who is a national of a State to which this section applies:

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3. (1) Subject as hereafter provided a consular office of a State to which this section applies shall not be entered by a constable or other person acting in the execution of any warrant or other legal process or in exercise of powers conferred by or under any law (whether passed before or after the commencement of this Ordinance) or otherwise, except with the consent of the consular officer in charge of that office or, if that consent is withheld or cannot be obtained, with the consent of a Secretary of State: Restriction of powers of entry in relation to consular offices.

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- (c) by any person entitled to enter by virtue of any easement, contract or other private right.

(2) This section shall not apply to any consular office which for the time being is in charge of a consular officer who is a citizen of the United Kingdom and Colonies or is not a national of the State by which that office is maintained.

(3) For the purposes of this section the expression "consular office" means any building or part of a building which is exclusively occupied for the purposes of the official business of a consular officer.

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4. Compensation for any land, building or parts of buildings and appurtenances expropriated or seized for purposes of national defence or for a public purpose payable to a state to which this section applies shall be paid at the official selling rate of exchange most favourable to the State at the time when the property was expropriated or seized in a form readily convertible into the currency of and transferable to the State not later than three months from the date on which the consulate or consular officer or employee is deprived of possession.

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5. (1) Where any person who is a national of the State to which this section applies is named as executor in the will of a deceased person disposing of property in the Colony, or is otherwise a person to whom a grant of representation to the estate in the Colony of a deceased person may be made, then if the Court is satisfied, on the application of a consular officer of the State, that the said national is not resident in the Colony, and if no application for a grant of such representation is made by a person duly authorised by power of attorney to act for him in that behalf, the court shall make to that officer any such grant of representation to the estate of the deceased as would be made to him if he were so authorised as aforesaid.

(2) Where any person who is a national of a State to which this section applies:

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- (a) is entitled to any money or other property in the Colony forming part of the estate of a deceased person, or to receive payment in the Colony of any money becoming due on the death of a deceased person; or
- (b) is among the persons to whom any money or other property of a deceased person may under any law whether passed before or after the commencement of this Ordinance be paid or delivered without grant of probate or other proof of title

then if the said national is not a resident in the Colony, a consular officer of that State shall have the like right and power to receive and give a valid discharge for any such money and property as if he were duly authorised by power of attorney to act for him in that behalf.

Provided that no person shall be authorised or required by this subsection to pay or deliver any money or property to a consular officer if it is within his knowledge that any other person in the Colony has been expressly authorised to receive that money or property on behalf of the said national.

(3) Notwithstanding the provisions of subsection (1) of section 5 of the Administration of Estates Ordinance sureties shall not be required to an administration bond given by a consular officer upon the grant of administration by virtue of this section.

(4) Notwithstanding any rule of law conferring immunity or privilege in respect of the official acts and documents of consular officers, a consular officer shall not be entitled to any immunity or privilege in respect of any act done by virtue of powers conferred on him by or under this section, or in respect of any document for the time being in his possession relating thereto.

6. (1) The Governor may by Order in Council direct that all or any of the sections of this Ordinance shall apply to any foreign state specified in the Order, being a state with which a consular convention providing for matters for which provision is made by any of those sections has been concluded by His Majesty.

Application
to foreign
States.

(2) Any Order in Council made under this section may be revoked by a subsequent Order.

(3) Any Order made under this section shall be laid before the Legislative Council after being made.