

THE CONSULAR CONVENTIONS ACT

Law
24 of 1956.
Act
29 of 1964
S. 19 (2).

[30th May, 1956.]

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

2. In this Act—

Interpreta-
tion.

“consular employee” means any person employed at a Consulate for the performance of executive, administrative, clerical, technical or professional duties or as consular guard, messenger or driver of a vehicle whose name has been communicated by a consular officer to the Minister, but does not include any person employed on domestic duties;

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“consular office” means any building or part of a building which is exclusively occupied for the purpose of the official business of a consular officer;

“consular officer” means a consul-general, consul, vice-consul or consular agent representing a foreign State to whom an exequatur or provisional or other authorization to perform consular functions has been granted.

3.—(1) Notwithstanding the provisions of any enactment to the contrary, where any person who is a national of a State to which this section applies is named as executor in the will of a deceased person disposing of property in this Island, or is otherwise a person to whom a grant of representation to the estate in this Island of a deceased person may be made, then if the Court is satisfied, on the application of a consular officer of the said State, that the said

Powers of
consular
officers in
relation to
property
of deceased
persons.

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national is not resident in this Island, and if no application for a grant of such representation is made by a person duly authorized 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 authorized as aforesaid :

Provided that the Court may, if it thinks fit, postpone the making of a grant by virtue of this section during such period as the Court considers appropriate having regard to the circumstances of the case.

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

- (a) is entitled to payment or delivery of any money or property in respect of any interest in the estate of a deceased person, or vesting in possession on the death of any person, or is entitled to payment of any money becoming due on the death of any person; or
- (b) is a person to whom any money or property comprised in the estate of a deceased person may be paid or delivered in pursuance of any enactment, rule or regulation, whether passed or made before or after the commencement of this Act, authorizing the payment or delivery of such money or property without representation to the estate of the deceased being granted,

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

Provided that no person shall be authorized 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 this Island has been expressly authorized to receive that money or property on behalf of the said national.

(3) A grant of administration made by virtue of this section may be made to the consular officer by his official title, and to his successors in office; and where a grant is so made, the office of administrator, and all the estate, rights, duties and liabilities of the administrator (including liabilities under the administration bond) shall be vested in and imposed on the person for the time being holding the office, and no fresh grant shall be required by reason only of the death or vacation of office of the person to whom the grant was made or in whom it is vested as aforesaid:

Provided that nothing in this subsection shall affect any limitation contained in the grant, or any power of the Court to revoke the grant.

(4) No sureties shall be required to any bond entered into 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 section 3, or in respect of any document for the time being in his possession relating thereto.

No immunity in respect of acts done by virtue of section 3.

5.—(1) Subject to the provisions of this section, 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 the 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

Restriction of powers of entry in relation to consular offices.

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officer in charge of that office or, if that consent is withheld or cannot be obtained, with the consent of the Minister:

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

- (a) for the purpose of extinguishing or preventing the spread of 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.

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

Property of
deceased
seamen.

6. Where it appears to the proper officer having the charge of the money or other property of a deceased seaman that any person to whom any such money or other property may be paid or delivered under the provisions of the Shipping Act, is resident in a foreign State, he may pay or deliver the money or property to a consular officer of that State on behalf of that person; and the provisions of that section shall have effect in this Island accordingly.

7. [*Deleted – Law Revision Correction.*]

Remission of
taxes, duties,
fees and
charges.

8. The Minister may direct that any tax, duty, fee or charge imposed or collected under any enactment in force in this Island by the Government or by any municipal or

public authority in this Island and payable by the Government of a foreign State, or by a consular officer or consular employee of such State, may be remitted when, in the opinion of the Minister, such remission should be granted by reason of the treatment accorded to Her Majesty's Government or consular officers or employees by such State.

9.—(1) The Minister may by order direct that sections 3 and 5 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 those sections has been concluded by Her Majesty.

Application
of sections
3 and 5.

(2) Any order made under this section may be revoked by a subsequent order.

(3) Any order made under this section shall be laid before the House of Representatives and the Senate after being made.