

CHAPTER 65

CONSULAR CONVENTIONS

AN ACT TO CONFER UPON THE CONSULAR OFFICERS OF FOREIGN STATES WITH WHICH CONSULAR CONVENTIONS ARE CONCLUDED BY HER MAJESTY CERTAIN POWERS AND PRIVILEGES

*5 of 1951
19 of 1972
LN 46A of 1978*

[28th September 1951]

1.—(1) This Act may be cited as the Consular Conventions Act.

*Short title
LN 46A of 1978*

(2) In this Act unless the context otherwise requires —

“consular officer” means any person who is granted an exequatur or provisional or other authorisation by the Governor-General;

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

2.—(1) Where any person who is a national of any foreign state to which this section applies is named as executor in the will of a deceased person disposing of property in Solomon Islands or is otherwise a person to whom a grant of representation to the estate in Solomon Islands of a deceased person may be made, then if the Court is satisfied, on the application of a consular officer of the said foreign state, that the said national is not resident in Solomon Islands 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.

*Powers of consular officers in relation to property in Solomon Islands of deceased persons
LN 46A of 1978*

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

(a) is entitled to any money or other property in Solomon Islands forming part of the estate of a deceased person or to receive payment in Solomon Islands 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 Act, whether passed before or after the commencement of this Act or under the Pacific Order in Council, 1893, be paid or delivered without grant of probate or other proof of title,

then if the said national is not resident in Solomon Islands 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 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 Solomon Islands has been expressly authorised to receive that money or property on behalf of the said national.

(3) No surety shall be required to an administration bond given by a consular officer upon the grant of administration by virtue of this section.

Supplementary provision as to section 2

3. Notwithstanding any rule of law conferring immunity or privilege in respect of the official acts and documents of consular officers a consular office shall not be entitled to any immunity or privilege in respect of any act done by virtue of powers conferred upon him by or under section 2 or in respect of any document for the time being in his possession relating thereto.

Exemption from stamp duty

4. Stamp duty shall not be chargeable upon the following documents —

(a) a receipt given for the payment of fees received by or on behalf of a foreign state to which this section applies in compensation for consular services;

(b) any instrument relative to the acquisition by a foreign state to which this section applies of immovable property for the purpose of a consular office or a residence for a consular officer or employee.

Application

5. The Governor-General may by order direct that all or any of the sections of this Act 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 the Head of State or Prime Minister.

6. The Administration of Estates by Consular Officers Regulation, 1940, is repealed:

Repeal and saving

Provided that the provisions of the Regulation aforesaid shall continue in force in respect of each State* mentioned in the Schedule thereto until the High Commissioner by order directs that they shall cease to apply to such State.

Cap. 2 (1947 Ed)

*Note. The States mentioned in the Schedule to the Administration of Estates by Consular Officers Regulation, 1940, are Estonia, Finland, Greece, Hungary, Japan, Thailand, Turkey and Yugoslavia.

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Subsidiary Legislation

<i>Name of State</i>	APPLICATION	
	<i>(Section 5)</i>	
	<i>Sections applied</i>	<i>Date and Gazette reference of Order/L.N</i>
Kingdom of Norway	2,4	3.10.1951 (125/136/1951)
Kingdom of Greece	2	22.2.1954 (45/28/1954)
Kingdom of Sweden	2,4	26.2.1954 (47/28/1954)
French Republic	2	1.4.1954 (49/28/1954)
United States of Mexico	2	5.10.1955 (175/295/1955)
Italian Republic	2	16.6.1958 (135/138/1958)
Federal Republic of Germany	2	5.6.1958 (139/140/1958)
Czechoslovak Socialist Republic	1,2	3.6.1977 LN 59/1977
Hungarian People's Republic	1,2	3.6.1977 LN 60/1977
Mongolian People's Republic	1,2	3.6.1977 LN 61/1977