



ST. HELENA

## CHAPTER 44

# CONSULAR CONVENTIONS ORDINANCE

### Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email [pa.lawofficers@legalandlands.gov.sh](mailto:pa.lawofficers@legalandlands.gov.sh)]<sup>1</sup>

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

	Page
<b>CONSULAR CONVENTIONS ORDINANCE</b>	<b>2</b>
Ordinance 11 of 1950 .. in force 13 December 1950	
Amended by Ordinances: 16 of 1951	
4 of 1972	

No Subsidiary Legislation has been made under this Ordinance

---

<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

**CHAPTER 44****CONSULAR CONVENTIONS ORDINANCE**

*(Ordinances 11 of 1950, 16 of 1951 and 4 of 1972)*

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

**Commencement**

*[13 December 1950]*

**Short title**

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

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

2. (1) When 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 the Island of St. Helena, or is otherwise a person to whom a grant of representation to the estate in the Island of St. Helena may be made, then if the Supreme Court is satisfied, on the application of a consular officer of the said State, that the said national is not resident in the Island of St. Helena, 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 Supreme 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—
- (a) is entitled to any money or other property in the Island of St. Helena forming part of the estate of a deceased person, or to receive payment in the Island of St. Helena 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 Ordinance whether passed before or after this Ordinance, be paid or delivered without grant of probate or other proof of title, then if the said national is not resident in the Island of St. Helena, 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 sub-section to pay or deliver any money or property to a consular officer if it is within his knowledge that any other person in the Island of St. Helena has been expressly authorised to receive that money or property on behalf of the said national.

(3) Notwithstanding the provisions of any other law for the time being in force, sureties shall not be required to an administration bond given by a consular officer upon the grant of administration by virtue of this section.

### Consular officers not entitled to immunity or privilege for acts under 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 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 2 of this Ordinance, or in respect of any document for the time being in his possession relating thereto.

### Property of deceased foreign seaman

4. (1)<sup>2</sup> Where any property of a deceased seaman or apprentice comes into the hands of the Governor, or any agent of the Governor, and the value of the said property does not exceed £100, the Governor may, after deducting for expenses incurred in respect of that seaman or apprentice or of his property such sum as he thinks proper to allow, either pay or deliver the residue to any claimant who is proved to his satisfaction to be a widow or a child of the deceased, or to be entitled to the personalty of the deceased either under his will (if any) or any statute of distribution or otherwise, or to be a person entitled to take out representation, although no such representation has been taken out, and shall be thereby discharged from all further liability in respect of the residue so paid or delivered:

Provided that, if it appears to the Governor that such claimant is resident in a foreign state, the Governor may pay or deliver the residue to a Consular Officer of that State on behalf of that person, and shall be thereby discharged from all further liability in respect thereof.

(2) Where any foreign ship has been wrecked on or near the coasts of St. Helena, and any articles belonging to or forming part thereof, or belonging to or forming part of the cargo thereof, are found on or near those coasts, or are brought ashore in St. Helena, the Consul-General of the foreign State to which the ship may have belonged, and the Consul-General of the foreign State to which the owners of the cargo may have belonged, or any consular officer of such foreign State or States, as the case may be, who may have been authorised in that behalf by any treaty or arrangement with such foreign State or States, shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner so far as relates to the custody and disposal of such wrecked ship and articles.

### Application of section 2

5. (1)<sup>3</sup> Section 2 of this Ordinance shall apply to any foreign State with which a Consular Convention providing for matters for which provision is made by that section has been concluded by Her Majesty.

The Governor may by order direct that consular officers or consular employees shall be exempted in the Island of St. Helena from any of the provisions of the Customs Ordinance.<sup>4</sup>

For the purposes of this subsection—

“**consular officer**” and “**consular employee**” mean a person who is a national of a State with which a Consular Convention providing for matters for which provision is made by this sub-section has been concluded by Her Majesty, is not also domiciled in the Island of St. Helena, is not engaged in private occupation for gain in the Island and was not normally within the Island at the time he was appointed to the Consulate;

<sup>2</sup> Section 4(1) amended by Ord. 16 of 1951

<sup>3</sup> Section 5(1) amended by Ord. 4 of 1972

<sup>4</sup> Cap 145

**“Ordinance”** means, in addition to the principal Ordinance cited, any amending Ordinance and all orders and regulations made thereunder.

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

---