



ST HELENA

REVISED EDITION OF THE LAWS 2017

SECURITY & LAW ENFORCEMENT

CONSULAR CONVENTIONS ORDINANCE, 1950¹

*Ordinance 11 of 1950
In force 13 December 1950*

Amended by Ordinances 16 of 1951, 4 of 1972

No subsidiary legislation to 1 November 2017

CONSULAR CONVENTIONS ORDINANCE, 1950

ARRANGEMENT OF SECTIONS

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AN ORDINANCE to confer upon consular officers of foreign States with which consular conventions are concluded by Her Majesty, certain powers in relation to the property of nationals of those States.

Short title

1. This Ordinance may be cited as the Consular Conventions Ordinance, 1950.

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 St Helena, or is otherwise a person to whom a grant of representation to the estate in St Helena may be made, then if—
 - (a) the Supreme Court is satisfied, on the application of a consular officer of the

¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

said State, that the said national is not resident in St Helena; and
 (b) no application for a grant of such representation is made by a person duly authorised by power of attorney to act for the person in that behalf,
 the Supreme Court must make to that officer any such grant of representation to the estate of the deceased as would be made to the officer if the officer were so authorised.

(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 St Helena forming part of the estate of a deceased person, or to receive payment in 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, subject to subsection (2A), if the said national is not resident in St Helena, a consular officer of that State has the same right and power to receive and give a valid discharge for any such money or property as if the officer were duly authorised by power of attorney to act for the person in that behalf.

(2A) Subsection (2) does not authorise or require any person to pay or deliver any money or property to a consular officer if it is within the person's knowledge that any other person in St Helena has been expressly authorised to receive that money or property on behalf of the said national.

(3) Despite any other law for the time being in force, sureties are not 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. Despite any rule of law conferring immunity or privilege in respect of the official acts and documents of consular officers, a consular officer is not entitled to any immunity or privilege in respect of any act done by virtue of powers conferred on the officer by or under section 2, or in respect of any document for the time being in the officer's possession relating to any such act.

Property of deceased foreign seafarer

4. (1) If any property of a deceased seafarer or apprentice comes into the hands of the Governor, or any agent of the Governor, and the value of the property does not exceed £100, the Governor may, after deducting for expenses incurred in respect of that seafarer or apprentice or of his or her property a sum the Governor thinks proper to allow, pay or deliver the residue to any claimant who is proved to the satisfaction of the Governor or the Governor's agent to be –

- (a) the widow or widower or a child of the deceased;
 - (b) entitled to the personal property of the deceased either under any will of the deceased or under any statute of distribution or otherwise; or
 - (c) a person entitled to take out representation, although no such representation has been taken out,
- and is thereby discharged from all further liability in respect of the residue so paid or

delivered.

(1A) If it appears to the Governor that the claimant referred to in subsection (1) 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 is thereby discharged from all further liability in respect of the residue.

(2) If any foreign ship has been wrecked on or near the coasts of St Helena, and any articles belonging to or forming part of the ship, or belonging to or forming part of its cargo, 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 belonged, and the Consul-General of the foreign State to which the owners of the cargo belonged, or any consular officer of such foreign State or States, as the case may be, who has been authorised for the purpose by any treaty or arrangement with such foreign State or States, is, in the absence of the owner and of the master or other agent of the owner, 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) Section 2 applies 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.

(2) The Governor may by order direct that consular officers or consular employees are exempt in St Helena from the provisions of the Customs and Excise Ordinance, 1999 specified in the order.

(3) For the purposes of subsection (2)—
“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 St Helena, is not engaged in private occupation for gain in St Helena and was not normally within St Helena at the time he was appointed to the Consulate;
“Ordinance” means, in addition to the Customs and Excise Ordinance, 1999 any amending Ordinance and all orders and regulations made under it.
