

I assent.

C. C. WOOLLEY,

Governor,

29th September, 1950.

ORDINANCE No. 41 OF 1950.

AN ORDINANCE to confer upon the Consular Officers of Foreign ~~A.D. 1950~~ States with which consular conventions are concluded by His Majesty certain powers relating to the administration of the estates and property of deceased nationals of such States; to exempt such officers from the payment of any tax in respect of any land or buildings owned or occupied by any such State for

the purpose of a Consular Office; to enable any land or buildings to be conveyed to any such State without the payment of stamp duties; to restrict the powers of constables and other persons to enter the Consular Offices of such States; and for purposes connected with the matters aforesaid.

[7th October, 1950.]

BE IT ENACTED by the Governor of British Guiana, with the advice and consent of the Legislative Council thereof, as follows:—

Short
title.

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

Power of
consular
officers in
relation to
property in
the colony
of deceased
persons.

2. (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 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 said 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 person as would be made to him if he were so authorised 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 any 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 Ordinance, authorising 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 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 or property in the Colony 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) 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 the liabilities under any bond for the due administration of the estate), 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) Notwithstanding the provisions of section thirty of the Deceased Persons Estates' Administration Ordinance, sureties shall not be required to any bond entered into by a consular officer upon the grant of administration by virtue of this section. Cap. 149.

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 one or section two of this Ordinance, 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 sections 1 and 2.

4. (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 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.

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 reason 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 the charge of any 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 purpose of the official business of a consular officer.

Exemption
from taxes.

5. Notwithstanding the provisions of any enactment to the contrary (whether passed before or after the commencement of this Ordinance) —

- (a) no tax or similar charge of any kind shall be levied upon or collected in respect of any land or buildings owned by any State to which this section applies, or occupied on behalf of such State by any person, for the purposes of a consular office, or a residence of a consular officer or employee, other than taxes or assessments levied for services or public improvements by which, and to the extent that the premises are benefitted, and
- (b) no tax, stamp duty or similar charge of any kind shall be imposed or collected in respect of any conveyance or transport of immovable property, to any State to which this section applies, or in respect of any lease by such State of any premises, for any of the purposes specified in paragraph (a) of this section.

Property
of deceased
seamen.
57 & 58
Vict. c. 60.

6. Notwithstanding the provisions of section one hundred and seventy-three of the Merchant Shipping Act, 1894, where it appears to the proper officer having the charge of the money or property of a deceased seaman, that any person to whom any money or other property may be paid or delivered under the provisions of paragraph (b) of subsection (1) of section one hundred and seventy-six of the Merchant Shipping Act, 1894, is resident in a foreign State, he may pay or deliver the money or property to a consular officer of that State, and the provisions of section one hundred and seventy-six shall have effect accordingly.

Wrecks.

Cap. 121.

7. The powers of a consular officer under subsection (2) of section five hundred and twenty-one of the Merchant Shipping Act, 1894, as applied to the Colony by section three of the Law of Merchant Shipping Ordinance, is hereby extended to the custody and disposal of the wrecked ship itself, as well as to the custody and disposal of any articles belonging to or forming part of the said ship or belonging to or forming part of its cargo.

Applica-
tion of
sections 1,
2, 4 and 5.

8. (1) The Governor in Council may by Order direct that sections one, two, four and five of this Ordinance or any of them 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 His Majesty.

(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 Legislative Council after being made.

9. Section five of the Deceased Persons Estates' Administration Ordinance is hereby repealed.

Repeal of
section 5
Cap. 149.