

CHAPTER 17
CONSULAR CONVENTIONS

ARRANGEMENT OF SECTIONS

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THE LAWS OF BARBADOS

CHAPTER 17

CONSULAR CONVENTIONS

An Act to confer upon the consular officers of foreign states with which consular conventions are concluded by Her Majesty certain powers relating to the administration of the estates and property of deceased persons; to restrict the powers of members of the Police Force and other persons to enter the consular offices of such States; to confer immunities and privileges on consular officers and employees of such foreign States and for purposes connected with the matters aforesaid.

1952—15.
1953—27.
1961—21.
1962—4.
1967—42.
1970—23.
1973—45.
L.N. 168
1967.
1981—19.

[10th June, 1952] Commence-
ment.

1. This Act may be cited as the *Consular Conventions Act*. Short title.
2. For the purposes of this Act, the expression
 - “consular officer” means any person who is granted an exequatur or other similar authorisation by the Minister including a provisional authorisation; 1973—45.
 - “consular employee” means any person employed at a consulate for the performance of executive, administrative, clerical, technical or professional duties, or a consular guard, messenger or driver of a vehicle whose name has been duly communicated to the Minister, but does not include any person employed in domestic duties; 1961—21.
1967—42.
 - “Minister” means the Minister responsible for Foreign Affairs. 1973—45.
3. (1) 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 Barbados, or is otherwise a person to whom a grant of representation to the estate in Barbados of a deceased person may be made, then if the court is Powers of consular officers in relation to property in Barbados of deceased persons.

satisfied, on the application of a consular officer of the said State, that the said national is not resident in Barbados, and if no application for a grant of such administration 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.

(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 Barbados forming part of the estate of a deceased person, or to receive payment in Barbados of any money becoming due on the death of the 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 10th June, 1952,¹ be paid or delivered without grant of probate or other proof of title,

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

(3) Notwithstanding anything contained in any other enactment, sureties shall not be required to an administration bond given by the 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 this section, or in respect of any document for the time being in his possession relating thereto.

¹ Being the date of commencement of this Act.

4. (1) Subject to this section, a consular office of a State to which this section applies shall not be entered by a member of the Police Force 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 10th June, 1952¹) 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 the Minister:

Restriction on powers of entry in relation to consular offices.

1967-42.

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

- (a) in pursuance of the provisions of the Fire Service Act;
- (b) by a member of the Police Force 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 by virtue of any easement, contract or other private right.

Cap. 163.

(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 Barbados or is not a national of the State by which that office is maintained.

1967-42.
L.N. 168/
1967.

(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.

5. (1) Notwithstanding anything in the Road Traffic Act, no tax or fee shall be payable in respect of—

Exemption from certain taxes.

- (a) any motor vehicle owned by a State to which this section applies or used exclusively for the purpose of the official business of a consular officer of such State;
- (b) any motor vehicle owned by a consular officer or consular employee of such State;
- (c) a licence to drive such vehicle.

Cap. 295.

¹ Being the date of commencement of this Act.

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Cap. 177.
Cap. 179.
Cap. 285.

(2) Notwithstanding anything in the Dog Licence Act, the Firearms Act, or the Wireless Telegraphy Act, no tax or fee shall be payable in respect of any licence issued under any of the said Acts to any consular officer or consular employee of a State to which this section applies.

1967-42.
L.N. 168/
1967.

(3) Paragraphs (b) and (c) of subsection (1) and subsection (2) shall only apply to a consular officer or consular employee who is—

- (i) not a citizen of Barbados,
- (ii) not engaged in private occupation for gain in this Island, and
- (iii) a permanent employee of the State by which he is employed, or, if not a permanent employee thereof, was not resident in the Island at the commencement of his employment in the consulate of such State.

Exemption
from rates.
Cap. 107.
1962-4.

6. Notwithstanding anything in the Local Government Act no rate of any kind shall be collected under that Act from any State to which this section applies in respect of land, buildings, parts of buildings, or appurtenances owned or otherwise held or occupied, or in respect of buildings or parts of buildings erected by or on behalf of such State, and used exclusively for the purpose of the consular office or of a residence for a consular officer or employee, or for other purposes, to which the Minister does not object, arising out of the operation of the consular establishment of the said State.

Exemption
from stamp
duty.
Cap. 91.

7. Notwithstanding anything in the Stamp Duty Act no stamp duty shall be charged upon any instrument or document relating to the transfer of freehold or leasehold property acquired by or on behalf of a State to which this section applies.

Exemption
in respect of
wrecked
vessels.
Cap. 66.

8. Notwithstanding anything in section 107 of the Customs Act, no duty shall be levied in respect of any cargo, stores, equipment, fittings or other articles carried by or forming part of a wrecked vessel of a State to which this section applies unless such cargo, stores, equipment, fittings or other articles are delivered for use or consumption in the Island.

9. The Minister may by order direct that the following enactments 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 enactments has been concluded by the crown

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| (i) section 3, 4, 5, 6, 7 or 8; | |
| (ii) Part II of the Customs Tariff as defined in the <i>Customs Act</i> ; | Cap. 66. |
| (iii) paragraph (b) of section 9 of the <i>Income Tax Act</i> ; | Cap. 73. |
| (iv) section 6(g) of the <i>Juries Act</i> ; | Cap. 115B. |
| (v) section 275 (2) of the <i>Shipping Act</i> . | Cap. 296. |

States to which Act applies. 1962—4.