

CONSULAR CONVENTIONS ACT

Principal Act

Act. No. 1950-11	<i>Commencement</i>	30.8.1951
	<i>Assent</i>	1.6.1950

Amending enactments	Relevant current provisions	Commencement date
Act. 1968-27	ss.4, 6(1)	1.2.1971

English sources

Consular Conventions Act 1949 (12 & 13 Geo.6c.29).

Orders made under s.6 – States to which sections 2* of the Act have been applied, are listed at the end of this Act.

* *Note: Section 4 was repealed by Act. 1968-27 as from 1.2.1971, LN 1971/005.*

ARRANGEMENT OF SECTIONS.

Section

1. Short title.
2. Power of consular officers in relation to property in Gibraltar of deceased persons.
3. Supplementary provisions as to section 2.
4. *Repealed.*
5. Amendment of Merchant Shipping Act 1894.
6. Application of section 2.
7. *Omitted.*

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; AND TO AMEND SECTION 176 OF THE MERCHANT SHIPPING ACT, 1894.

Short title.

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

Powers of consular officers in relation to property in Gibraltar of deceased persons.

(1949 c.29, s. 1)

2. (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 Gibraltar, or is otherwise a person to whom a grant of representation to the estate in Gibraltar of a deceased person may be made, then if the court is satisfied, on the application of a consular officer of that State, that such national is not resident in Gibraltar, and if no application for a grant of such representation is made by a person duly authorized 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 authorized.

(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 Gibraltar forming part of the estate of a deceased person, or to receive payment in

Gibraltar 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, be paid or delivered without grant of probate or other proof of title,

then if such national is not resident in Gibraltar, 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 authorized by power of attorney to act for him in that behalf:

Provided that no person shall be authorized 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 Gibraltar has been expressly authorized to receive that money or property on behalf of the national.

- (3) Notwithstanding anything in any other enactment contained—
 - (i) administration of an estate may be granted to a consular officer alone in the case of a minority or a life interest and it shall not be necessary to appoint additional personal representatives; and
 - (ii) sureties shall not be required to an administration bond given by a consular officer appointed by virtue of this section.

^(s.3) **Supplementary provisions 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 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, or in respect of any document for the time being in his possession relating thereto.

^(s.5)

4. *Repealed.*

Amendment of Merchant Shipping Act, 1894.

5. (1) Where it appears to the Governor that any person to whom any money or other property of a deceased seaman may be paid or delivered under paragraph (b) of section 176(1) of the Merchant Shipping Act, 1894, which relates to the disposal of property not exceeding £100 in value, is resident in a foreign State, he may pay or deliver the money or property to a

consular officer of that State on behalf of that person; and the provisions of that section shall have effect accordingly.

(2) Omitted.

(s. 6)

Application of section 2.

6. (1) The Governor may by order direct that section 2 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 Her Majesty.

(2) *Omitted.*

Repeal

7. *Omitted.*

Orders made under s. 6

STATES TO WHICH SECTION 2* OF THE
ACT HAVE BEEN APPLIED.

PART I.

Orders have been made by the Governor directing that section 2 shall apply to the following States with effect from the dates shown.

Reference or date of Gazette	State	Effective date
1975/126	Austria, Republic of	3.10.1975
1975/126	Belgium, Kingdom of	3.10.1975
1975/126	Bulgaria, People's Republic of	3.10.1975
1977/075	Czechoslovak Socialist Republic	2.6.1977
1975/126	Denmark, Kingdom of	3.10.1975
8.1.1954	France, Republic of	14.1.1954
	Germany, Federal Republic of	28.12.1957
2.4.1954	Greece	2.4.1954
1975/126	Hungarian Peoples Republic	3.10.1975
	Italy, Republic of	29.12.1957
1975/126	Japan Kingdom of	3.10.1975
	Mexico, United States of	2.9.1955
1977/075	Mongolian People's Republic	2.6.1977
	Norway, Kingdom of	30.8.1951
1975/126	Polish People's Republic	3.10.1975
1975/126	Spain Kingdom of	3.10.1975
	Sweden, Kingdom of	24.9.1952
1975/126	Union of Soviet Socialist Republics	3.10.1975
1975/126	Yugoslavia, Socialist Federal Republic of	3.10.1975

* Note: Section 4 was repealed by Act. 1968-27 as from
LN.1971/005.

1.2.1971,

STATES TO WHICH SECTION 2* OF THE
ACT HAVE BEEN APPLIED

PART II.

Orders have been made by the Governor directing that section 2 shall apply to the following States with effect from the dates shown.

Reference or date of Gazette	State	Effective date
8.1.1954	France, Republic of	14.1.1954
	Germany, Federal Republic of	28.12.1957
2.4.1954	Greece	2.4.1954
	Italy, Republic of	29.12.1957
	Mexico, United States of	2.9.1955
	Norway, Kingdom of	30.8.1951
	Sweden, Kingdom of	24.9.1952
	United States of America	7.9.1952

* Note: Section 4 was repealed by Act. 1968-27 as from
LN.1971/005.

1.2.1971,