

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER C90

CONSULAR CONVENTIONS ACT

Showing the Law as at 15 December 2008

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates Act 1/2007, in force 12 December 2008

Published by Authority

Printed in
The Attorney General's Chambers
ANGUILLA

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER C90

CONSULAR CONVENTIONS ACT

Showing the Law as at 15 December 2008

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates Act 1/2007, in force 12 December 2008

Published by Authority

Printed in
The Attorney General's Chambers
ANGUILLA

© Government of Anguilla

All rights reserved. No part of this publication may be reproduced in any form or by any means (including photocopying) without the written permission of the Government of Anguilla except as permitted by the Copyright Act or under the terms of a licence from the Government of Anguilla.

CONSULAR CONVENTIONS ACT

Power of Consular officers in relation to property of deceased persons

1. (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 Anguilla, or is otherwise a person to whom a grant of representation to the estate in Anguilla of a deceased person may be made, then if the Court is satisfied, on the application of a Consular officer of the state, that the national is not resident in Anguilla, 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 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 Anguilla forming part of the estate of a deceased person, or to receive payment in Anguilla 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 be paid or delivered without grant of probate or other proof of title;

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

(3) Notwithstanding any rule of law or practice applicable to Anguilla providing that in the case of a minority or a life interest administration must be granted either to a trust corporation or to not less than 2 individuals or that additional personal representatives must be appointed in the case of a minority or a life interest, administration of an estate may in any case be granted by virtue of this section to a Consular officer alone.

(4) Notwithstanding any rule of law or practice applicable to Anguilla, sureties shall not be required to an administration bond given by a Consular officer upon the grant of administration by virtue of this section.

Supplementary provisions as to section 1

2. 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 1, or in respect of any document for the time being in his possession relating thereto.

Restriction of power of entry in relation to Consular offices

3. (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 police officer 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, 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, but this subsection shall not apply in relation to any entry effected—

(a) in pursuance of any provision contained in any Act relating to the Fire and Rescue Service and conferring on such Service power to enter premises for the purpose of extinguishing fire or any other enactment making provision corresponding with the aforesaid provision;

(Act 1/2007, s .88)

(b) by a police officer 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; or

(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 a Consular officer who is a citizen of the United Kingdom or a dependent or other territory of the United Kingdom 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 purposes of the official business of a Consular officer.

(4) For the purposes of paragraph (1)(a), "Fire and Rescue Service" means the Anguilla Fire and Rescue Service established by section 3 of the Fire and Rescue Service Act.

(Act 1/2007, s .88)

Mode of paying compensation

4. (1) In the application of section 18(2) of the Land Acquisition Act, the compensation payable in respect of the acquisition of any land held exclusively by the Sending State for consular use shall be paid at the selling rate of exchange most favourable to such Sending State at the time when such land was acquired.

(2) For the purposes of this section, the expression "Sending State" means the government of any foreign State with which a Consular Convention has been concluded by Her Majesty providing for matters for which provision is made in section 1 or 3.

Application of sections 1 and 3

5. (1) The Governor in Council may by order direct that section 1 or 3 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) 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 House of Assembly.

Citation

6. This Act may be cited as the Consular Conventions Act, Revised Statutes of Anguilla, Chapter C90.