

THE STATUTES OF THE REPUBLIC OF SINGAPORE

CONSULAR CONVENTIONS ACT

(CHAPTER 52)

1970 Ed. Cap. 302

Ordinance

44 of 1951

Amended by

31 of 1958

71 of 1959

S(NS) 177/59

S(NS) 179/59

REVISED EDITION 1985

PRINTED BY THE GOVERNMENT PRINTER, SINGAPORE

1986

Consular Conventions Act

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Restriction of powers of entry in relation to consular offices.
4. Remission of taxes, charges, duties and fees.
5. Powers of consular officers in relation to property in Singapore of deceased persons.
6. Supplementary provisions as to section 5.
7. Power of consular officer under Merchant Shipping Act.
8. Application of sections 3 and 5.

An Act to confer upon consular officers of foreign States with which consular conventions are concluded by Singapore certain powers relating to the administration of the estates and property of deceased persons; to restrict the powers of police officers and other persons to enter the consular offices of such States.

[4th December 1951]

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

2. In this Act, unless the context otherwise requires — Interpretation.
- “consular employee” means any person employed at a consulate for the performance of executive, administrative, clerical, technical or professional duties or as consular guard, messenger or driver of a vehicle whose name has been communicated by a consular officer to the Minister, but does not include any person employed on domestic duties;
- “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;

“consular officer” means a consul-general, consul, vice-consul or consular agent representing a foreign State to whom an exequatur or provisional or other authorisation to perform consular functions has been granted;

“consulate” means a consulate established in Singapore by a foreign State.

Restriction of powers of entry in relation to consular offices.

3.—(1) Subject to 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 written law (whether passed before or after the commencement of this Act) 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.

(2) Subsection (1) does not apply in relation to any entry effected —

Cap. 110.

(a) in pursuance of section 7 (a) of the Fire Service Act (which confers power to enter premises for the purpose of extinguishing or preventing the spread of fire) or any other written law making provision corresponding with the provisions of that section;

(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 a consular office; or

(c) by any person entitled to enter by virtue of any easement, contract or other private right.

(3) 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 Singapore or is not a national of the State by which that office is maintained.

Remission of taxes, charges, duties and fees.

4. The President may direct that any tax, charge, duty or fee, imposed or collected under any written law in force in Singapore by the Government or by a public authority, and payable by the government of a foreign State or by a consular officer or consular employee of a foreign State,

may be remitted when, in the opinion of the President, such remission should be granted by reason of the treatment accorded to the Government of Singapore or its consular officers or employees by that State.

5.—(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 Singapore, or is otherwise a person to whom a grant of representation to the estate in Singapore of a deceased person may be made, then if the court is satisfied on the application of a consular officer of that State that that national is not resident in Singapore, 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:

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

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 a 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 written law in force in Singapore whether passed or made before or after the commencement of this Act authorising the payment or delivery of such money or property without representation to the estate of the deceased person being granted,

then, if that national is not resident in Singapore, a consular officer of that State has the like right and power to receive and give a valid discharge for any such money or property in

Singapore as if he were duly authorised by power of attorney to act for him in that behalf:

Provided that no person is 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 Singapore has been expressly authorised to receive that money or property on behalf of that 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 liabilities under the administration bond) 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.

Cap. 251.

(4) Notwithstanding anything in section 6 (1) of the Probate and Administration Act (which provides that in the case of a minority or a life interest, letters of administration must be granted either to a trust corporation or to not less than two individuals) letters of administration of an estate may in any case be granted by virtue of this section to a consular officer alone; and section 6 (3) of that Act (which provides for the appointment of additional personal representatives in the case of a minority or a life interest) shall not apply in any case where the existing personal representative is a consular officer appointed by virtue of this section.

(5) Without prejudice to section 29 (2) of the Probate and Administration Act (which enables the court or a judge or any registrar specially appointed by the Chief Justice for that purpose to dispense with sureties to administration bonds in certain cases) sureties shall not be required to an administration bond given by a consular officer upon the grant of letters of administration by virtue of this section.

(6) This section shall be without prejudice to sections 59, 60 and 61 of the Probate and Administration Act.

6. Notwithstanding 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 him by or under section 5 or in respect of any document for the time being in his possession relating thereto.

Supplementary provisions as to section 5.

7.—(1) Where it appears to the Superintendent of the Mercantile Marine Office that any person to whom any money or other property of a deceased seaman or apprentice may be paid or delivered under section 93 (1) (b) of the Merchant Shipping Act (which relates to the disposal of property not exceeding \$1,000 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 that section has effect accordingly.

Power of consular officer under Merchant Shipping Act. Cap. 179.

(2) The powers of a consular officer under section 315 (2) of the Merchant Shipping Act (which enables a consular officer in certain circumstances to act as the agent of the owner for the purposes of the custody and disposal of articles belonging to or forming part of a foreign ship wrecked on or near the coasts of Singapore) extend to the custody and disposal of the wrecked ship itself as well as to the custody and disposal of such articles as aforesaid.

8.—(1) The Minister may by order direct that sections 3 and 5 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 Singapore.

Application of sections 3 and 5.

(2) Any order made under this section may be revoked by a subsequent order.

(3) Any order made under this section shall be presented to Parliament as soon as practicable after being made.