

CAYMAN ISLANDS



CONSULAR CONVENTIONS LAW

(1997 Revision)

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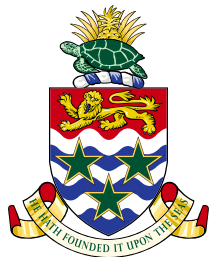
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Cap. 23-1st January, 1964

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Arrangement of Sections

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(1997 Revision)

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the *Consular Conventions Law (1997 Revision)*.

Definitions

2. In this Law —

“**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 Governor, 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; and

“**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.

Powers of consular officers in relation to property of deceased persons

3. (1) Notwithstanding 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 Islands, or is otherwise a person to whom a grant of representation to the estate in the Islands of a deceased person may be made, then, if the Grand Court is satisfied, on the application of a consular officer of the said State, that the said national is not resident in the Islands, 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 Grand 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:

Provided that the Grand Court may, if it thinks fit, postpone the making of a grant under this section during such period as the Grand 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 enactment, rule or regulation 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 Islands, 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 Islands as if he were duly authorised by power of attorney to act for him in that behalf:

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

- (3) A grant of administration made under subsection (1) 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:



Provided that nothing in this subsection shall affect any limitation contained in the grant, or any power of the Grand Court to revoke the grant.

- (4) No sureties shall be required to any bond entered into by a consular officer upon the grant of administration under this section.

No immunity in respect of acts done by virtue of section 3

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 section 3, or in respect of any document for the time being in his possession relating thereto.

Restriction of powers of entry in relation to consular offices

5. (1) Subject to subsection (2), 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 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:

Provided that the foregoing 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 reasonable cause to believe that a crime involving violence has been, 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 British citizen, a British Dependant Territory Citizen or a British Overseas Citizen or is not a national of the State by which that office is maintained.

Property of deceased seamen

6. Where it appears to the proper officer having the charge of the money or other property of a deceased seaman that any person to whom any such money or other property may be paid or delivered under paragraph (b) of section 65(1) of the *Merchant Shipping Act 1970* [U.K. Act 1970 c. 36] of the United Kingdom 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 shall have effect in the Islands accordingly.



Wrecks

7. The powers of a consular officer under section 44 of the *Wreck and Salvage Law (1996 Revision)* shall extend 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 its cargo.

Remission of taxes, duties, fees and charges

8. The Governor in Council may direct that any tax, duty, fee or charge imposed or collected under any enactment in force in the Islands by the Government or by any municipal or public authority in the Islands and payable by the Government of a foreign State, or by a consular officer or consular employee of such State, may be remitted when, in the opinion of the Governor in Council, such remission should be granted by reason of the treatment accorded to Her Majesty's Government, consular officers or employees by such State.

Application of sections 3 and 5

9. (1) The Governor in Council 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 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 Legislative Assembly after being made.

Publication in revised form authorised by the Governor in Council this 2nd day of September, 1997.

Carmena H. Parsons
Clerk of Executive Council

