

CYPRUS

CONSULAR CONVENTIONS

CHAPTER 236 OF THE LAWS

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1959

CHAPTER 236.

CONSULAR CONVENTIONS.

ARRANGEMENT OF SECTIONS.

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A LAW TO CONFER CERTAIN POWERS AND PRIVILEGES
UPON THE CONSULAR OFFICERS OF FOREIGN STATES
WITH WHICH CONSULAR CONVENTIONS ARE CONCLUDED
BY HER MAJESTY.

19 of 52.

[16th September, 1952.]

Short title.

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

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

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 Cyprus or is otherwise a person to whom a grant of representation to the estate in Cyprus may be made, then the Court, if satisfied, on the application of a consular officer of the said state that the said national is not resident in Cyprus and that he is not represented by a person duly authorized by power of attorney to act for him in that behalf, it may make an order for probate to be granted to the said national or for the said national to be appointed administrator of the estate of the deceased as if the said officer were so authorized as aforesaid.

(2) Where the Court has granted an application made by a consular officer by virtue of subsection (1) of this section that officer shall be entitled to receive and administer the said estate and to do all things necessary in that behalf as if he were duly authorized so to act by power of attorney granted by the executor or administrator.

(3) 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 other property in respect of any interest in the estate of a deceased person or to receive payment in Cyprus of any money becoming due on the death of a deceased 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 under any Law whether passed before or after the commencement of this Law, without grant of probate letters of administration or other proof of title,

then if the said national is not resident in Cyprus a consular officer of that state shall have the like right and power to give a valid discharge for any such money or property, to take all such steps as may be necessary for completing the title of the said national to such property and to administer or dispose of that 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 Cyprus has been expressly authorized to receive that money or property on behalf of the said national.

(4) Notwithstanding anything contained in the Administration of Estate Law, or in any Rule of Court made thereunder, surety shall not be required to a security bond given by a consular officer upon the grant of letters of administration.

Cap. 189.

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 of this Law or in respect of any document for the time being in his possession relating thereto.

Supplementary provisions as to section 2.

4. (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, whether passed before or after the commencement of this

Restriction of powers of entry in relation to consular offices.

Law, 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 Governor and with the concurrence of a Secretary of State:

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

- (a) in pursuance of any Law in force for the time being conferring power to enter premises for the purpose of extinguishing or preventing the spread of, any fire;
- (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;
- (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 and Colonies 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.

Amendments
of Merchant
Shipping
Act, 1894,
57 & 58 Vict.
c. 60.

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 subsection (1) of section 176 of the Merchant Shipping Act, 1894 (which relates to the disposal of property not exceeding one hundred pounds 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) The powers of a consul general or other consular officer under subsection (2) of section 521 of the Merchant Shipping Act, 1894 (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 the United Kingdom) shall extend

to the custody and disposal of the wrecked ship itself as well as to the custody and disposal of such articles as aforesaid.

6. (1) Notwithstanding anything in any other Law contained, no Government, municipal or other tax, rate, fee or other similar charge shall be imposed on, or collected from, any state to which this section applies or from any consular officer thereof, in respect of any movable or immovable property owned, occupied or used by such state or officer exclusively for a purpose, arising out of the operation in the Colony of the consular establishment of such state or in respect of any official emoluments, salaries, wages or allowances received as compensation by any such officer for his consular services in the Colony:

Financial privileges.

Provided that nothing in this subsection contained shall affect the operation of paragraph (e) of section 8 of the Income Tax Law regarding the exemption from income tax of the emoluments payable to members of the permanent consular services of foreign countries.

Cap. 323.

(2) This section shall not apply to any consular officer who is a citizen of the United Kingdom and the Colonies or who is not a national of the state for which he acts as consular officer.

7. No action shall be brought against a consular officer of a state to which this section applies in respect of any act performed in his official capacity which amounts to a civil wrong, unless such state requests or assents to the proceedings through its diplomatic representative.

Limitation of actions in respect of civil wrongs against consular officer.

8. (1) The Governor may, by Order in Council, direct that section 2, 4, 6 or 7 of this Law 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.

Application of section 2, 4, 6 or 7.

(2) Any Order in Council made under this section may be revoked by a subsequent Order.

Note: This Law came into operation on the 7th September, 1952.

