

CONSULAR CONVENTIONS ACT

CONSULAR CONVENTIONS ACT

ARRANGEMENT OF SECTIONS

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CONSULAR CONVENTIONS ACT

An Act to confer certain powers upon consular officers of foreign States with which Consular Conventions are concluded by the Federal Republic of Nigeria and to provide for the remission of taxes and similar charges in order that effect may be given to the provisions of Consular Conventions and for matters connected therewith.

[38 of 1950. 2 of 1956. L.N. 120 of 1957.]

[sections 1-5: 19th October, 1950]

[section 6: 29th February, 1956]

[Commencement.]

1. Short title

This Act may be cited as the Consular Conventions Act.

2. Powers of consular officers in relation to property in Nigeria of deceased persons

(1) Where a 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 Nigeria, or is otherwise a person to whom a grant of representation to the estate in Nigeria of a deceased person may be made, then

if the court is satisfied, on the application of a consular officer of the said State, that the said national is not resident in Nigeria, 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 to 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 Nigeria forming part of the estate of a deceased person, or to receive payment in Nigeria 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 enacted before or after the commencement of this Act, be paid or delivered without grant of probate or other proof of title,

then, if the said national is not resident in Nigeria, 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:

Provided that 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 Nigeria has been expressly authorised to receive that money or property on behalf of the said national.

(3) Notwithstanding anything prescribed by the law and practice for the time being in force in Nigeria in relation to probate, divorce and matrimonial causes and proceedings requiring that in the case of a minority or life interest administration must be granted to a trust corporation or to not less than two individuals and which may have effect in Nigeria by virtue of the provisions of any enactment in force in Nigeria, administration of an estate may be in any case granted by virtue of this section to a consular officer alone; and where the existing personal representative is a consular officer appointed by virtue of this section, nothing prescribed by the law and practice aforesaid providing for the appointment of additional personal representatives in the case of a minority or life interest shall apply.

(4) Without prejudice to the provisions of the Civil Procedure Rules of the High Court of a State or of the Federal Capital Territory, Abuja, regulating the procedure for the grant of probate and letters of administration and for securing the due administration of estates, sureties shall not be required to an administration bond given by a consular officer upon the grant of administration by virtue of this section.

3. Supplementary provisions as to section 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 2 of this Act, or in respect of any document for the time being in his possession relating thereto.

4. Restriction on power of entry into consular offices

(1) Subject to the provisions of any Act conferring diplomatic immunity or privilege, 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 (whether enacted 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 be withheld or cannot be obtained, with the consent of a Minister of State:

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

(a) in pursuance of the Police Act (which confers power to enter premises for the purpose of extinguishing fire) or any other enactment making provision corresponding with the provisions of that section;

[Cap. P19.]

(b) by a constable 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 otherwise private right.

(2) This section shall not apply to any consular office which is for the time being in the charge of a consular officer who is a citizen of Nigeria or is not a national of the State by which that office is maintained.

(3) For the purpose 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.

5. Application of sections

The Minister charged with the responsibility for foreign affairs may by order direct that section 2 or 4 of this Act or paragraph (9) of the General Exemptions from All Stamp Duties set out in the Schedule to the Stamp Duties Act, or section 269 (2) of the Merchant Shipping Act shall apply to any foreign State specified in the Order, being a State with which a Consular Convention

providing for matters for which provisions is made by these sections has been concluded by the Government of the Federal Republic of Nigeria.

[Cap. S8. Cap. M11.]

(1) The Minister charged with responsibility for finance may by order remit in whole or in part any tax, fee, rate duty or similar charge that would otherwise be payable under any law for the time being in force to which this Act applies, where he deems it necessary so to do, in order to give effect to any Consular Convention concluded by or on behalf of the Federal Republic of Nigeria with a foreign State.

(2) An order made under this section may be made with retrospective effect.

(3) This section shall apply to-

(a) any law for the time being in force in the Federation; and

(b) any law for the time being in force in a State in so far as any such law contains provisions with respect to any matter that is within the legislative competence of the National Assembly; and

(c) any law for the time being in force in a State in so far as any such law contains provision with respect to any matter not within the legislative competence of the National Assembly only in so far as the Governor of a State has declared by notice published in the Gazette that the provisions of this Act shall have effect in relation to the State.

[L.N. 120 of 1957.]

CONSULAR CONVENTIONS ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Consular Conventions (Remission of Fees) Order.

2. Consular Conventions (Application) Order.

CONSULAR CONVENTIONS (REMISSION OF FEES) ORDER

[L.N. 95 of 1957.]

under section 6

1. Short title

This Order may be cited as the Consular Conventions (Remission of Fees) Order.

2. Interpretation

For the purposes of this Order-

- (a) the expression **“consular officer”** shall be restricted to consular officers who are career officials and nationals of the sending State;
- (b) **“consular employee”** means any person employed at a consulate other than on domestic duties who is-
 - (i) not a citizen of Nigeria;
 - (ii) not engaged in private occupation for gain in Nigeria; and
 - (iii) a permanent employee of the sending State or who, if not a permanent employee thereof, was not resident in Nigeria at the commencement of his employment in the consulate, and whose name has been communicated to the Government of the Federal Republic of Nigeria;
- (c) **“sending State”** means the State by which a consular officer is appointed.

3. Exemption from payment of fees by sending State

A sending State specified in the First Schedule to this Order, and any natural or juridical person acting on behalf of such State, shall be exempted from payment of the fees set out in the Second Schedule to this Order in respect of the ownership, possession or use of moveable property owned or used by such State exclusively for the purpose of a consular office, or of a residence for a consular officer or employee, or for other purposes arising out of the operation of the consular establishment of such sending State.

[First Schedule. Second Schedule.]

4. Exemption from payment of fees by consular officers and employees

Consular officers and consular employees of the States specified in the First Schedule to this Order shall be exempted from payment of the fees set out in the Second Schedule to this Order.

[First Schedule. Second Schedule.]

FIRST SCHEDULE

[paragraphs 3 and 4.]

The French Republic.

The Federal Republic of Germany.

The Kingdom of Greece.

The Italian Republic.

The Kingdom of Norway.

The Kingdom of Sweden.

The United States of America.

The United States of Mexico.

SECOND SCHEDULE

[paragraphs 3 and 4.]

1. Fees for registration of vehicles.

2. Fees for licensing of vehicles.

3. Driving licence fees.

4. Bicycle licence fees.

5. Wireless receiving licence fees.

6. Dog licence fees.

7. Gun licence fees.

8. Game licence fees.

CONSULAR CONVENTIONS (APPLICATION) ORDER

[L.N. 96 of 1957.]

under section 5

1. This Order may be cited as the Consular Conventions (Application) Order.

2. It is hereby directed that sections 2 and 4 of the Consular Conventions Act and paragraph (9) of the General Exemptions from All Stamp Duties set out in the Schedule to the Stamp Duties Act, and section 269 (2) of the Merchant Shipping Act shall apply to the foreign States specified in the Schedule to this Order.

[Cap. C24. Cap. S8. Cap. M11. Schedule.]

SCHEDULE

[Section 2.]

The French Republic.

The Federal Republic of Germany.

The Kingdom of Greece.

The Italian Republic.

The Kingdom of Norway. The Kingdom of Sweden.

The United States of America.

The United States of Mexico.