



Jersey

CONSULAR CONVENTIONS (JERSEY) LAW 1952

Official Consolidated Version

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CONSULAR CONVENTIONS (JERSEY) LAW 1952

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CONSULAR CONVENTIONS (JERSEY) LAW 1952

A LAW to confer upon the consular officers of foreign States with which consular conventions are concluded by Her Majesty certain powers relating to the administration of the estates and property of deceased persons; to restrict the powers of officers of police and other persons to enter the consular offices of such States; to restrict the jurisdiction of the courts with respect to matters concerning certain ships or aircraft; and to confer upon consular officers certain powers in relation to wrecks and the property of deceased seamen¹

Commencement [[see endnotes](#)]

1 Powers of consular officers in relation to property in Jersey of deceased persons

- (1) Where any person who is a national of a State to which this Article applies is named as executor in the will of a deceased person disposing of property in Jersey, or is otherwise a person to whom a grant of representation to the estate in Jersey of a deceased person may be made, then if the Probate Division of the Royal Court (hereinafter referred to as the “court”) is satisfied, on the application of a consular officer of the said State, that the said national is not resident in Jersey, and if no application for a grant of such representation is made by a person duly authorized by power of attorney to act for him or her 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 or her if he or she were so authorized as aforesaid:

Provided that the court may, if it thinks fit, postpone the making of a grant by virtue of this Article 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 Article 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, whether passed or made before or after the commencement of this Law, authorizing 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 Jersey, 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 Jersey as if he or she were duly authorized by power of attorney to act for him or her in that behalf:

Provided that no person shall be authorized or required by this paragraph to pay or deliver any money or property to a consular officer if it is within his or her knowledge that any other person in Jersey has been expressly authorized to receive that money or property on behalf of the said national.

- (3) A grant of administration made by virtue of this Article may be made to the consular officer by his or her official title, and to his or her 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 paragraph shall affect any limitation contained in the grant, or any power of the court to revoke the grant.

- (4) Sureties shall not be required to an administration bond given by a consular officer upon the grant of administration by virtue of this Article.

2 Supplementary provisions as to Article 1

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 the officer by or under Article 1, or in respect of any document for the time being in his or her possession relating thereto.

3 Civil jurisdiction concerning service on board ship or aircraft²

Where provision has been made by Her Majesty by Order in Council made under sections 4 and 16(2) of the Consular Relations Act 1968 of the United Kingdom for excluding or limiting the jurisdiction of any court in the United Kingdom to entertain proceedings relating to the remuneration or any contract of service of the master or commander or a member of the crew of any ship or aircraft belonging to a State specified in the Order, except where a consular officer of that State has been notified of the intention to invoke the jurisdiction of that court and has not objected within such time as may be specified by or under the Order, and the Order has been registered by the Royal Court, the Order shall apply to proceedings before the courts in Jersey in like manner as it applies to proceedings before courts in the United Kingdom.

4 Powers of consular officers in relation to wrecks and the property of deceased seamen

- (1) Where any foreign ship which has been wrecked on or near the coasts of Jersey is found on or near those coasts or is brought into any port in Jersey, or where any articles belonging to or forming part of such a ship, or belonging to or forming part of the cargo thereof, are so found or brought into such a port, any consular officer of the State to which the ship, or in the case of cargo the owners of the cargo, may have belonged, authorized in that behalf by any treaty or arrangement with that State, shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the ship and of the articles.
- (2) A consular officer of a foreign State in which a deceased seaman was resident may, in respect of any property not exceeding £100 in value of the deceased seaman, give to any person a valid receipt for such property, and the person to whom such receipt is given shall thereby be discharged from all further liability in respect of that property.

5 Application of Article 1³

Where an Order in Council has been made by Her Majesty under section 6 of the Consular Conventions Act 1949 of the United Kingdom and has been registered by the Royal Court, then if the Order in Council directs that section 1 of the Act shall apply to a foreign State, Article 1 of this Law shall apply to that foreign State.

6 Citation

This Law may be cited as the Consular Conventions (Jersey) Law 1952.

ENDNOTES

Table of Legislation History

Legislation	Year and Number	Commencement
Consular Conventions (Jersey) Law 1952	L.12/1952	17 May 1952
Consular Conventions (Amendment) (Jersey) Law 1988	L.17/1988	9 December 1988
Privileges and Immunities (Diplomatic, Consular, etc.) (Jersey) Law 1998	L.5/1998	16 January 1998

Table of Renumbered Provisions

Original	Current
3	repealed by L.5/1998
3A	3

Table of Endnote References

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- ¹ Long title amended by L.17/1988
² Article 3 inserted by L.17/1988
³ Article 5 substituted by L.5/1998