

## CHAPTER 202

### THE DIPLOMATIC PROPERTY AND CONSULAR CONVENTIONS ACT.

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## CHAPTER 202

### THE DIPLOMATIC PROPERTY AND CONSULAR CONVENTIONS ACT.

*Commencement:* 11 May, 1950.

**An Act to confer upon the consular officers of foreign States with which consular conventions are concluded by the Government certain powers relating to the administration of the estates and property of deceased persons and to enable certain foreign states and Commonwealth countries to acquire property in their own names.**

#### **1. Application.**

(1) The Minister may by statutory order direct that sections 2 and 4 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 the Government.

(2) The Minister may by statutory order apply section 5 to any foreign State with which Uganda has established diplomatic relations, subject to any reservations or conditions which appear to him or her—

- (a) to be necessary in order to restrict the facilities thereby granted to a foreign State to facilities substantially similar to those which the foreign State grants to Uganda or, if Uganda has no diplomatic representation in that State, would grant in the opinion of the Minister if Uganda had diplomatic representation in that State; or
- (b) to be otherwise necessary in the interests of Uganda.

(3) The Minister may refuse to apply section 5 to a foreign State if it appears to him or her that the State does not grant reciprocal facilities to Uganda or, if Uganda has no diplomatic representation in that State, would not grant reciprocal facilities to Uganda if Uganda had diplomatic representation in that State.

#### **2. Powers of consular officers in relation to property of deceased persons in Uganda.**

- (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 property of Uganda, or is otherwise a person to whom a grant of representation to the estate in Uganda of a deceased person may be made, then if the court is satisfied, on the application of a consular officer of the State, that the national is not resident in Uganda, and if no application for a grant of such representation is made by the Administrator General or a person duly authorised 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 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 Uganda forming part of the estate of a deceased person or to receive payment in Uganda 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 passed before or after the commencement of this Act, be paid or delivered without production of confirmation,

then if the national is not resident in Uganda 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 national to that property and to administer or dispose of that property as if he or she were duly authorised by power of attorney to act for him or her in that behalf; except 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 or her knowledge that any other person in Uganda has been expressly authorised to receive that money or property on behalf of the national.

### **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 or her by or under section 2 or in respect of any document for the time being in his or her possession relating thereto.

#### **4. Incorporation of foreign State for the acquisition of land, etc.**

(1) Where an order has been made under section 1 applying this section to a foreign State, that State shall, by reason of the order, become a body corporate by the name of that State with—

- (a) perpetual succession and a common seal;
- (b) power to sue and be sued in that corporate name; and
- (c) power to purchase, take and hold lands and other property without licence in mortmain for the purposes of consular offices, or consular residences or, with the approval of the Minister, for other purposes arising out of the operation of the consular establishment of that foreign State; but if the corporate body ceases to use the lands and any buildings on the lands for the purposes aforesaid, then the corporate body shall in the first instance offer the lands and buildings to the Government.

(2) The seal of the corporate body shall be authenticated by the signature of the consular officer, and every document purporting to be an instrument issued by the corporate body in the exercise of its powers under subsection (1)(b) and (c) and to be sealed with the seal of the corporate body authenticated in the manner provided by this subsection shall be received in evidence and be deemed to be such an instrument without proof unless the contrary is shown.

(3) For the purposes of this section, “consular officer” means any person who has been granted full, formal or provisional recognition as a consular officer and, in the case of a State to which this section applied before the 9th October, 1962, and which after the 9th October, 1962, establishes diplomatic relations with Uganda, any officer of diplomatic rank who is authorised by that State to perform the acts specified in this section.

#### **5. Incorporation of foreign State maintaining diplomatic relations for the acquisition of land, etc.**

(1) Where an order has been made under section 1 applying this section to a foreign State, that State shall, by reason of the order, become a body corporate by the name of that State with—

- (a) perpetual succession and a common seal;
- (b) power to sue and be sued in that corporate name; and
- (c) power to purchase, take and hold lands and other property without licence in mortmain for the purposes of diplomatic or

consular offices or residences or, with the approval of the Minister, for other purposes arising out of the relations between that foreign State and Uganda; but if the corporate body ceases to use the land and any buildings on the land for such purposes then the corporate body shall in the first instance offer the land and buildings to the Government.

(2) The seal of a corporate body of the kind referred to in subsection (1) shall be authenticated by the signature of an officer of diplomatic rank of the State the name of which the corporate body bears (being an officer who is authorised so to act), and every document purporting to be an instrument issued by the corporate body in the exercise of its powers under subsection (1)(b) and (c) and to be sealed with the seal of the corporate body authenticated in the manner provided by this subsection shall be received in evidence and be deemed to be such an instrument without proof unless the contrary is shown.

## **6. Incorporation of Commonwealth countries for the acquisition of land, etc.**

(1) Every Commonwealth country shall be a body corporate by the name of that country with—

- (a) perpetual succession and a common seal;
- (b) power to sue and be sued in that corporate name; and
- (c) power to purchase, take and hold lands and other property without licence in mortmain for purposes substantially similar to those for which a foreign State may hold land pursuant to section 5 and, with the approval of the Minister, for any other purposes arising out of the relations between Uganda and that country; but if the corporate body ceases to use the lands and any buildings on the lands for such purposes, then the corporate body shall in the first instance offer the lands and buildings to the Government.

(2) The seal of a corporate body of the kind referred to in subsection (1) shall be authenticated by the signature of an officer in the service of the country the name of which the corporate body bears (being an officer holding a rank equivalent to a diplomatic rank) who is authorised so to act, and every document purporting to be an instrument issued by the corporate body in the exercise of its powers under subsection (1)(b) and (c) and to be sealed with the seal of the corporate body authenticated in the manner provided by this subsection shall be received in evidence and be deemed to be such an

instrument without proof unless the contrary is shown.

(3) The Minister may by statutory order withdraw the application of this section from any country in whole or in part or make the application of this section subject to limitations and restrictions wherever it appears to him or her that—

- (a) the interests of Uganda may so require; or
- (b) it is necessary to do so in order to restrict the facilities granted by this section to the facilities granted to Uganda by that country or, if Uganda has no representative in that country, to the facilities which in the opinion of the Minister would be granted by that country if Uganda had any representatives in that country.

#### **7. Saving.**

Any State to which section 4 applied before the 9th October, 1962, which acquired any property pursuant to that section before the 9th October, 1962, and which established diplomatic relations with Uganda before the 1st July, 1963, shall be deemed to hold and have held that property for a purpose specified in subsection (1)(c) of that section on and from the 9th October, 1962; except that—

- (a) where that property ceased on or after the 9th October, 1962, to be used for any of the purposes specified in that paragraph, this section shall not apply unless the property, when it ceased to be so used, was used for diplomatic offices, diplomatic residences or some other purpose expressly or impliedly assented to by the Government;
- (b) where an order is made applying section 5 to any such State, that State shall be deemed to have acquired that property under the provisions of that section and shall continue to hold it subject to and in accordance with those provisions.

**History:** Cap. 316.