

CHAPTER 6.

CONSULAR CONVENTIONS.

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title and application.
2. Powers of consular officers in relation to property in Sierra Leone of deceased persons.
3. Supplementary provisions as to section 2.
4. Restriction of powers of entry in relation to consular officers.
5. Application of sections 2 and 4.

CHAPTER 6.

CONSULAR CONVENTIONS.

An Ordinance 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: and to restrict the Powers of Constables and other Persons to enter the Consular Offices of such States.

7 of 1950.
14 of 1950.

[11TH MAY, 1950.]

1. This Ordinance may be cited as the Consular Conventions Ordinance, and shall apply to the Colony and the Protectorate.

Short title
and
application.

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 Sierra Leone, or is otherwise a person to whom a grant of representation to the estate in Sierra Leone 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 Sierra Leone, 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 so authorised as aforesaid.

Powers of
consular
officers in
relation to
property in
Sierra Leone
of deceased
persons.

(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 Sierra Leone forming part of the estate of a deceased person, or to

receive payment in Sierra Leone 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 or Ordinance, whether passed before or after the commencement of this Ordinance, be paid or delivered without grant of probate or other proof of title;

then if the said national is not resident in Sierra Leone, 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 sub-section to pay or deliver any money or property to a consular officer if it is within his knowledge that any other person in Sierra Leone has been expressly authorised to receive that money or property on behalf of the said national.

20 and 21
Vict. C. 77

(3) Notwithstanding anything in section 81 of the Court of Probate Act, 1857, as applied to Sierra Leone, sureties shall not be required to an administration bond given by a consular officer upon the grant of administration by virtue of this section.

Supple-
mentary
provisions as
to section 2.

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

Restriction
of powers of
entry in
relation to
consular
officers.

14 of 1950.

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 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 passed before or after the commencement of this Ordinance), 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 one of Her Majesty's Principal Secretaries of State:

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

(a) in pursuance of sub-section (2) of section 7 of the Freetown Fire Prevention Measures Ordinance (which confers power to enter premises for the purpose of extinguishing fire) or any other enactment making provision corresponding with the provisions of that sub-section; Cap. 68.

(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 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.

5. (1) The Governor may by Order in Council direct that section 2 or section 4 of this Ordinance 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 sections
2 and 4.

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

(3) Any Order in Council made under this section shall be laid before the House of Representatives after being made.

TITLE IV.

THE COURTS AND ADMINISTRATION OF JUSTICE.

(a) Establishment of Courts.

CHAPTER.	PAGE.
7. COURTS	43
8. NATIVE COURTS	61
9. CORONERS	73

See also under Title XVII "Land and Survey":—

121. <i>Concessions, section 11 (for the establishment of the "Concessions Court").</i>	1246
---	------

(b) Officers of Courts.

10. SHERIFFS	89
11. LEGAL PRACTITIONERS	92
12. LEGAL PRACTITIONERS (DISCIPLINARY COMMITTEE) ...	103
13. NOTARIES PUBLIC	111

(c) Appeals.

14. WEST AFRICAN COURT OF APPEAL (CIVIL CASES) ...	115
15. WEST AFRICAN COURT OF APPEAL (CRIMINAL CASES) ...	117
16. APPEALS FROM MAGISTRATES	125
17. SUMMARY REVIEW	137

See also under Title XXXVII "1959 Ordinances":—

289. <i>Geneva Conventions (for appeals by protected internees and protected prisoners of war).</i>	3394
---	------

(d) Civil Law and Procedure.

18. IMPERIAL STATUTES (LAW OF PROPERTY) ADOPTION...	139
19. LAW REFORM (MISCELLANEOUS PROVISIONS)	142
20. ESCHEAT	145
21. FOREIGN JUDGMENT (RECIPROCAL ENFORCEMENT) ...	156
22. EXECUTION AGAINST REAL PROPERTY	166
23. PETITIONS OF RIGHT	171
24. DEBTORS	173
25. ARBITRATION	185

26.	EVIDENCE (DOCUMENTARY)	190
	<i>See also under Title XIII "Marriage":—</i>	
100.	<i>Married Women's Maintenance.</i>	1096
101.	<i>Maintenance Orders (Facilities for Enforcement).</i>	1098
102.	<i>Matrimonial Causes.</i>	1104
103.	<i>Evidence (Marital Intercourse).</i>	1119
	<i>and under Title XXXII "Registration":—</i>	
256.	<i>Registration of Instruments.</i>	2938

(e) *Criminal Law and Procedure.*

27.	IMPERIAL STATUTES (CRIMINAL LAW) ADOPTION ...	194
28.	INFANTICIDE	233
29.	SEDITION	335
30.	PROTECTION OF WOMEN AND GIRLS	238
31.	PREVENTION OF CRUELTY TO CHILDREN	239
32.	LOTTERIES	253
33.	PREVENTION OF CORRUPTION	255
34.	PERSONATION AND UNIFORMS	257
35.	UNLAWFUL SOCIETIES	260
36.	FANGAY	267
37.	SUMMARY CONVICTION OFFENCES	269
38.	JURORS AND ASSESSORS	292
39.	CRIMINAL PROCEDURE	305
40.	PROBATION OF OFFENDERS	385
41.	CORPORAL PUNISHMENT	392

See also under Title XI "Immigration and Deportation":—

88.	<i>Extradition (Colony).</i>	1009
89.	<i>Fugitive Criminals Surrender.</i>	1011

(f) *Oaths.*

42.	OATHS AND AFFIRMATIONS	395
43.	PERJURY	397

(g) *Children and Young Persons.*

44.	CHILDREN AND YOUNG PERSONS	399
-----	-----------------------------------	-----