

REPUBLIC OF NAURU

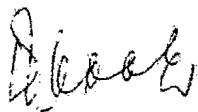
(No. 3 of 1977)

AN ACT,

To make provision for the administration of estates by, and conferring certain powers on, consular officers.

(Certified: 1st April, 1977)

I HEREBY CERTIFY that the attached document is a fair print of an Act entitled the Consular Conventions (Administration of Estates) Act, 1977 that has been made by Parliament and is now presented to the Speaker for his Certificate under Article 47 of the Constitution.



Clerk of Parliament
1st April, 1977

Pursuant to Article 35 (3) and 47 of the Constitution I, DAVID PETER GADARAO, Speaker of Parliament, HEREBY CERTIFY that the Consular Conventions (Administration of Estates) Act, 1977 a copy of which is attached has been passed by Parliament.



Speaker
1st April, 1977

REPUBLIC OF NAURU

CONSULAR CONVENTIONS (ADMINISTRATION OF
ESTATES) ACT . 1977

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Powers of consular officers in relation to property in Nauru of deceased persons
4. No immunity or privilege in respect of acts done under section 3
5. Application of this Act

REPUBLIC OF NAURU
(No. 3 of 1977)

AN ACT

To make provision for the administration of estates by,
and conferring certain powers on, consular officers

(Certified : 1st April, 1977)

Enacted by the Parliament of Nauru as follows :

SHORT TITLE

1. This Act may be cited as the Consular Conventions (Administration of Estates) Act 1977.

INTERPRETATION

2. In this Act -
"consular officer" means a person whose name as a consular officer of a foreign state has been notified to, and who has been recognised as such by, the Minister;
"foreign state" includes a country within the Commonwealth.

POWERS OF CONSULAR OFFICERS IN RELATION TO PROPERTY IN NAURU OF DECEASED PERSONS

3. (1) Notwithstanding the provisions of the Succession, Probate and Administration Act 1976 but subject to subsection (4) of this section and section 9 of the Foreign Trusts, Estates and Wills Act 1972, where any person who is a national of any foreign state to which this Act applies is named as executor in the will of a deceased person disposing of property in Nauru or is otherwise a person to whom a grant of representation of the estate in Nauru of a deceased person may be made, then, if the Supreme Court is satisfied, on the application of a consular officer of the said foreign state, that the said national is not resident in Nauru, and if within three months after the death of the deceased person no application for a grant of such representation is made by the said national or by a person duly authorised by power of attorney to act for the said national in that behalf, the Court shall make to that consular officer, upon his application,

any such grant of representation of the estate of the deceased as it would make to him if he were so authorised as aforesaid.

(2) Where any person who is a national of any foreign state to which this Act applies -

(a) is entitled to any money or other property in Nauru forming part of the estate of a deceased person or to receive payment in Nauru 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 written law whether passed 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 Nauru, 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 Nauru has been expressly authorised to receive that money or property on behalf of the said national or if he has cause to believe that the consular officer will not deliver that money or property or cause it to be delivered to the person entitled to receive it or that that person will not receive it beneficially or as a trustee for a person who will benefit from the trust.

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

(4) The Supreme Court shall not make a grant of representation to a consular officer in respect of the estate of any person unless it is satisfied that the persons to whom the assets of the estate are to be distributed outside Nauru will receive them beneficially or as trustees for persons who will benefit from the trust.

NO IMMUNITY OR PRIVILEGE IN RESPECT OF ACTS DONE UNDER
SECTION 3

4. 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 upon him by or under the provisions of section 3 or in respect of any document for the time being in his possession relating thereto.

APPLICATION OF THIS ACT

5. (1) The provisions of this Act shall apply to nationals of the states specified from time to time by the Minister by order published in the Gazette.

(2) The Minister may at any time, by an order published in the Gazette, revoke or vary any order made under the preceding subsection.