

Diplomatic and Consular Relations Bill

Table of Contents

Bill No: 65/2004

Read the first time: 16th November 2004

Long Title

Enacting Formula

Part I PRELIMINARY

1 Short title and commencement

2 Interpretation

Part II DIPLOMATIC RELATIONS

3 Application of Vienna Convention on Diplomatic Relations

Part III CONSULAR RELATIONS

4 Application of Vienna Convention on Consular Relations

5 Powers of consular officers in relation to property in Singapore of deceased persons

Part IV GENERAL

6 Privileges and immunities

7 Evidence

8 Regulations

9 Repeal

10 Related amendment to Income Tax Act

11 Related amendment to Merchant Shipping Act

FIRST SCHEDULE Vienna Convention on Diplomatic Relations

SECOND SCHEDULE Vienna Convention on Consular Relations

Explanatory Statement

Expenditure of Public Money

Diplomatic and Consular Relations Bill

Bill No. 65/2004

Read the first time on 16th November 2004.

An Act relating to diplomatic and consular privileges and immunities, and for other purposes, and to repeal the Consular Conventions Act (Chapter 52 of the 1985 Revised Edition) and the Diplomatic Privileges (Commonwealth Countries and Republic of Ireland) Act (Chapter 83 of the 1985 Revised Edition), and to make related amendments to the Income Tax Act (Chapter 134 of the 2004 Revised Edition) and the Merchant Shipping Act (Chapter 179 of the 1996 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Diplomatic and Consular Relations Act 2004 and

shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —

“Vienna Convention on Diplomatic Relations” means the Vienna Convention on Diplomatic Relations adopted in 1961 by the United Nations Conference on Diplomatic Intercourse and Immunities, the English text of which is set out in the First Schedule;

“Vienna Convention on Consular Relations” means the Vienna Convention on Consular Relations adopted in 1963 by the United Nations Conference on Consular Relations, the English text of which is set out in the Second Schedule.

PART II

DIPLOMATIC RELATIONS

Application of Vienna Convention on Diplomatic Relations

3.—(1) Subject to this section and section 6, Articles 1, 22, 23, 24 and 27 to 40 of the Vienna Convention on Diplomatic Relations shall have the force of law in Singapore.

(2) In the provisions of the Vienna Convention on Diplomatic Relations referred to in subsection (1) —

- (a) a reference to agents of the receiving State shall be construed as including a reference to any police officer and any person exercising a power of entry to any premises under any written law; and
- (b) a reference to a national of the receiving State shall be construed as a reference to a citizen of Singapore.

(3) For the purposes of Article 32 of the Vienna Convention on Diplomatic Relations, a waiver by the head of the diplomatic mission of any State or any person for the time being performing his functions shall be deemed to be a waiver by that State.

PART III

CONSULAR RELATIONS

Application of Vienna Convention on Consular Relations

4.—(1) Subject to this section and section 6, Articles 1, 5, 15 and 17, paragraphs 1, 2 and 4 of Article 31, Articles 32, 33, 35 and 39, paragraphs 1 and 2 of Article 41, Articles 43, 44, 45 and 48 to 54, paragraphs 2 and 3 of Article 55, paragraph 2 of Article 57, paragraphs 1, 2 and 3 of Article 58 and Articles 60, 61, 62, 66, 67, 70 and 71 of the Vienna Convention on Consular Relations shall have the force of law in Singapore.

(2) In the provisions of the Vienna Convention on Consular Relations referred to in subsection (1) —

- (a) a reference to authorities of the receiving State shall be construed as including a reference to any police officer and any person exercising a power of entry to any premises under any written law;
- (b) a reference to a grave crime shall be construed as a reference to any offence punishable with imprisonment for a term that may extend to 5 years or with a more severe sentence; and
- (c) a reference to a national of the receiving State shall be construed as a reference to a citizen of Singapore.

(3) In paragraph 2 of Article 17 of the Vienna Convention on Consular Relations, the reference to privileges and immunities accorded by customary international law or by international agreements shall be construed as a reference to privileges and immunities conferred under the International Organisations (Immunities and Privileges) Act (Cap. 145).

(4) In Article 44 of the Vienna Convention on Consular Relations, the references to matters connected with the exercise of the functions of members of a consular post shall be construed as references to matters connected with the exercise of consular functions by consular officers or consular employees.

(5) For the purposes of Article 45 of the Vienna Convention on Consular Relations and that Article as applied by Article 58 of the Vienna Convention on Consular Relations, a waiver shall be deemed to have been expressed by a State if it had been expressed by the head, or any person for the time being performing the functions of the head, of the diplomatic mission of that State or, if there is no such mission, of the consular post concerned.

(6) The reference in Article 57 of the Vienna Convention on Consular Relations to the privileges and immunities provided in Chapter II of that Convention shall be construed as referring to the privileges and immunities provided in Section II of that Chapter.

(7) The reference in Article 70 of the Vienna Convention on Consular Relations to

the rules of international law concerning diplomatic relations shall be construed as a reference to Part II of this Act.

Powers of consular officers in relation to property in Singapore of deceased persons

5.—(1) Subject to subsection (2), where —

- (a) any person who is a national of a State to which this section applies —
 - (i) is named as executor in the will of a deceased person disposing of property in Singapore; or
 - (ii) is otherwise a person to whom a grant of representation to the estate in Singapore of a deceased person may be made;
- (b) a consular officer of that State has made an application to the court for a grant of representation to the estate of the deceased person;
- (c) the court is satisfied that the first-mentioned person is not resident in Singapore; and
- (d) no application for a grant of representation has been made by the first-mentioned person or by any person duly authorised under a power of attorney to act for the first-mentioned person in that behalf,

the court shall make to the consular officer such grant of representation to the estate of the deceased person as the court would have made had the consular officer been authorised by the first-mentioned person in accordance with paragraph (d).

(2) The court may, if it thinks fit, postpone the making of a grant under subsection (1) during such period as the court considers appropriate having regard to the circumstances of the case.

(3) Where any person who is a national of a State to which this section applies —

- (a) is entitled to payment or delivery of any money or property —
 - (i) in respect of any interest in the estate of a deceased person; or
 - (ii) vesting in possession on the death of any person;
- (b) is entitled to payment of any money becoming due on the death of any person; or
- (c) is a person to whom any money or property comprised in the estate of a deceased person may be paid or delivered under any written law authorising the payment or delivery of such money or property without