

CHAPTER 8.**CONSULAR FUNCTIONS****ARRANGEMENT OF SECTIONS****Section**

- §801. Short title.
- §802. Interpretation.
- §803. Performance of Consular Functions.
- §804. Validation of Documents.
- §805. Administration of Oath or Affirmation.
- §806. Solemnization and Registration of Marriages.
- §807. Registration of Births and Deaths.
- §808. Fees to be Levied for Performance of Consular.
- §809. Offenses and Penalties.
- §810. Regulations.

SCHEDULE

An Act to provide for performance of certain Consular Functions by Diplomatic Officers of the Republic of the Marshall Islands in foreign countries and to provide for matters connected therewith or incidental thereto.[New section numbering format-reflecting chapter number]

Commencement: November 28, 1988
 Source: P. L. 1988-30

§801. Short title.
 This Chapter may be cited as the “Consular Functions Act”. [P.L. 1988-30, §1.]

§802. Interpretation.
 In this Chapter , unless the context otherwise requires:
 (a) “consular function” means any function referred to in Sections 804, 805, 806, and 807, and includes any act specified in the Schedule appearing at the end of this Chapter ;
 (b) “Consular Officer” shall mean any person including the head of a consular post entrusted in that capacity with the exercise of consular functions;
 (c) “Diplomatic Officer” means the head of a mission or a member of the diplomatic staff of such a mission;
 (d) “document” means a commercial or shipping document and includes every document by which any right or liability is or purports to be, created, transferred, limited, extended, extinguished or recorded, and any official document issued by the Republic;
 (e) “Minister” means the Minister in charge of the subject of Foreign Affairs. [P.L. 1988-30, § 2.][section referencing in subsection (a) modified to reflect new format]

§803. Performance of Consular Functions.
 Every Diplomatic or Consular Officer of the Republic of the Marshall Islands is hereby authorized to perform, in accordance with any written law of the Republic, any consular function in any foreign country to which he is accredited or appointed; provided, however, that the performance of such function is not prohibited by the written laws of the country in which such function is

performed. [P.L. 1988-30, §3.]

§804. Validation of Documents.

Upon the application of a person who is a citizen of the Republic of the Marshall Islands, or any other person, a diplomatic or consular officer may:

- (a) certify, attest, authenticate or do any other such act to validate any document;
- (b) translate any document from Marshallese language to any other language or translate any document from any other language to Marshallese language;
- (c) certify the accuracy of a translation from Marshallese language to any other language or from any other language to Marshallese language. [P.L. 1988-30, §4.]

§805. Administration of Oath or Affirmation.

(1) Every Diplomatic or Consular Officer shall be entitled to and may administer any oath or affirmation or take any affidavit, and such oath or affirmation or such affidavit shall be deemed to have been administered or taken, as the case may be, in the Republic of the Marshall Islands.

(2) Any Diplomatic or Consular Officer administering any oath or affirmation or taking an affidavit under the provisions of Subsection (1) of this Section, shall not be held responsible for the truth of the contents, or the accuracy, of any statement made under such oath or affirmation or recording in such affidavit. [P.L. 1988-30, §5.]

§806. Solemnization and Registration of Marriages.

(1) Every Diplomatic or Consular Officer shall be deemed to be a Registrar for any Atoll in the Republic of the Marshall Islands within the meaning of the Births, Deaths and Marriages Registration Act 1988, and accordingly, may solemnize and register any marriage under that Act, in the country to which he is appointed or accredited, where at least one of the parties to the marriage is a citizen of the Republic of the Marshall Islands, as though such marriage was solemnized and registered in any Atoll in the Republic.

(2) The provisions of the Births, Deaths and Marriage Registration Act 1988, shall apply, mutatis mutandis, to and in relation to the solemnization and registration of a marriage referred to in Subsection (1) of this Section, and every Diplomatic or Consular Officer shall, in the performance of his functions, comply with the provisions of that Act. [P.L. 1988-30, §6.]

§807. Registration of Births and Deaths.

(1) Every Diplomatic or Consular Officer shall be deemed to be a Registrar for any Atoll in the Republic of the Marshall Islands within the meaning of the Births, Deaths and Marriage Registration Act 1988, and accordingly such Diplomatic or Consular Officer may register the birth or death of a citizen of the Republic of the Marshall Islands occurring in the foreign country to which he is appointed or accredited, as though such registration were made in any Atoll in the Republic.

(2) The provisions of the Births, Deaths and Marriages Registration Act 1988, shall apply, mutatis mutandis, to and in relation to the registration of any birth or death referred to in Subsection (1) of this Section, and every Diplomatic or Consular Officer shall, in the performance of his functions, comply with the provisions of that Act. [P.L. 1988-30, §7.]

§808. Fees to be Levied for Performance of Consular Functions.

The Minister may, from time to time, prescribe by notification, the fees to be levied by a Diplomatic or Consular Officer to perform any consular functions specified in such notification. [P.L. 1988-30, §8.]

§809. Offenses and Penalties.

(1) Any person who fraudulently or by willful act or omission, knowingly misleads a Diplomatic or consular Officer to perform any consular function shall be guilty of an offense and shall, upon conviction be liable to a fine not exceeding \$2,000 or to a term of imprisonment not

exceeding two (2) years, or both.

(2) Any person who fraudulently alters the seal or signature of any Diplomatic or Consular Officer shall be guilty of an offense and shall upon Conviction, be liable to a fine not exceeding \$500, or both. [P.L. 1988-30, §9.]

§810. Regulations.

(1) The Minister may make regulations with respect to:

(a) matters required by this Chapter to be prescribed;

(b) the procedure to be followed in making any application under this Chapter : and

(c) giving effect to the consular functions set out in the Schedule appearing at the end of this Chapter .

(2) Every regulation made by the Minister under Subsection (1) of this Section, shall come into operation upon the approval by the Cabinet. [P.L. 1988-30, §10.]

SCHEDULE

Reference Section:

802(a), 10(c). Consular Functions Act 1988

ARTICLE V OF THE VIENNA CONVENTION ON CONSULAR RELATIONS OF 1963

CONSULAR FUNCTIONS

Consular functions consist of:

(a) protecting in the receiving State the interests of the sending State and its nationals, both individuals and bodies corporate, within the limits permitted by international law;

(b) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the above-mentioned Convention;

(c) ascertaining by all lawful means, conditions and developments in commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to person interested;

(d) issuing passports and travel documents to nationals of the sending State and visas or appropriate documents to persons wishing to travel to the sending State;

(e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;

(f) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature; provided, that there is nothing contrary thereto in the laws and regulations of the receiving State;

(g) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of succession mortis causa in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;

(h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;

(i) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defense of their rights and interests;

(j) Transmitting judicial and extra-judicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;

(k) exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircrafts registered in that State, and in respect of their crews;

(l) extending assistance to vessels and aircrafts mentioned in Sub-paragraph (k) and to their crews, taking statement regarding the voyage of a vessel, examining and stamping the ships papers, and, without prejudice to the powers of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes

of any kind between the master, the officers and the seamen in so far as this may be authorized by the laws and regulations of the sending State;

(m) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.