

THE DIPLOMATIC AND CONSULAR OFFICERS (OATHS AND FEES) ACT, 1948

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THE DIPLOMATIC AND CONSULAR OFFICERS (OATHS AND FEES) ACT, 1948

'ACT NO. XXI OF 1948

[8th January, 1949]

An Act to provide for the administration of oaths by diplomatic and consular Officers and to prescribe the fees leviable in respect of certain of their official duties.

WHEREAS it is expedient to provide for the administration of oaths by diplomatic and consular officers and for the levy of fees in respect of certain official duties performed by them;

It is hereby enacted as follows:—

1. Short title and commencement.— (1) This Act may be called the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948.

(2) It shall come into force at once, and shall be deemed to have taken effect from the fifteenth day of August, 1947.

2. Definitions. — In this Act, unless there is anything repugnant in the subject or context,—

*[(a) "consular officer" includes consul, consular agent, consul-general, honorary consul, proconsul and vice-consul; and

(b) "diplomatic officer" includes ambassador, agent, agent-general, assistant high commissioner, attache of a diplomatic mission, charged' affaires, commissioner, counsellor, deputy high commissioner, diplomatic secretary, high commissioner and minister.]

3. Powers as to oaths and notarial acts abroad.— (1) Every diplomatic or consular officer of Pakistan exercising his functions in any foreign country or place, or any such diplomatic or consular officer of a foreign country as is in writing authorized in this behalf by the *[Federal Government] in relation to any foreign country or place,] may in that country or place administer 'either online or in physical form] any oath or affirmation and take any affidavit and also do any notarial act which any notary public may do within the territories of Pakistan, and every such oath, affirmation, affidavit and notarial act administered, sworn or done by or before any such person shall be as effectual as if duly administered, sworn or done by or before any lawful authority in any part of Pakistan.

(2) Any document purporting to have affixed, impressed or subscribed thereon or thereto the seal and signature of any person authorised by this section to administer an oath in testimony of any oath, affirmation, affidavit or act being administered, sworn or done by or before him, shall be admitted in evidence without proof of the seal or signature being the seal or signature of that person, or of the official character of that person.

¹Ror Statement of Objects and Reasons, see Gaz. Of P., 1948, Pt. V p. 124.

?Subs. and shall be deemed always to have been so subs. by the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, for the original cl. (a) and (b), as amended by the Diplomatic and Consular Officers (Oaths and Fees) Amendment Act, 1950.

3Subs. and shall be deemed always to have been so subs. by the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, for the original words "exercising his functions in any foreign country or place".

4 Ins. by Diplomatic and Consular Officers (Oaths and Fees) (Amendment) Act, 2022 (XXI of 2022), s. 2.

4. Powers to fix fees.— The *[Federal Government] shall have power to fix tables of fees to be charged in respect of any act done in the execution of his office by a consular officer or by a diplomatic officer entrusted with consular duties, and to make regulations in accordance with which fees shall be levied, accounted for and applied or may be remitted.

(2) Tables of any fees so fixed and any regulations® so made shall be published in the official Gazette.

5. Exhibition of tables of fees.— (1) Tables of the fees mentioned in the preceding section shall be exhibited prominently at every customs port, land customs station and customs aerodrome.

(2) Every consular officer and diplomatic officer entrusted with consular functions shall exhibit the aforesaid tables of fees in his office prominently and shall permit them to be inspected by any person wishing to do so.

6. Penalty for taking excessive fees.— No consular officer or diplomatic officer entrusted with consular duties shall, save as may be provided in the aforesaid regulations, ask for or take any fee or reward for any act done in the execution of his office, and if he does so he shall, without prejudice to any other liability, be punishable for every such offence with fine which may extend to Rs. 3,000.

7. Punishments for offence under this Act.— (1) Whoever swears falsely in any oath or affidavit taken or made in accordance with the provisions of this Act shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) Whoever forges or fraudulently alters the seal or signature of any person authorised by or under this Act to administer an oath or tenders in evidence, or otherwise uses, any affidavit having any seal or signature so forged or counterfeited or fraudulently altered knowing the same to be forged counterfeited or fraudulently altered, shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

8. Trial of offences.— Except as hereinafter provided, any offence under this Act may be inquired into dealt with, tried and punished in any Province of Pakistan in which the person charged with the offence is or is apprehended or is in custody in the same manner and to the same extent as if the offence had been committed within the Province where he is, or is apprehended or is in custody;

Provided that no Court shall take cognizance of an offence under this Act with which any consular officer or diplomatic officer is charged except upon complaint in writing made by a person authorised in this behalf by general or special order of the 7[Federal Government].

819. Power to make rules.— The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.]

5 Subs. by F.A.O. 1975, Art. 2 and Table, for “Central Government”.

° For the Consular Fees Regulations, 1963, see Gaz. of P., 1963, Pt. I pp. 327-330.

7Subs. by F.A.O. 1975, Art. 2 and Table, for “Central Government”.

8 Added by Diplomatic and Consular Officers (Oath and Fees) (Amendment) Act, 2022 (XXI of 2022), s. 3.