

Apostille (Hague Convention) Act, 2010



SAINT LUCIA

I ASSENT

PEARLETTE LOUISY, *Governor-General*.

January 25, 2010.

SAINT LUCIA

No. 6 of 2010

AN ACT to give effect to the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents.

[1st February, 2010]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

1. Short title

This Act may be cited as the Apostille (Hague Convention) Act 2010.

2. Interpretation

1. In this Act

"Convention" means the Convention Abolishing The Requirement of Legalisation for foreign public documents concluded on 5 October, 1961 and entered into force on 24 January, 1965, the text of which is set out in the First Schedule;

"Convention certificate" means a certificate issued under the Convention in relation to a foreign public document by a designated authority;

"foreign public document" means a public document that –

- a. has to be produced in Saint Lucia; and
- b. was executed in a foreign country that is a Contracting State under the Convention;

"Saint Lucia authority" means any person in Saint Lucia including any Court, any person acting judicially, and any person exercising a power or performing a function under a Saint Lucia law to whom a foreign public document has to be produced.

3. Words and expressions used in this Act have the same meaning as the corresponding words and expressions in the Convention.

4. Force of law

The Convention set out in the First Schedule shall have the force of law in Saint Lucia.

5. Designated authorities

1. For the purposes of Article 6 of the Convention, the following authorities are competent to issue a Convention certificate -
 - a. The Permanent Secretary, Ministry responsible for Foreign Affairs;
 - b. The Deputy Permanent Secretary, Ministry responsible for Foreign Affairs;
 - c. The Permanent Secretary, Ministry responsible for Finance;
 - d. The Registrar of Companies and Intellectual Property;
 - e. The Registrar of the Supreme Court;
 - f. The Solicitor General.
2. Notwithstanding subsection (1), Cabinet may designate any authority to issue a Convention Certificate.

6. Fee for Convention certificate

1. A request for a Convention certificate shall be accompanied by the fee prescribed in the Second Schedule.
2. Fees collected pursuant to subsection (1) shall be paid into the Consolidated Fund.

7. Convention certificates sufficient authentication of certain matters

1. A Convention certificate placed on, or attached to, a foreign public document is the formality that a Saint Lucia authority may require, in relation to the document, as evidence or certification of -
 - a. the authenticity of the signature on the document;
 - b. the capacity in which the person signing the document has acted;
 - c. where appropriate, the identity of the seal or stamp that the document bears.
2. Where a foreign public document is not subject to a requirement of legalization, a Saint Lucia authority may not require, in relation to the document, a Convention certificate as evidence or certification of the matters referred to in subsection (1).
3. A Saint Lucia authority shall accept, in relation to a foreign public document, a Convention certificate placed on, or attached to, the document as sufficient evidence or certification of the matters referred to in subsection (1), unless the contrary is proved.
4. Subsection (3) does not prevent a Saint Lucia authority from accepting, in relation to a foreign public document, a lesser formality than a Convention certificate placed on, or attached to the document as evidence or certification of the matters referred to in subsection (1).

8. Amendment of First Schedule

1. Where an amendment to the Convention becomes effective, the Minister shall, by Order, amend the First Schedule of this Act to give effect to the amendment of the Convention.
2. Where the First Schedule is amended in accordance with this section, any reference in this Act or in any other enactment or in any instrument having effect under any such enactment shall, unless the context otherwise requires, be construed as a reference to the Convention as so amended.

9. Amendment of Second Schedule

Cabinet may by Order published in the Gazette, amend the Second Schedule.

FIRST SCHEDULE

(Section 2)

CONVENTION ABOLISHING THE REQUIREMENT OF LEGALISATION FOR FOREIGN PUBLIC DOCUMENTS

(Concluded 5 October 1961) (Entered into force 24 January 1965)

The States signatory to the present Convention, Desiring to abolish the requirement of diplomatic or consular legalisation for foreign public documents, Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

View the full text of the [Articles of the Convention](#) or



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Done at the Hague the 5th October 1961, in French and in English, the French text prevailing in case of divergence between the two texts, in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Ninth Session of the Hague Conference on Private International Law and also to Iceland, Ireland, Liechtenstein and Turkey.

Annex to the Convention

Model of Certificate

The certificate will be in the form of a square with sides at least 9 centimetres long

APOSTILLE

(Convention de La Haye du 5 Octobre 1961)

1. Country:

This public document

2. has been signed by

3. acting in the capacity of

4. bears the seal/stamp of

Certified

5. at 6. the

7. by

8. N^o

9. Seal/stamp:

10. Signature

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SECOND SCHEDULE

Section 5

Fee

Apostille EC\$ 150

Passed in the House of Assembly this 8th day of December, 2009.

ROSEMARY HUSBANDS-MATHURIN,
Speaker of the House

Passed in the Senate this 15th day of December, 2009.

GAIL V. PHILLIP,
President of the Senate