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[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

to give effect to the Convention on abolishing the requirement of legalization for the foreign
public documents

WHEREAS it is expedient to give effect to the Convention on abolishing the requirement of legalization for the foreign public documents and for matters connect therewith;

It is hereby enacted as follows: -

1. Short title, extent, application and commencement.- (1) This Act shall be called the Apostille Act, 2023.

(2) It shall extend to whole of Pakistan.

(3) It shall apply to foreign public documents and other public documents as specified from time to time in the official Gazette by the Federal Government.

(4) This Act shall come into force on such date as the Federal Government may, by notification in the official Gazette, appoint in this behalf.

2. Definitions.- (1) In this Act, unless the context or subject otherwise requires, —

(a) “certification” means certification that authenticates the origin of the documents and not the contents;

(b) “competent authority” means the division to which business of this Act stands allocated or any other authority declared by the Federal Government to be a competent authority required under the Convention;

- (c) "Convention" or "Apostille Convention" means the Hague Convention Abolishing the requirement of legalization for foreign public documents, done at the Hague on the 5th day of October 1961, the english text of which is set out in the First Schedule and includes any ratified protocols;
- (d) "Convention State" means a state party to the Convention other than Pakistan, but does not include —
- (i) any state party that objected to Pakistan's accession to the Convention; and
 - (ii) any state party whose accession to the Convention Pakistan objected to; and
- (e) "model certificate" or "apostille certificate" means the model certificate set out in the Annexure to the Convention.

3. Conferment of certification. — (1) Notwithstanding anything to the contrary contained in any other law, the provisions of the Convention shall have the force of law in Pakistan.

(2) The Federal Government may, by notification in the official Gazette, amend the Schedule in conformity with any amendments made and adopted in the Convention, provided that such amendments shall be adopted and ratified by the Government of Pakistan.

4. Fees. - The competent authority may, by notification in the official Gazette, determine fees in relation to the issuance of apostille certificates from time to time.

5. Power not to recognize certain documents in Pakistan. - The application of those foreign documents shall be ineffective, which fall within the ambit of Apostille Convention but are against the glory of Islam and national interests, sovereignty or integrity of Pakistan.

6. **Overriding effect.** - The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law, for the time being in force.

7. **Indemnity.** - No suit, prosecution or other legal proceeding shall lie against any person for anything which is done or intended to be done in good faith in pursuance of this Act.

8. **Power to make rules.** - The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

THE SCHEDULE NO. I

(See sections 2 and 3)

Article 1

1. The present Convention shall apply to public documents which have been executed in the territory of one Contracting State and which have to be produced in the territory of another Contracting State.
2. For the purposes of the present Convention, the following are deemed to be public documents:
 - a) documents emanating from an authority or an official connected with the courts or tribunals of the State, including those emanating from a public prosecutor, a clerk of a court or a process-server ("huissier de justice");
 - b) administrative documents;
 - c) notarial acts;
 - d) official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date and official and notarial authentications of signatures.
3. However, the present Convention shall not apply:
 - a) to documents executed by diplomatic or consular agents;
 - b) to administrative documents dealing directly with commercial or customs operations.

Article 2

Each Contracting State shall exempt from legalisation documents to which the present Convention applies and which have to be produced in its territory. For the purposes of the present Convention, legalisation means only the formality by which the diplomatic or consular agents of the country in which the document has to be produced certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears.

Article 3