

[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 connected therewith;

It is hereby enacted as follows:-

1. Short title, extent, application and commencement,- (1) This Act shall be called the Apostille Act, 2024.

(2) It shall extend to the 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) It shall come into force at once.

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 and 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 proceedings 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. 1

(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

1. The only formality that may be required in order to 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, is the addition of the

4

certificate described in Article 4, issued by the competent authority of the State from which the document emanates.

2. However, the formality mentioned in the preceding paragraph cannot be required when either the laws, regulations, or practice in force in the State where the document is produced or an agreement between two or more Contracting States have abolished or simplified it, or exempt the document itself from legalisation.

Article 4

1. The certificate referred to in the first paragraph of Article 3 shall be placed on the document itself or on an "allonge"; it shall be in the form of the model annexed to the present Convention.
2. It may, however, be drawn up in the official language of the authority which issues it. The standard terms appearing therein may be in a second language also. The title "Apostille (Convention de La Haye du 5 October 1961)" shall be in the French language.

Article 5

1. The certificate shall be issued at the request of the person who has signed the document or of any bearer.
2. When properly filled in, it will 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 the document bears.
3. The signature, seal and stamp on the certificate are exempt from all certification.

Article 6

1. Each Contracting State shall designate by reference to their official function, the authorities who are competent to issue the certificate referred to in the first paragraph of Article 3.
2. It shall give notice of such designation to the Ministry of Foreign Affairs of the Netherlands at the time it deposits its instrument of ratification or of accession or its declaration of extension. It shall also give notice of any change in the designated authorities.

Article 7

1. Each of the authorities designated in accordance with Article 6 shall keep a register or card index in which it shall record the certificates issued, specifying:

- a) the number and date of the certificate,
- b) the name of the person signing the public document and the capacity in which he has acted, or in the case of unsigned documents, the name of the authority which has affixed the seal or stamp.

2. At the request of any interested person, the authority which has issued the certificate shall verify whether the particulars in the certificate correspond with those in the register or card index.

Article 8

When a treaty, convention or agreement between two or more Contracting States contains provisions which subject the certification of a signature, seal or stamp to certain formalities, the present Convention will only override such provisions if those formalities are more rigorous than the formality referred to in Articles 3 and 4.

Article 9

Each Contracting State shall take the necessary steps to prevent the performance of legalisations by its diplomatic or consular agents in cases where the present Convention provides for exemption.

Article 10

The present Convention shall be open for signature by the States represented at the Ninth Session of the Hague Conference on Private International Law and Iceland, Ireland, Liechtenstein and Turkey.

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands

Article 11

1. The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of Article 10.
2. The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification.

Article 12

1. Any State not referred to in Article 10 may accede to the present Convention after it has entered into force in accordance with the first paragraph of Article 11. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.
2. Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the six months after the receipt of the notification referred to in sub-paragraph d) of Article 15. Any such objection shall be notified to the Ministry of Foreign Affairs of the Netherlands.

- 31 -
3. The Convention shall enter into force as between the acceding State and the States which have raised no objection to its accession on the sixtieth day after the expiry of the period of six months mentioned in the preceding paragraph.

Article 13

1. Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.
2. At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.
3. When the declaration of extension is made by a State which has signed and ratified, the Convention shall enter into force for the territories concerned in accordance with Article 11. When the declaration of extension is made by a State which has acceded, the Convention shall enter into force for the territories concerned in accordance with Article 12.

Article 14

1. The present Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 11, even for States which have ratified it or acceded to it subsequently.
2. If there has been no denunciation, the Convention shall be renewed tacitly every five years.
3. Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period.
4. It may be limited to certain of the territories to which the Convention applies.
5. The denunciation will only have effect as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

Article 15

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 10, and to the States which have acceded in accordance with Article 12, of the following:

- a) the notifications referred to in the second paragraph of Article 6;
- b) the signatures and ratifications referred to in Article 10;
- c) the date on which the present Convention enters into force in accordance with the first paragraph of Article 11;
- d) the accessions and objections referred to in Article 12 and the date on which such accessions take effect;
- e) the extensions referred to in Article 13 and the date on which they take effect;
- f) the denunciations referred to in the third paragraph of Article 14.

THE SCHEDULE NO.II /
MODEL APOSTILLE CERTIFICATE

APOSTILLE (Convention de La Haye du 5 octobre 1961)	
Country: Pays :	
This public document Le présent acte public	
has been signed by a été signé par	
acting in the capacity of agissant en qualité de	
bears the seal / stamp of est revêtu du sceau / timbre de	
Certified Attesté	
At à	the le
By par	
No sous no	
Seal / stamp: Sceau / timbre :	Signature: Signature :

This Apostille only certifies the authenticity of the signature and the capacity of the person who has signed the public document, and, where appropriate, the identity of the seal or stamp which the public document bears.

This Apostille does not certify the content of the document for which it was issued.

[This Apostille is not valid for use anywhere within [insert the name of the State of issuance, incl. where possible and relevant, the territories to which the Apostille Convention has been extended].]

[To verify the issuance of this Apostille, see [insert the URL of the e-Register]]

THE SCHEDULE NO. III

COMPETENT AUTHORITIES FOR CERTIFYING

PAKISTAN PUBLIC DOCUMENTS

Authority	Documents that authority may certify
Ministry of Foreign Affairs and any other authority approved by the Federal Government	Public documents shall be subject to the satisfaction of the Competent Authority through administrative instructions issued from time to time

STATEMENT OF OBJECTS AND REASONS

This Ordinance seeks to simplify the authentication process of public documents to be used abroad by abolishing the traditional and cumbersome legalization process and replacing it with a single formality, thus significantly reducing the requirements to visit Embassies/Consulates for overseas Pakistanis. This Bill also seeks to empower Federal Government to make rules for carrying out the purposes of the Apostille Ordinance 2024.

2. The Ordinance has been designed to achieve the aforesaid objectives.

(SENATOR MOHAMMAD ISHAQ DAR)