

**CONSULAR CONVENTIONS (APPLICATION OF
SECTION 3) (INDIA) ORDER**

Explanatory Notes

**Consular Convention Between the
People's Republic of China and the
Republic of India**

(Made by the Chief Executive under section 5 of the Consular Conventions Ordinance (Cap. 267) after consultation with the Executive Council)

**Article 17
Functions Concerning Estate**

1. Commencement

This Order comes into operation on 17 July 2009.

2. Application of section 3 of the Ordinance

It is directed that section 3 of the Ordinance applies to the Republic of India.

3. Foreign State

The Schedule to the Consular Conventions (Application of Section 3) Order (Cap. 267 sub. leg. B) is amended by adding –

“4. Republic of India”.

Article 5(g) of the VCCR provides for the safeguarding of the interests of nationals 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. The VCCR does not specify detailed provisions for matters relating to the handling of estates which their nationals have a right to inherit in the receiving State by consular officers.

The Consular Conventions (Application of Section 3) (India) Order directs that section 3 of Cap. 267 shall apply to the Republic of India to confer additional powers to Indian consular officers as set out in Article 17(4) and 17(5) of the Convention, i.e. to deal with estates which their nationals have a right to inherit in the HKSAR under specified circumstances.

4. In case a national of the sending State has or claims to have the right to inherit an estate in the receiving State but neither he nor his representative is able to be present at the inheritance proceedings, a consular officer may himself or through his deputy represent the national before the court or other competent authorities of the receiving State.

5. A consular officer shall be entitled, on behalf of a national of the sending State who is not a permanent resident in the receiving State, to receive for transmission to that national any estate or bequeathed gift in the receiving State, which is due to that national.