

**ADMINISTRATION OF ESTATES BY CONSULAR
OFFICERS ORDINANCE (VARIATION OF SCHEDULE:
NEW ZEALAND) ORDER**

Explanatory Notes

**Agreement on Consular Relations
Between the People's Republic of
China and New Zealand**

(Made by the Chief Executive under section 3 of the Administration of Estates by Consular Officers Ordinance (Cap. 191) after consultation with the Executive Council)

**Article 14
Functions Concerning Estates**

1. Commencement

This Order comes into operation on 17 July 2009.

2. Schedule varied

The Schedule to the Administration of Estates by Consular Officers Ordinance (Cap. 191) is varied by adding –

- “5. New Zealand Agreement on 26.10.2003 Article 14.6 ”
Consular
Relations
between the
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Article 5(g) of the Vienna Convention on Consular Relations (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 administration of their nationals' estates in the receiving State by consular officers.

The Administration of Estates by Consular Officers Ordinance (Variation of Schedule: New Zealand) Order adds “New Zealand” to the Schedule to Cap. 191 to confer additional powers to New Zealand consular officers as set out in Article 14(6) of the Agreement, i.e. to administer the deceased national's estates under specified circumstances.

6. If a national of the sending State who is not a permanent resident in the receiving State dies during a temporary stay in or transit through the receiving State, and if there is no relative or representative of his or hers in the receiving State, a consular officer shall be entitled immediately to take into provisional custody all the documents, money and personal effects which were with the deceased national for transmission to his or her heir, testamentary executor or other persons authorised to receive the assets.