ADMINISTRATION OF ESTATES BY CONSULAR OFFICERS ORDINANCE (VARIATION OF SCHEDULE: INDIA) ORDER	Explanatory Note	Consular Convention Between the People's Republic of China and the Republic of India

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Explanatory Note

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

Article 17
Functions Concerning Estate

(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)

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 –

"4.   Republic of India   Consular Convention between the People's Republic of China and the Republic of India   13.12.1991   Article 17(6)"

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: India) Order adds "Republic of India" to the Schedule to Cap. 191 to confer additional powers to Indian consular officers as set out in Article 17(6) of the Convention, 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 in the receiving State, a consular officer shall be entitled to immediately take into temporary custody all the documents, money and personal effects which were with the deceased national for transmission to his heir, testamentary executor or other persons authorized to receive the assets.