



THE CONSULAR IMMUNITIES (NIUE) ORDER 1994

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 8th day of August 1994

Present:

THE RIGHT HON. D. C. MCKINNON PRESIDING IN COUNCIL

PURSUANT to section 7 of the Consular Privileges and Immunities Act 1971, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Consular Immunities (Niue) Order 1994.

(2) This order shall come into force on the 28th day after the date of its notification in the *Gazette*.

2. Interpretation—In this order—

“The Act” means the Consular Privileges and Immunities Act 1971:

“The Convention” means the Vienna Convention on Consular Relations signed in 1963, a copy of the English text of which is set out in the First Schedule to the Act.

3. Immunity of Niue Consulate-General in Auckland—(1) Any person who—

(a) Is in the service of the Government of Niue; and

(b) Being stationed in Auckland for the purpose of his or her official duties, holds the office of Consul-General and Trade Commissioner—

shall enjoy the same immunity from suit and legal process and the same inviolability of official premises and official archives as are accorded to foreign consular officers by Articles 31 and 33, paragraphs 1 and 2 of Article 41, and Articles 43 and 44 of the Convention, as applied in New Zealand by section 4 (1) of the Act.

(2) Any person who is in the service of the Government of Niue and who, being stationed in Auckland for the purpose of his or her official duties, holds any office specified in the Schedule to this order shall enjoy immunity from jurisdiction in respect of official acts performed in the exercise of functions corresponding to those of a consular officer or consular employee.

4. Revocation—The Consular Immunities (Niue) Order 1981* is hereby revoked.

*S.R. 1981/279

SCHEDULE

Clause 3 (2)

Administration Officer.
Receptionist.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order replaces the Consular Immunities (Niue) Order 1981. This order is in similar terms to the 1981 order except that—

- (a) The reference to the Consular Office Niue is changed to a reference to the Niue Consulate-General; and
- (b) Each reference to the Consular Affairs Officer is changed to a reference to the Consul-General and Trade Commissioner; and
- (c) A reference to Articles 31 and 33 of the Vienna Convention on Consular Relations has been added to clause 3 (1). Article 31 provides for the inviolability of consular premises and Article 33 provides for the inviolability of the consular archives and documents.

This order confers certain consular immunities on the Consul-General and Trade Commissioner and his or her staff representing Niue and stationed in Auckland. Immunity is also conferred in respect of the official premises and archives of the Consul-General and Trade Commissioner.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 11 August 1994.

This order is administered in the Ministry of Foreign Affairs and Trade.