



Intended for All Ministers
All Chief Executives
Chief Parliamentary Counsel
Speaker of the House of Representatives
Chief Executive, Parliamentary Service

Death of The Queen: Information

Introduction

- 1 This circular sets out advice on the death of Her Majesty The Queen, the New Zealand response, and the effect of The Queen's death on New Zealand's constitutional situation, including implications for Cabinet processes and other matters related to government administration.

Death of The Queen

- 2 Today the Palace advised the government of the death of Queen Elizabeth II, Queen of New Zealand. On the afternoon of Thursday 8 September, Her Majesty died peacefully at Balmoral Castle.

Constitutional situation

- 3 On the demise of the Crown, the person who is first in line to the Throne immediately and automatically becomes Sovereign in accordance with the laws of succession. This means that Prince Charles became King of New Zealand immediately on the death of the Queen.
- 4 There is no change to New Zealand's constitutional situation. The Constitution Act 1986 provides that on the death of the Sovereign, all the functions and powers of the Crown transfer to the Sovereign's successor. The demise of the Crown has no other effects in New Zealand law, and every reference to the Sovereign in any document or instrument in force is read to include a reference to the Sovereign's heirs and successors (unless the context otherwise requires)¹. Actions already taken by or in name of Her Majesty remain valid. New actions to be taken by or in the name of the Sovereign will need to refer to the new King.

Governor-General appointments

- 5 Current appointments made by the Governor-General in the name of Queen Elizabeth II remain valid, regardless of the demise of the Crown.

¹ Constitution Act 1986, section 5.

The Executive Council and Cabinet

- 6 The demise of the Crown has no impact on the membership or procedures of the Executive Council or of the Cabinet.
- 7 Ministers (including the Prime Minister) are appointed to the Executive Council and to their portfolios by warrants in the name of Queen Elizabeth II. Those warrants remain valid after her death. All appointments to the Executive Council and to portfolios continue unchanged by the demise of the Crown.

Parliament

- 8 Parliament comprises the Sovereign in right of New Zealand and the House of Representatives. The Constitution Act provides that “Every reference to the Sovereign in any document or instrument in force or after the commencement of this Act shall, unless the context otherwise requires, be deemed to include a reference to the Sovereign’s heirs and successors.”² The death of the Sovereign therefore does not dissolve Parliament. The new Sovereign immediately and seamlessly takes the place of the previous Sovereign in the New Zealand Parliament.
- 9 The House is due to meet on Tuesday, 13 September, and will receive a message from the Governor-General on the death of the Queen. Party leaders will have the opportunity to make statements in reply, after which the House will adjourn.

Oaths and affirmations of allegiance

- 10 The death of the Sovereign automatically transfers all obligations of allegiance to the Sovereign’s successor, and no special action is required by members of Parliament to effect this (they are not required to re-take their oath or affirmation).
- 11 Similarly, other individuals required to take the oath of affirmation or allegiance or the citizenship oath (including Judges, Ministers, new citizens, Police constables and members of the Armed Forces) are not required to retake the oath or affirmation of allegiance, or the citizenship oath or affirmation, as a consequence of the demise of the Crown. Office holders continue to hold office, and new citizens retain their citizenship.
- 12 All relevant oaths and affirmations taken after the death of The Queen should refer to “His Majesty King Charles III, His heirs and successors”.

State emblems

- 13 The demise of the Crown has no impact on the New Zealand Coat of Arms, the New Zealand Flag, or the Seal of New Zealand (the latter of which will be replaced in due course and established by Proclamation). The Queen’s personal flag for New Zealand will cease to be used. New Zealand currency, stamps and New Zealand Royal Honours will remain unchanged for the time being.

New Zealand response

- 14 Flags are to be flown at half mast on all Government buildings from the announcement of the death of The Queen until the day after the New Zealand State Memorial Service (date to be advised in the next few days), except on the day of the Proclamation of the new Sovereign on 11 September 2022 (see also paragraph 17 below) [*New Zealand Flag Notice 1986, cl 4.*].

² Constitution Act 1986, section 5.

- 15 There will be a gun salute to mark Her Majesty's death at dusk Friday 9 September, and a further salute will accompany the proclamation of the new King.
- 16 A Proclamation of the accession of the new Sovereign will be made on the steps of Parliament at 12.30pm on Sunday 11th September. The proclamation will confirm the King's full royal styles and titles, to be used on official documentation. The day of the Proclamation of Accession will be marked by the raising of all flags to the top of the mast for the day. Flags will return to half-mast the following day.
- 17 Condolence books for The Queen have been opened at Parliament, the National Library in Wellington and Wellington Cathedral of St Paul and will be available for signing each day during the period of mourning. Local authorities will issue advice on condolence books in other centres.
- 18 Condolence messages may be sent to condolences@dia.govt.nz or made online at the Royal Family's website: www.royal.uk.
- 19 The funeral will be held in London at a date to be confirmed. New Zealand will be represented at the funeral. Details of representation will follow.
- 20 A separate State Memorial will be held at Wellington St Paul's Cathedral. The date and time of this Memorial is still to be confirmed. This event will be live-streamed. Further details about the service will be available on the Governor-General's website as arrangements are finalised.

Information updates

- 21 The Governor-General's website (www.gg.govt.nz) will host information regarding New Zealand's constitutional situation, the New Zealand response to the death of the Queen, answers to frequently asked questions, and other matters with respect to national mourning. The website will be updated regularly, as new information becomes available.

Further queries

- 22 If you have further queries, please contact the Acting Secretary of the Cabinet or the Acting Deputy Secretary of the Cabinet (Constitutional and Honours).

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