

By the Judgement of 26 March 2024 No.12-II, the Constitutional Court assessed constitutionality of Article 1224 (item 1) of the Civil Code of the Russian Federation

According to this provision, the law applicable to the inheritance is the law of the country in which the deceased had his last place of residence, unless otherwise provided in this Article; inheritance of immovable property is regulated by the law of the country where the property is located, while inheritance of immovable property registered in the State Register of the Russian Federation is regulated by Russian law.

The contested provision was found not to be inconsistent with the Constitution, since in its meaning it cannot be used by a notary as a ground for refusing to register the right of a citizen of the Russian Federation to inherit movable property of a testator who was a citizen of the Russian Federation and whose last place of residence was in the territory of a foreign state and whose movable property remained in the territory of the Russian Federation, if, without such registration, it is impossible for the heir to continue to exercise his rights; and contested provision cannot be used as a reason for the court to refuse to recognise the heir's right of ownership of such property on the ground that such acts should be taken by the competent authorities of the foreign State of the testator's last place of residence if, in special circumstances, it is impossible or very difficult for the heir to contact those authorities.