

No. 2582

GREECE
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

**Consular Convention (with First and Second Agreed Minutes,
and First and Second Protocols of Signature). Signed
at Athens, on 17 April 1953**

Official texts: English and Greek.

Registered by Greece on 3 June 1954.

GRÈCE
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD

**Convention consulaire (avec les premier et deuxième procès-
verbaux approuvés, ainsi que les premier et deuxième
Protocoles de signature). Signée à Athènes, le 17 avril
1953**

Textes officiels anglais et grec.

Enregistrée par la Grèce le 3 juin 1954.

No. 2582. CONSULAR CONVENTION¹ BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE KINGDOM OF GREECE. SIGNED AT ATHENS, ON 17 APRIL 1953

PREAMBLE

Her Majesty The Queen of Great Britain, Ireland and The British Dominions beyond the Seas and His Majesty The King of The Hellenes;

Being desirous of regulating the position of consular officers of one party in the territories of the other;

Have decided to conclude a Consular Convention and for this purpose have appointed as their Plenipotentiaries :

Her Majesty The Queen of Great Britain, Ireland and the British Dominions beyond the Seas (hereinafter referred to as "Her Britannic Majesty") :

For the United Kingdom of Great Britain and Northern Ireland :

His Excellency Sir Charles Brinsley Pemberton Peake, K.C.M.G., M.C., Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at Athens :

His Majesty The King of The Hellenes :

For the Kingdom of Greece :

His Excellency Monsieur Stephanos Stephanopoulos, Minister of Foreign Affairs :

Who, having communicated to each other their respective full powers, which were found in good and due form, have agreed as follows :

PART I

APPLICATION AND DEFINITIONS

Article 1

This Convention applies

1. on the part of Her Britannic Majesty, to the United Kingdom of Great Britain and Northern Ireland, and to all territories for whose international relations Her Government in the United Kingdom are responsible;

2. on the part of His Majesty The King of The Hellenes, to the Kingdom of Greece.

¹ Came into force on 14 February 1954, the thirtieth day after the exchange of the instruments of ratification which took place in London on 15 January 1954, in accordance with article 38.

Article 2

For the purpose of this Convention —

1. the term “sending State” means, according to the context, the High Contracting Party by whom the consular officer is appointed, or all the territories of that party to which the Convention applies;

2. the term “receiving State” means, according to the context, the High Contracting Party within whose territories the consular officer exercises the functions required by his office, or all the territories of that party to which the Convention applies;

3. the term “territory” means any part of the territories of the receiving state in which the whole or part of a consular officer’s district is situated and which has been notified as constituting a territorial unit for the purpose of all or some of the Articles of the Convention, in conformity with the provisions of Article 36 of the Convention;

4. the term “nationals” means—

a) in relation to Her Britannic Majesty, all citizens of the United Kingdom and Colonies, all citizens of Southern Rhodesia and all British protected persons including, where the context permits, all juridical entities duly created under the law of any territory to which the Convention applies;

b) in relation to His Majesty The King of The Hellenes, all Greek subjects including, where the context permits, all juridical entities duly created under the law of the Kingdom of Greece;

5. the term “vessel” of a High Contracting Party means, for the purpose of Part VII of the Convention, any ship or craft registered at a port in any of the territories of that High Contracting Party to which the Convention applies, and, for the purpose of the other parts of the Convention, the word “vessel” means any ship or craft (not being a ship of war) whether so registered or not;

6. the term “consular officer” means any person who is granted an exequatur or other authorisation (including a provisional authorisation) to act in such capacity by the appropriate authorities of the territory; a consular officer may be a career officer (*Consul missus*) or an honorary officer (*Consul electus*);

7. the term “consular employee” means any person, not being a consular officer, employed at a consulate for the performance of consular duties, provided that his name has been duly communicated in accordance with the provisions of Article 6 of the Convention to the appropriate authorities of the territory; the term does not, however, include any driver or any person employed solely on domestic duties at or in the upkeep of the consular premises;

8. the term “consular office” means any building or part of a building which is occupied exclusively for the purposes of the official business of a consular officer;

9. the term “grave offence” means, for the purpose of Articles 14 and 28 (2) of the Convention —

a) in the case of any of the territories referred to in paragraph (1) of Article 1 of the Convention, an offence for which a sentence of imprisonment for five years or over may be awarded;

b) in the case of the Kingdom of Greece, an offence which constitutes a “crime” (*κακούργημα*) under the law of the Kingdom of Greece.

PART II

APPOINTMENTS AND DISTRICTS

Article 3

1. The sending State may establish and maintain consulates in the territories of the receiving State at any place where any third State possesses a consulate and at any other place where the receiving State agrees to the establishment of a consulate. It shall be within the discretion of the sending State to determine whether the consulate shall be a consulate-general, consulate, vice-consulate or consular agency.

2. The sending State shall keep the receiving State informed of the district of each of its consulates and, subject to paragraph (3) of this Article, may prescribe the limits of these districts at its discretion.

3. The receiving State shall have the right to object to the inclusion within a consular district —

a) of any area which is not within a consular district, and is not open to the Trade Commissioners or commercial representatives, of a third State;

b) of any territory of a third State.

4. A consular officer may, upon notification to the receiving State, perform consular functions outside his consular district, unless the receiving State objects.

Article 4

1. The sending State may assign to any of its consulates consular officers of such number and rank as it may deem necessary. The sending State shall notify the receiving State in writing of the appointment of a consular officer to a consulate. In the case of honorary consular officers who are nationals of the receiving State the latter may require that its consent to the appointment of such officers to a consulate should be obtained in advance through the diplomatic channel.

2. The exequatur or other authorisation shall be granted as soon as possible and free of charge by the receiving State on presentation of the consular officer's commission or other notification of assignment. When necessary, a provisional authorisation shall be accorded, pending the grant of the exequatur or other authorisation.

3. The exequatur or other authorisation shall not be refused without good cause.

4. The receiving State shall not be deemed to have consented to a consular officer's acting as such, or to have extended to him the benefits of the provisions of this Convention, until the receiving state has granted him an exequatur or other authorisation.

Article 5

1. The receiving State shall, upon request, inform without delay its appropriate authorities of the name of any consular officer entitled to act under this Convention.

2. As an official agent of the sending State, a consular officer shall be entitled to special protection and to the high consideration of all officials of the receiving state with whom he has official intercourse.

3. The receiving State may revoke the exequatur or other authorisation of a consular officer whose conduct has given serious cause for complaint. The reason for such revocation shall, upon request, be furnished to the sending State through the diplomatic channel.

Article 6

The sending State shall be free to employ the necessary number of consular employees at its consulates, whether its own nationals or nationals of the receiving State or of a third state. Consular officers shall keep the government of the territory informed of the names and addresses of these employees. It will be for the government of the territory to designate the particular authority to whom this information is to be given.

Article 7

A consular officer or employee may be assigned temporarily in an acting capacity to the duties of a consular officer who has died or is unable to act through illness, absence or other cause. Upon notification to the government of the territory, such acting officer may perform these duties and enjoy the benefits of the provisions of this Convention, pending the return to duty of the officer concerned or the appointment of a new consular officer.

Article 8

The sending State may, with the permission of the receiving State, appoint to the work of a consulate situated at the seat of the central government of the receiving state one or more members of its diplomatic mission accredited to

that State. Such appointments shall be made in accordance with the provisions of Article 4 of this Convention. The officers concerned shall continue to enjoy all those privileges and immunities which they derive from their diplomatic status, except that, in their consular capacity, they shall be subject to the provisions of the Convention.

PART III

LEGAL RIGHTS AND IMMUNITIES

Article 9

1. The sending State may, in accordance with such conditions as may be prescribed by the laws of the territory, acquire, hold and occupy, under any form of tenure which may exist under the laws of the territory, either in its own name or in the name of one or more natural or juridical persons acting on its behalf, land, buildings, parts of buildings and appurtenances situated in the territory and required by the sending State for the purposes of a consulate, or of a residence for a career consular officer or for other purposes, to which the receiving State does not object, arising out of the operation of the consular establishment of the sending State. If, under the law of the territory, the permission of the authorities of the territory must be obtained as a prerequisite to any such acquisition, such permission shall be granted, provided that the necessary formalities have been complied with.

2. The sending State shall have the right to erect, for any of the purposes specified in paragraph (1) of this Article, buildings and appurtenances on land which it has so acquired.

3. It is understood that the sending State shall not be exempt from compliance with any building or town planning regulations or restrictions applicable to the area in which the land, buildings, parts of buildings and appurtenances referred to in paragraphs (1) and (2) of this Article are situated.

Article 10

1. There may be placed, on the outer enclosure and outer wall of the building in which a consulate is installed, the coat-of-arms or national device of the sending State with an appropriate inscription designating the consulate in the official language of the sending State. It shall also be permitted to place such coat-of-arms or national device and inscription on or by the entrance door to the consulate.

2. The flag of the sending State and its consular flag may be flown at the consulate and also, on suitable occasions, at the consular officer's residence. In addition, a consular officer may place the coat-of-arms or device and fly the flag of the sending State and its consular flag on the vehicles, vessels and aircraft which he employs in the exercise of his duties,

3. A consular office shall not be entered by the police or other authorities of the territory except with the consent of the consular officer in charge, or, if such consent cannot be obtained, pursuant to appropriate writ or process and with the consent of the Secretary of State for Foreign Affairs in the case of the territories referred to in paragraph (1) of Article 1, or of the Minister for Foreign Affairs in the case of the Kingdom of Greece. The consent of such consular officer shall be assumed in the event of fire or other disaster or if the authorities of the territory have reasonable cause to believe that a crime of violence has been or is being or is about to be committed in the consular office. The provisions of this paragraph shall not apply to a consular office in the charge of a consular officer who is a national of the receiving State or who is not a national of the sending State.

4. A consulate shall not be used to afford asylum to fugitives from justice. If a consular officer shall refuse to surrender a fugitive from justice on the lawful demand of the authorities of the territory, these authorities, subject to the provisions of paragraph (3) of this Article in regard to the consular office, may, if necessary, enter to apprehend the fugitive.

5. Any entry into or search of a consular office pursuant to paragraphs 3 and 4 of this Article shall be conducted with due regard to the inviolability of the consular archives, as recognised in paragraph (1) of Article 12.

6. A consular officer shall not take advantage of the privileges accorded to the consular office by this Convention for any purpose not connected with the exercise of his consular functions.

Article 11

1. Land, buildings, parts of buildings and appurtenances, including the furniture and equipment thereof, held or occupied exclusively for any of the purposes specified in paragraph (1) of Article 9, together with the vehicles, vessels and aircraft of a consulate, shall not be subject to military requisitions or billeting. Such land, buildings, parts of buildings and appurtenances shall not be immune from expropriation or seizure for purposes of national defense or public utility in accordance with the laws of the territory, but, if it is necessary to take any such measure with regard to any such property, every consideration shall be shown to avoid interference with the performance of consular functions.

2. In addition, a consular officer or employee provided, in either case, that he complies with the conditions specified in paragraph (5) of this Article, his residence, furniture and other household articles, and all vehicles, vessels and aircraft held or possessed by him, shall enjoy exemption from all military re-

quisitions, contributions or billeting. This privilege shall not be extended to other property belonging to him. The residence of a consular officer or employee shall not be immune from expropriation or seizure for purposes of national defence or public utility in accordance with the laws of the territory.

3. Further, due compensation for expropriation or seizure, payable at the official selling rate of exchange most favourable to the sending State at the time when the property was expropriated or seized, in a form readily convertible into the currency of and transferable to the sending State, in respect of all proprietary interests in a consulate (including all land, buildings, parts of buildings and appurtenances, held or occupied exclusively for any of the purposes specified in paragraph (1) of Article (9) owned by the sending State, or vested in a consular officer or employee or other natural or juridical person acting on behalf of the sending state, shall be paid not later than three months from the date on which the consulate or consular officer or employee is deprived of possession.

4. A consular officer, provided that he is not a national of the receiving State, and also a consular employee, provided that he complies with the conditions specified in paragraph (5) of this Article, shall enjoy exemption from military, naval, air, police, administrative or jury service of every kind.

5. The conditions referred to in paragraphs (2) and (4) of this Article are that the person concerned shall —

- a) be a national of the sending State and not possess the nationality of the receiving State; and
- b) not be engaged in any private occupation for gain in the territory; and
- c) not have been ordinarily resident in the territory at the time of his appointment to the consulate.

Article 12

1. The archives and all other official documents and papers of a consulate shall at all times be inviolable and the authorities of the territory may not under any pretext examine or detain any of them.

2. Such archives and official documents and papers shall be kept separate from papers, books or correspondence of a consular officer or employee relating to other matters. This provision does not require the separation of diplomatic from consular archives and official papers when a consular office is situated on the premises of a diplomatic mission.

3. A consular officer shall be entitled to communicate with his government, with his superintending diplomatic mission or with other consulates of the sending State which are situated in the same territory by post, telegraph, telephone and other public services, and may send and receive official correspondence by sealed consular pouches, bags and other containers and may, in both cases, use secret language. When, however, the receiving State is at war, such right of communication and correspondence with the superintending diplomatic mission, if the latter is situated outside the territories of the receiving State, may be restricted. A consular officer may, in addition, similarly communicate and correspond with other diplomatic missions and consulates of the sending state or with the authorities of other territories of that State, provided that, when the receiving State is at war, this extended right may be restricted.

4. The official consular correspondence referred to in the preceding paragraph shall be inviolable and the authorities of the territory shall not examine or detain it. In exceptional cases they may, however, request that sealed consular pouches, bags and other containers should be opened by a consular officer in their presence in order to satisfy themselves that the containers do not hold anything but official correspondence.

5. A consular officer or employee shall be entitled to refuse a request from the courts or authorities of the territory to produce any documents from his archives or other official papers or to give evidence relating to matters within the scope of his official duties. Such a request shall, however, be complied with in the interests of justice if, in the judgment of the consular officer in charge, it is possible to do so without prejudice to the interests of the sending State.

6. A consular officer shall also be entitled to decline to give evidence as an expert witness with regard to the laws of the sending State.

Article 13

1. A consular officer or employee shall not be liable, in proceedings in the courts of the receiving State, in respect of acts performed in his official capacity, falling within the functions of a consular officer under international law, unless the sending State requests or assents to the proceedings through its diplomatic representative.

2. It is understood that the provisions of paragraph (1) of this Article do not preclude a consular officer or employee from being held liable in a civil action arising out of a contract concluded by him in which he did not expressly contract as agent for his government and in which the other party looked to him personally for performance, and that the provisions of paragraph (5) of Article 12 do

not entitle a consular officer or employee to refuse to produce any document or to give evidence relating to such a contract.

3. A consular officer or employee may be required to give testimony in either a civil or a criminal case, except as provided for in paragraphs (5) and (6) of Article 12. The authority or court requiring his testimony shall take all reasonable steps to avoid interference with the performance of his official duties. In the case of a consular officer the authority or court shall, wherever permissible and possible, arrange for the taking of such testimony, orally or in writing, at his office or residence.

4. All motor vehicles, vessels and aircraft owned by the sending State and used for the purposes of a consulate or for the purposes of a consular officer or employee, and likewise all motor vehicles, vessels and aircraft owned by a consular officer or employee shall be adequately insured by policies against third party risks. Any action by a third party in respect of any such risk shall be deemed to be an action involving liability as set out in paragraph (2) of this Article, and the provisions of paragraph (5) of Article 12 shall not entitle a consular officer or employee to refuse to produce any document or to give evidence in connexion with such an action.

5. A consular officer and his wife and minor children residing with him shall be exempt from the requirements of the laws of the territory with regard to the registration of foreigners and permission to reside, and shall not be subject to deportation while the consular officer holds his *exequatur* or other authorisation.

Article 14

Except at the request or with the consent of the sending State a career consular officer shall not be subjected in any territory of the receiving state to detention in custody pending trial, in respect of acts performed otherwise than in his official capacity, unless he is accused of a grave offence as defined in Article 2 (9) of this Convention.

PART IV

FINANCIAL PRIVILEGES

Article 15

No tax or other similar charge of any kind (national, state, provincial, municipal or other) shall, in the territory, be imposed on or collected from the

sending State or any natural or juridical person acting on its behalf in respect of—

a) the ownership or occupation of land, buildings, parts of buildings or appurtenances used exclusively for any of the purposes specified in paragraph (1) of Article 9 of this Convention, except taxes or other assessments levied for services or for local public improvements to the extent that the said premises are benefited thereby;

b) transactions or instruments relating to the acquisition of immovable property for any of the said purposes;

c) the ownership, possession or use of movable property for consular purposes.

Article 16

1. (*a*) No tax or other similar charge of any kind shall be imposed or collected in the territory by the receiving State, or by any state, province, municipality or other local subdivision thereof, in respect of fees received on behalf of the sending State in compensation for consular services, or in respect of any receipt given for the payment of such fees.

b) The sending State or a consular officer or employee thereof shall be exempt in the territory from all taxes or other similar charges of any kind imposed or collected by the receiving State, or by any state, province, municipality or other local subdivision thereof, in respect of acts performed in the course of the officer's or employee's official functions. This exemption shall not apply to taxes or other similar charges in respect of which some other person is legally liable, notwithstanding that the burden of the tax or other similar charge may be passed on to the sending State or the consular officer or employee.

2. No tax or other similar charge of any kind shall be imposed or collected in the territory by the receiving State, or by any state, province, municipality or other local subdivision thereof, in respect of the official emoluments, salary, wages or allowances received as compensation for his consular services by a consular officer.

3. The provisions of paragraph (2) of this Article shall also apply to the official emoluments, salary, wages or allowances received as compensation for his services at a consulate by a consular employee, unless such consular employee is a national of the receiving State.

4. A consular officer or employee shall, in addition, except as provided in paragraph (5) of this Article, be exempt in the territory from all taxes or other similar charges of any kind which are or may be imposed or collected by the

receiving State, or by any state, province, municipality or other local subdivision thereof, other than taxes or duties imposed upon or by reason of importation into the territory, exemption from which is dealt with exclusively in Article 17, provided that such officer or employee is—

- a) not a national of the receiving State; and
- b) not engaged in private occupation for gain in the territory; and
- c) a permanent employee of the sending State, or if not a permanent employee thereof, was not ordinarily resident in the territory at the time of his appointment to the consulate.

5. (a) The provisions of paragraph (4) of this Article shall apply only to taxes or other similar charges in respect of which the consular officer or employee would, in the absence of the exemption provided by this Article, be the person legally liable, and shall not apply to taxes or other similar charges in respect of which some other person is legally liable, notwithstanding that the burden of the tax or other similar charge may be passed on to the consular officer or employee. If, however, a consular officer or employee is entitled to income from sources outside the territory but that income is payable to him, or collected on his behalf, by a banker or other agent within the territory who is required to deduct income tax on payment of the income and to account for the tax so deducted, the consular officer or employee shall be entitled to repayment of the tax so deducted.

- b) The provisions of paragraph (4) shall not apply to—
 - i) taxes imposed or collected on the ownership or occupation of immovable property situated within the territory;
 - ii) taxes on income derived from other sources within the territory;
 - iii) taxes imposed or collected within the territory on the passing of property on death, whether the consular officer or employee is the person who dies or the person to whom the property passes on death;
 - iv) taxes on transactions or instruments effecting transactions, such as taxes on the sale or transfer of money or property, or stamp duties imposed or collected in connexion therewith;
 - v) excise, consumption or other similar taxes, which shall not be deemed to include any such tax imposed or collected on the ownership, use or operation of vehicles, vessels or aircraft, or of any wireless or television set or on articles imported into the territory in accordance with the provisions of Article 17.

Article 17

1. All furniture, equipment, supplies, building materials and other articles, including vehicles, vessels and aircraft, intended for official use in the territory

in connexion with any of the purposes specified in paragraph (1) of Article 9 shall be permitted entry into the territory free of all taxes or duties imposed upon or by reason of importation.

2. Baggage and effects and other articles, including vehicles, vessels and aircraft, imported into the territory by a consular officer or employee, provided, in either case, that he fulfils the conditions specified in paragraph (4) of Article 16, exclusively for his personal use or the use of members of his family forming part of his household, shall be exempt from all taxes or duties (national, state, provincial, municipal or other) imposed upon or by reason of importation, whether accompanying him to his consular post, either upon first arrival or upon subsequent arrivals, or subsequently consigned to him at his post and imported at any time while he is assigned to or employed at such post.

3. It is, however, understood that—

a) the receiving State may, as a condition to the granting of the exemption provided in this Article, require that a notification of any importation or re-exportation be given in such manner as it may prescribe;

b) the exemption provided in this Article, being in respect of articles imported for official or personal use only, does not extend to, *inter alia*, articles imported as an accommodation to others or for sale or for other commercial purposes. However, articles imported as samples of commercial products solely for display within a consulate and subsequently re-exported or destroyed shall not be regarded as excluded from the exemption provided in this Article;

c) the receiving State may determine that the exemption provided in this Article does not apply in respect of articles grown, produced or manufactured in the territory which have been exported therefrom without payment of or upon repayment of taxes or duties which would have been chargeable but for such exportation;

d) nothing herein shall be construed so as to permit the entry into the territory of any article the importation of which is specifically prohibited by law.

PART V

GENERAL CONSULAR FUNCTIONS

Article 18

1. A consular officer shall be entitled, within his district, to protect the nationals of the sending state and their property and interests. For this purpose he may —

- a) interview, communicate with and advise any national of the sending State;
- b) enquire into any incidents which have occurred affecting the interests of any such national;
- c) assist any such national in proceedings before or in relations with the authorities of the territory, arrange for legal assistance for him, where necessary, and act as interpreter on his behalf, or appoint an interpreter so to act, before the said authorities, at their request or with their consent;
- d) apply to and correspond with the appropriate authorities within his district and the appropriate departments of the central government of the territory. He shall not, however, be entitled to correspond with or to make diplomatic claims to the Foreign Office or the Ministry for Foreign Affairs, as the case may be, except in the absence of any diplomatic representative of the sending State. When any such representations are made in writing, a consular officer may be required by the authority or department concerned to attach a translation into the official language of the territory.

2. A national of the sending State shall have the right at all times to communicate with the appropriate consular officer and, unless subject to lawful detention, to visit him at his consulate.

Article 19

1. A consular officer shall be informed immediately by the appropriate authorities of the territory when any national of the sending State is confined in prison awaiting trial or is otherwise detained in custody within his district.

2. A consular officer shall be permitted to visit without delay, to converse privately with and to arrange legal representation for, any national of the sending State who is so confined or detained for the purpose of any proceedings or interrogations or who is entitled to appeal under the ordinary rules as to the time within which an appeal may be made. Any communication from such a national to the consular officer shall be forwarded without delay by the authorities of the territory.

3. Without prejudice to the provisions of paragraph (2) of this Article, when a national of the sending State is detained in custody in pursuance of his sentence, the consular officer within whose district he is detained shall, upon notification to the appropriate authority, have the right to visit him. Any such visit shall be conducted in accordance with the regulations in force in the institution in which he is detained, it being understood, however, that such regulations shall permit reasonable access to and opportunity of conversing with such national.

Article 20

A consular officer may, within his district, further the commercial, artistic, scientific, professional and educational interests of the sending State.

Article 21

A consular officer may, within his district,

1. *a)* receive such declarations as may be required to be made under the nationality laws of the sending State;

b) issue such notices to, and receive such declarations from, a national of the sending State as may be required under the laws of the sending State with regard to compulsory national service;

c) register the birth or death of a national of the sending State and record a marriage celebrated under the laws of the territory, provided that at least one of the parties is a national of the sending State, but it is understood that such consular registration of a birth or death or the recording by a consular officer of such a marriage in no way exempts a private person from any obligation under the laws of the territory with regard to the notification and registration of births, deaths or marriages with the authorities of the territory;

d) issue passports and travel documents to nationals of the sending State and grant visas and other appropriate documents to persons seeking entry into the sending State;

e) issue, with regard to goods, certificates of origin and interest for use in the sending State;

f) serve judicial documents or take evidence on behalf of courts of the sending State in a manner permitted under special arrangements on this subject between the High Contracting Parties or otherwise not inconsistent with the laws of the territory :

2. draw up and receive declarations, and legalize, authenticate or certify signatures or documents, translate documents and perform other notarial acts in connexion with documents in any case where these services are required by a person of any nationality for use in the sending State or under the law in force in the sending State. If under that law the administration of an oath or affirmation is required, such oath or affirmation may be administered. A consular officer may also perform these functions in connexion with documents required by a national of the sending State for use elsewhere than in the sending State, but it is understood that this provision involves no obligation on the authorities

of the receiving State to recognise the validity of such notarial and other acts, referred to in this paragraph, performed by a consular officer in connexion with documents required under the laws of the receiving State.

PART VI

ESTATES AND TRANSFERS OF PROPERTY

Article 22

1. In any case where a deceased person leaves property in a territory and a legal or equitable interest in such property (for instance, as executor or beneficiary under a will or in cases of intestacy) is held or claimed by a national of the sending State who is not resident in the territory and is not legally represented there, the consular officer in whose district the estate of the deceased person is being administered or, if no administration has been instituted, his property is situated shall have the right to represent such national as regards his interests in the estate or property as if valid powers of attorney had been executed by him in favour of the consular officer. If subsequently such national becomes legally represented in the territory, the consular officer's position shall be as if he previously had a power of attorney from the national which has ceased to be operative as from the date when the consular officer is informed that such national is otherwise legally represented or, if a grant has already been made to the consular officer in accordance with the provisions of paragraph (3) of this Article, as from the date when a further grant is made to that national on his own application or on the application of his legal representative.

2. The provisions of paragraph (1) of this Article shall apply whatever the nationality of the deceased person and irrespective of the place of his death.

3. In any case where a consular officer has a right of representation under paragraph (1) of this Article, he shall have the right to take steps for the protection and preservation of the interests of the person whom he is entitled to represent. He shall also have the right to take possession of the estate or the property to the same extent as if he were duly appointed attorney of the person whose interests he represents, unless another person, having equal or prior rights, has taken the necessary steps to assume possession thereof. If under the laws of the territory a grant of representation or order of a court is necessary for the purpose of enabling the consular officer to protect or to take possession of the property, any grant or order which would have been made in favour of the duly appointed attorney of the person whose interests are represented by the consular officer shall be made in favour of the consular officer on his application. On *prima facie* evidence of the necessity for the immediate protection and preservation of the estate and of the existence of persons with an interest which the

consular officer has a right to represent, the court shall, if satisfied as to such necessity, make a grant or an order to the consular officer provisionally, limited to the protecting and preserving of the estate, until such time as a further grant of representation is made.

4. *a)* Subject to sub-paragraphs *(b)* and *(c)* of this paragraph, the consular officer shall have the right to full administration of the estate to the same extent as if he were the duly appointed attorney of the person whose interests he represents. If by the law of the territory a grant by a court is necessary, the consular officer shall have the same right to apply for and to receive a grant on his application as the duly appointed attorney of the person whose interests he represents.

b) The court may, if it thinks fit, postpone the making of a grant to the consular officer for such time as it deems necessary to enable the person represented by the consular officer to be informed and to decide whether he desires to be represented otherwise than by the consular officer.

c) The court may, if it thinks fit, order the consular officer to furnish reasonable evidence of the receipt of the assets by the persons entitled to them by law or to repay or return those assets to the competent authority or person in the event of his being unable to furnish such evidence, or it may order that, the consular officer having otherwise fully administered the estate, the actual transmission of the assets to those persons shall be effected through such other channels as it may direct.

5. A consular officer shall, in addition, be entitled within his district to receive and distribute an estate of small value of a deceased national of the sending State without first obtaining a grant of representation, to the extent that, and subject to the conditions under which, this may be permitted under the laws of the territory.

6. If a national of the sending State dies while travelling in or passing through the territory without being either domiciled or resident there, the consular officer within whose district such national has died shall be permitted, for the purpose of safeguarding the money and effects in the personal possession of the deceased, to take immediate custody thereof, subject to the right of the administrative or judicial authorities of the territory to take possession of such money and effects in any case where the interests of justice or the investigation of crime so require. Any right to retain possession or to dispose of such money or effects shall be subject to the law of the territory and to the provisions of the preceding paragraphs of this Article.

7. If a consular officer exercises the rights referred to in the preceding paragraphs of this Article with regard to an estate, he shall in that matter be subject to the law of the territory and to the jurisdiction of the courts of the territory in the same manner as a national of the receiving State.

8. In any case where it is brought to the knowledge of the local authorities (administrative or judicial) of the territory that—

a) there is an estate in the territory with regard to which the consular officer may have a right to represent interests under the preceding paragraphs of this Article; or

b) a national of the sending State has died in the territory and it appears that there is not present or represented in the territory any person, other than a public administrator or similar official, entitled to claim administration of any property which the deceased may have left there, they shall inform the consular officer to this effect.

Article 23

A consular officer may receive, for transmission to a national of the sending State who is not resident in the territory, from a court, agency or person, money or property to which such national is entitled as a consequence of the death of any person. Such money or property may include, but is not limited to, shares in an estate, payments made pursuant to workmen's compensation laws or any similar laws and the proceeds of life insurance policies. The court, agency or person making the distribution shall not be obliged to transmit such money or property through the consular officer, and the consular officer shall not be obliged to receive such money or property for transmission. If he does receive such money or property, he shall comply with any conditions laid down by such court, agency or person with regard to furnishing reasonable evidence of the receipt of the money or property by the national to whom it is to be transmitted and with regard to returning the money or property in the event of his being unable to furnish such evidence.

Article 24

Money or other property may be paid, delivered or transferred to a consular officer pursuant to the provisions of Articles 22 and 23 only to the extent that, and subject to the conditions under which, payment, delivery or transfer to the person whom the consular officer represents or on whose behalf he receives the money or property would be permitted under the laws and regulations of the receiving State. The consular officer shall acquire no greater rights in respect of any such money or other property than the person whom he represents or on whose behalf he receives the money or property would have acquired, if the money or property had been paid, delivered or transferred to such person directly.

PART VII

SHIPPING

Article 25

1. When a vessel of the sending State visits a port (which includes any place to which a vessel may come) in the receiving State, the master and the members of the crew of the vessel shall be permitted to communicate with the consular officer in whose district the port is situated and the consular officer shall be permitted freely to perform the duties enumerated in Article 26 without interference on the part of the authorities of the territory. For the purpose of performing any of these duties, the consular officer, accompanied, if he so desires, by consular employees on his staff, may proceed personally on board the vessel after she has received *pratique*. In connexion with these duties the master and appropriate members of the crew may proceed to the consulate, unless the authorities of the territory shall object on the ground that it would not be practicable for the master and members of the crew concerned to rejoin the vessel before her departure. In the event of such objection being made the authorities of the territory shall immediately inform the appropriate consular officer.

2. The consular officer may invoke the assistance of the authorities of the territory in any matter pertaining to the performance of these duties, and they shall give the requisite assistance, unless they have special reasons which would fully warrant refusing it in a particular case.

Article 26

1. The consular officer may question the master and members of the crew, examine the vessel's papers, take statements with regard to the vessel's voyage and her destination and generally facilitate the entry and departure of the vessel.

2. The consular officer or a consular employee may appear with the master or members of the crew before the local authorities and courts, may lend his assistance (including, where necessary, arranging for legal aid) and may act as interpreter in matters between them and these authorities. These rights may be withheld only in cases where questions of national security are involved.

3. Without prejudice to any right which the judicial authorities of the territory may possess to take jurisdiction in accordance with the provisions of Article 28 (1), the consular officer may decide disputes between the master and members of the crew, including disputes as to wages and contracts of service, arrange for the engagement and discharge of the master and members of the crew, and take measures for the preservation of good order and discipline on the vessel.

4. The consular officer may take measures for the enforcement of the shipping law of the sending State.

5. Subject to compliance with any restrictions relating to admission into the territory, a consular officer may make arrangements to send seamen, who are nationals of the sending State, to ports in the territories of the receiving State, in order that they may join vessels of the sending State, and, for this purpose, may use seamen's papers in lieu of passports.

6. The consular officer may, where necessary, make arrangements for the treatment in a hospital and the repatriation of the master or members of the crew of the vessel.

7. The consular officer may receive, draw up or execute any declaration, transfer or other document prescribed by the law of the sending State in connexion with

a) the transfer to or the removal from the register of the sending State of any vessel; or

b) the transfer from one owner to another of any vessel on that register; or

c) the registration of any mortgage or charge on such a vessel.

Article 27

1. If a seaman deserts from a vessel of the sending State in a port of the receiving State, the administrative and judicial authorities of the territory shall, at the request of the appropriate consular officer of the sending State, aid in apprehending the deserter and, on proof of the desertion, detain him and order him to be conveyed on board the vessel or delivered to the master or owner thereof or his agent to be so conveyed.

2. The authorities of the territory shall not, however, be obliged to take action as contemplated in paragraph (1) of this Article in respect of a seaman who is a national of the receiving State, and shall not be obliged in any other case to take such action except in accordance with the law of the territory.

3. If the deserter shall be accused of an offence (other than the desertion) which is cognizable under the law of the territory, or if he shall have been convicted of such an offence, the authorities of the territory shall not be obliged to order him to be conveyed on board the vessel or delivered to the master or owner thereof or his agent to be so conveyed, until he has been tried and has undergone any punishment which may have been awarded to him.

Article 28

1. Except at the request or with the consent of the consular officer, the administrative authorities of the territory shall not concern themselves with any matter relating to the internal management of the vessel. The judicial authorities

of the territory shall not entertain any proceedings with regard to disputes as to wages and contracts of service between the master and members of the crew without giving notice to the appropriate consular officer and shall refuse to entertain the proceedings, if the consular officer objects. The administrative and judicial authorities shall not interfere with the detention in custody on the vessel of a seaman for disciplinary offences, provided that such detention is lawful under the law of the sending State and is not accompanied by unjustifiable severity or inhumanity.

2. Without prejudice to their right to take cognisance of offences committed on board any vessel in the ports or in the territorial waters of the territory and cognizable under the local law or to enforce local laws applicable to such vessel or persons and property on board, the High Contracting Parties affirm their approval of the international practice under which the authorities of the territory should not, except at the request or with the consent of the consular officer

a) concern themselves with any matter taking place on board the vessel unless for the preservation of peace and order or in the interests of public health or safety;

b) institute prosecutions in respect of offences committed on board the vessel, unless—

- i) they involve the tranquillity or safety of the port or the laws of the territory regarding public health, immigration, the safety of life at sea, customs or any similar matter; or
- ii) they are committed by or against persons other than the master or members of the crew, or by or against persons possessing the nationality of the receiving State; or
- iii) they constitute grave offences as defined in Article 2 (9) of this Convention.

3. If, for the purpose of the exercise of the rights referred to in paragraph (2) of this Article, it is the intention of the authorities of the territory to arrest or question any person or to seize any property or to institute any formal enquiry on board the vessel, the master or other officer acting on his behalf shall be given an opportunity to inform the consular officer, and, unless this is impossible on account of the urgency of the matter, to inform him in such time as to enable the consular officer or a consular employee on his staff to be present, if he so desires. If the consular officer has not been present or represented, he shall be entitled, on his request, to receive from the authorities of the territory full information with regard to what has taken place. The provisions of this paragraph do not, however, apply to routine examinations by the authorities of the

territory with regard to customs, health and the admission of foreigners, or to detention of the vessel or of any portion of her cargo arising out of civil or commercial proceedings in the courts of the territory.

Article 29

1. The consular officer shall have the right to inspect, at ports within his consular district, a vessel of any flag destined to a port of the sending State, in order to enable him to procure the necessary information to prepare and execute such documents as may be required by the law of the sending State as a condition of entry of such vessel into its ports, and furnish the competent authorities of the sending State with such information with regard to sanitary or other matters as these authorities may require.

2. In exercising the rights conferred upon him by this Article, the consular officer shall act with all possible despatch.

Article 30

1. If a vessel of the sending State is wrecked in the receiving State, the consular officer in whose district the wreck occurs shall be informed as soon as possible by the appropriate authorities of the territory of the occurrence of the wreck.

2. The appropriate authorities of the territory shall take all practicable measures for the preservation of the wrecked vessel, of the lives of persons on board, of the cargo and of other property on board, and for the prevention and suppression of plunder or disorder on the vessel. These measures shall also extend to articles belonging to the vessel or forming part of her cargo which have become separated from the vessel.

3. If the vessel is wrecked within a port or constitutes a navigational hazard within the territorial waters of the receiving State, the authorities of the territory may also order any measures to be taken which they consider necessary with a view to avoiding any damage that might otherwise be caused by the vessel to the port facilities or to other vessels.

4. If neither the owner of the wrecked vessel, his agent (or the underwriters concerned) nor the master is in a position to make arrangements, the consular officer shall be deemed to be authorized to make, as agent for the owner, the same arrangements as the owner himself could have made, if he had been present, for the disposal of the vessel in accordance with the relevant provisions of the law of the territory.

5. No customs duties (including other duties imposed upon or by reason of the importation of goods into the territory) shall be levied by the authorities of the territory on the cargo, stores, equipment and fittings, or articles, carried by or forming part of the wrecked vessel, unless they are brought ashore for use

or consumption in the territory. The authorities of the territory, however, if they think fit, may require security for the protection of the revenue in relation to such goods.

6. No charge (other than customs duties, when they are leviable in accordance with paragraph (5) of this Article) shall be levied by the authorities of the territory in connexion with the wrecked vessel, any property on board, or her cargo, other than charges of the same kind and amount as would be levied in similar circumstances upon or in connexion with vessels of the receiving State.

Article 31

Where any articles belonging to or forming part of a wrecked vessel of any flag (not being a vessel of the receiving State) or belonging to or forming part of the cargo of any such vessel are found on or near the coast of the receiving state or are brought into any port of that State, the consular officer in whose district the articles are found or brought into port shall be deemed to be authorized to make, as agent of the owner of the articles, such arrangements relating to the custody and disposal of the articles as the owner himself could have made, if—

a) in the case of articles belonging to or forming part of the vessel, the vessel is a vessel of the sending State, or, in the case of cargo, the cargo is owned by nationals of the sending State; and

b) neither the owner of the articles, his agent, the underwriters nor the master of the vessel is in a position to make these arrangements.

Article 32

1. If the master or a member of the crew of a vessel of the receiving State, being a national of the sending State, dies afloat or ashore in any country, the competent department of the receiving State shall furnish promptly to the appropriate consular officer of the sending State copies of the accounts which may be received by it with respect to the wages and effects of the deceased master or seaman, together with any particulars at the disposal of the department likely to facilitate the tracing of persons legally entitled to succeed to the property of the deceased.

2. In any case where the value of the wages and effects of the deceased master or seaman, together with any other property of his which comes into the control of the competent department, does not exceed £100 sterling, where the competent department is an authority of Her Britannic Majesty, or the equivalent sum in drachmae, where the competent department is an authority of His Majesty The King of The Hellenes, and the competent department is satisfied that there is

any person entitled to succeed to the property of the deceased, otherwise than as a creditor, and that this person is resident in the sending State, the competent department shall hand over the wages, effects and property in its custody of the deceased master or seaman to the consular officer. However, the competent department shall have the right, before handing over, to meet out of the master's or seaman's assets under its control any claim against his estate of any person resident elsewhere than in the sending State which it considers to be legally due. Any claim against the estate of the deceased master or seaman which is received by that department after handing over shall be referred to the competent department of the sending State. In the case of Her Britannic Majesty, the competent department shall be the Ministry of Transport of the United Kingdom. In the case of His Majesty The King of The Hellenes, the competent department shall be the Royal Ministry for Foreign Affairs.

3. In any case where the competent department does not hand over to the consular officer the wages and effects and other property under its control of a deceased master or seaman, when the conditions for this purpose stated in paragraph (2) of this Article are fulfilled, the competent department shall, before delivering the assets to any person considered to be entitled to succeed to the property of the deceased, give notice to the consular officer of its intention, stating the person to whom it is proposed to deliver them, in order to give the consular officer a reasonable opportunity to furnish information which may be relevant for the final decision as to the person entitled to receive the property or to the existence of other claims on the estate of which the competent department may be unaware.

4. The provisions of paragraphs (2) and (3) of this Article shall not apply where the competent department delivers assets under its control to a person who has obtained a grant of representation from a court in the receiving State, but in this case it shall promptly inform the consular officer to this effect.

PART VIII

GENERAL PROVISIONS RELATING TO CONSULAR FUNCTIONS

Article 33

1. The provisions of Articles 18 to 32 relating to the functions which a consular officer may perform are not exhaustive. A consular officer shall also be permitted to perform other functions, provided that—

a) they are in accordance with international law or practice relating to consular officers as recognized in the territory; or

b) they involve no conflict with the laws of the territory and the authorities of the territory raise no objection to them.

2. It is understood that in any case where any Article of this Convention gives a consular officer the right to perform any functions, it is for the sending State to determine to what extent its consular officers shall exercise such right.

Article 34

A consular officer may, within his district, levy the fees prescribed by the sending State for the performance of consular services.

PART IX

FINAL PROVISIONS

Article 35

Any dispute which may arise between the High Contracting Parties as to the proper interpretation or application of any of the provisions of this Convention shall, at the request of either of them, be referred to the International Court of Justice, unless in any particular case the parties agree to submit the dispute to some other tribunal or to dispose of it by some other form of procedure.

Article 36

1. Each High Contracting Party shall, before the entry into force of this Convention, inform the other by notification in writing through the diplomatic channel which parts of his territories are to be regarded as territorial units for the purpose of all or some of the Articles of the Convention, and, in the latter case, for the purpose of which Articles they are to be so regarded.

2. Either High Contracting Party may, by a further notification or notifications in writing, inform the other of his decision to modify the arrangements previously notified and each such notification shall take effect six months after the date of its receipt by the latter High Contracting Party.

Article 37

Upon the entry into force of this Convention the provisions of the Agreement between the United Kingdom and Greece relative to Merchant Seamen Deserters, signed at Athens on the 19th August, 1875,¹ and Articles 22, 23 and 24 of the Treaty of Commerce and Navigation between the United Kingdom and Greece, signed at London on the 16th July, 1926², shall be terminated in respect of the territories to which the Convention applies.

¹ De Martens, *Nouveau Recueil général de Traités, Deuxième Série*, Tome II, p. 475.

² League of Nations, *Treaty Series*, Vol. LXI, p. 15; Vol. LXIII, p. 428; Vol. LXXXIII, p. 417; Vol. LXXXVIII, p. 356; Vol. XCVI, p. 192; Vol. C, p. 222; Vol. CXXVI, p. 446; Vol. CXLVII, p. 333, and United Nations, *Treaty Series*, Vol. 88, p. 205.

Article 38

This Convention shall be ratified and the instruments of ratification shall be exchanged at London. The Convention shall enter into force on the thirtieth day after the date of exchange of the instruments of ratification and shall continue in force until six months from the date on which either High Contracting Party shall have given to the other notice of termination.

IN WITNESS WHEREOF, the above-mentioned Plenipotentiaries have signed this Convention and affixed thereto their seals.

DONE in duplicate, at Athens, this 17th day of April 1953, in the English and Greek languages, both texts being equally authoritative.

For Her Britannic Majesty :

Charles PEAKE

For His Majesty The King
of The Hellenes :

STEFANOPOULOS

FIRST AGREED MINUTE

It is understood that the provisions of paragraph (1) of Article 9 of this Convention shall not apply to the Island of Jersey or to any territory of Her Britannic Majesty where under the laws at present in force the acquisition of land in full ownership is restricted to the indigenous inhabitants of the territory in question, unless and until Her Britannic Majesty, in respect of the United Kingdom of Great Britain and Northern Ireland, shall have caused His Majesty The King of The Hellenes to be notified that the law of the Island of Jersey or of any such territory, as the case may be, has been amended to permit of effect being given to the said provisions.

Charles PEAKE

STEFANOPOULOS

Athens, April 17th 1953

SECOND AGREED MINUTE

With reference to the second sentence of Article 28 (1) of this Convention, it is understood that the expression "the appropriate consular officer" denotes, in the absence of specific notification to the contrary from the sending State to the receiving State in the case of any particular territory or territories, the principal consular officer of the sending State within whose district the port where the vessel lies is situated.

Charles PEAKE

STEFANOPOULOS

Athens, April 17th 1953

FIRST PROTOCOL OF SIGNATURE

At the time of signing the Consular Convention of this day's date on behalf of Her Majesty The Queen of Great Britain, Ireland and the British Dominions beyond the Seas, in respect of the United Kingdom of Great Britain and Northern Ireland, and of His Majesty The King of The Hellenes, in respect of the Kingdom of Greece, the undersigned, being duly authorized thereto, declare as follows :

The High Contracting Parties wish to put on record that in their view the following principles are applicable to consulates and consular officers under the general law of nations in the event of war or of the rupture of diplomatic relations :

1) in the event of war or of the rupture of relations between two States, either State shall be entitled to demand the closure of all or any of the consulates of the other State in its territory. It shall also be entitled to close all or any such consulates of the latter State as are situated in other countries which come under its military occupation;

2) in the event of the closure of all or any of the consulates of one State in the territory of another State or in territory which comes under the military occupation of the latter State, the consular officers (including honorary consular officers) and consular employees concerned of the former State who are nationals of the former State and are not nationals of the latter State, provided that their names have been duly notified through the appropriate channel, together with all members of their families, shall be given reasonable time and proper facilities to leave the territory for their own country. They shall be afforded considerate treatment and protection until the moment of their departure, which shall take place within a reasonable period, and they shall be permitted to take with them their archives and official papers together with their personal effects and furniture, or, if they prefer, to deposit them in safe custody in the territory. In either case their archives and official papers shall be inviolable and all practicable steps shall be taken to safeguard their furniture and personal effects.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol and affixed thereto their seals.

DONE, in duplicate, at Athens, this 17th day of April 1953, in the English and Greek languages, both texts being equally authoritative.

For Her Britannic Majesty :

Charles PEAKE

For His Majesty
The King of The Hellenes :

STEFANOPOULOS

SECOND PROTOCOL OF SIGNATURE

At the time of signing the Consular Convention of this day's date on behalf of Her Majesty The Queen of Great Britain, Ireland and the British Dominions beyond the Seas, in respect of the United Kingdom of Great Britain and Northern Ireland, and of His Majesty The King of The Hellenes, in respect of the kingdom of Greece, the undersigned, being duly authorized thereto, declare as follows :

The High Contracting Parties have agreed that the provisions of Article 14 of the Convention shall not come into operation until such time as each High Contracting Party has given notice to this effect to the other.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol and affixed thereto their seals.

DONE, in duplicate, at Athens, this 17th day of April 1953, in the English and Greek languages, both texts being equally authoritative.

For Her Britannic Majesty :

Charles PEAKE

For His Majesty
The King of The Hellenes :

STEFANOPOULOS
