

No. 4744

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
FRANCE**

Consular Convention (with Protocols of signature and exchange of notes). Signed at Paris, on 31 December 1951

Official texts: English and French.

Registered by the United Kingdom of Great Britain and Northern Ireland on 15 June 1959.

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

Convention consulaire (avec Protocoles de signature et échange de notes). Signée à Paris, le 31 décembre 1951

Textes officiels anglais et français.

Enregistrée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 15 juin 1959.

No. 4744. CONSULAR CONVENTION¹ BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE PRESIDENT OF THE FRENCH REPUBLIC. SIGNED AT PARIS, ON 31 DECEMBER 1951

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas; and

The President of the French Republic;

Being desirous of regulating the position of the consular officers of one party admitted to act as such in the territories of the other;

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

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas (hereinafter referred to as " His Majesty "):

For the United Kingdom of Great Britain and Northern Ireland :

His Excellency Sir Oliver Charles Harvey, G.C.M.G., G.C.V.O., C.B.,
His Majesty's Ambassador Extraordinary and Plenipotentiary at Paris.

The President of the French Republic :

For the French Republic :

His Excellency M. Robert Schuman, Minister for 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) in relation to the territories of His Majesty, to the United Kingdom of Great Britain and Northern Ireland, and to all territories for whose international relations His Government in the United Kingdom are responsible;

¹ Came into force on 14 January 1954, the thirtieth day after the date of exchange of the instruments of ratification, in accordance with article 51. The exchange of the instruments of ratification took place at London on 15 December 1953.

(2) in relation to the French Union, to the French Republic, to the other territories of the French Union, excluding the Associated States of Indo China, and to the states for whose international relations France is responsible.

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 his functions, 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, for the purpose of all or some of the articles of the Convention, constitutes a territorial unit. Either High Contracting Party may from time to time inform the other through the diplomatic channel by notification in writing 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. Any such notification shall not, however, take effect until six months after the date of its receipt by the latter High Contracting Party;

(4) the term “ nationals ” means—

(a) in relation to His 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 the French Union, all French citizens and all nationals of the French Union other than nationals of any of its Associated States and all French protected persons including, where the context permits, all juridical entities duly created under the law of any territory of the French Union or of any State under French protection to which the Convention applies;

(5) the term “ vessel ” of a High Contracting Party means for the purpose of Part VII of the Convention, any ship or craft registered under the law of any of the territories of that 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 including ships of war) whether so registered or not;

(6) the term “consular officer” means any person duly appointed by the sending state to act as such in the receiving state and admitted by the latter in this capacity in accordance with the provisions of Article 4 of the Convention. A consular officer may be either—

- (a) a career consular officer, in which case he shall be a national of the sending state and not a national of the receiving state and shall not engage in any professional or business occupation in the receiving state other than his consular functions; or
- (b) an honorary consular officer, in which case he may be a national of the sending state or of the receiving state or of a third state and, in addition to performing his consular functions, may engage in other occupation for gain in the receiving state;

(7) the term “consular agent” means any person appointed to act as such with the consent of the receiving state by the superintending consular officer who will issue his certificate of appointment. A consular agent may be a national of the sending state or of the receiving state or of a third state, and, in addition to performing his consular functions, may engage in other occupation for gain in the receiving state;

(8) the term “consular employee” means any person who performs consular work in a subordinate capacity, provided that his name has been duly communicated in accordance with the provisions of Article 5 of the Convention. He may be a national of the sending state or of the receiving state or of a third state, but shall not engage in any occupation for gain in the receiving state other than his consular employment. The term does not include chauffeurs and persons engaged solely in domestic duties at, or in the upkeep of, the consular premises;

(9) the term “consulate” means any consular establishment whether that of a consul-general, of a consul, of a vice-consul or of a consular agent;

(10) 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.

PART II.—APPOINTMENTS AND DISTRICTS

Article 3

(1) Either High Contracting Party shall have the right to establish at his discretion consulates-general, consulates, vice-consulates or consular agencies in the territories of the other High Contracting Party.

(2) The receiving state shall, however, have the right to object to the establishment of a consulate at any place where a consulate of a third state does not already exist.

(3) The sending state shall keep the receiving state informed of the district of each of its consulates and, subject to the provisions of paragraph (4) of this Article, may prescribe the limits of these districts at its discretion.

(4) 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 of a third state;

(b) of any territory of a third state.

(5) A consular officer may, upon notification to the receiving state, perform consular functions outside his district, unless the receiving state objects.

(6) The sending state shall be free to employ the necessary number of consular officers and employees at its consulates.

Article 4

(1) A consular officer who is appointed head of a post shall be admitted to the exercise of his functions and recognised according to the regulations and formalities laid down by the receiving state. The exequatur, which shall indicate his district, shall be delivered to him, without delay and free of charge, on presentation of his commission or other notification of assignment.

(2) The receiving state shall as soon as possible notify the appointment of a consular officer as head of a post to the appropriate authorities in the consular district to which he has been appointed, and, on this notification and on presentation of the exequatur, the said authorities shall without delay take all necessary measures to enable him to enjoy the rights, powers, privileges and immunities which are accorded to him by this Convention.

(3) Pending the issue of the exequatur a consular officer appointed as head of a post shall provisionally be entitled to exercise his functions and enjoy the benefits accorded by this Convention, unless the receiving state objects. A provisional authorisation to this effect shall if necessary be granted to him.

(4) In the case of a subordinate consular officer or consular agent it shall be open to the receiving state either to permit him to perform his functions and enjoy the benefits accorded by this Convention by reason of the fact of his appointment, without prior notification, or to require prior notification and authorisation. In the latter event the subordinate consular officer or consular agent shall be provisionally entitled to perform his functions and to enjoy the benefits accorded by the Convention on appointment, unless the receiving state objects.

(5) The receiving state shall not refuse or revoke an exequatur, or withhold or withdraw an authorisation for, or demand the recall of, a subordinate consular officer or consular agent, except for grave reasons. In the case of the revocation

of an exequatur or of a demand for the recall of, or of the withdrawal of an authorisation for, a subordinate consular officer or consular agent, the reasons therefor shall upon request be furnished to the sending state through the diplomatic channel.

(6) In the event of any such refusal, revocation, withholding, withdrawal or demand for recall, the consular officer or agent concerned shall cease to be entitled to perform consular functions in the territory or to enjoy the benefits accorded by this Convention.

Article 5

Consular officers appointed as heads of posts shall keep the government of the territory informed of the names and addresses of their consular employees. It will be for the government of the territory to designate the particular authority to which this information is to be given.

Article 6

The sending state may, with the permission of the receiving state, employ on consular work one or more members of its diplomatic mission accredited to the receiving state. In this event the provisions of Article 4 of this Convention shall apply as regards their consular assignment. Such officers shall be entitled, in their consular capacity and with regard to the performance of consular functions, to the benefits, and be subject to the obligations, of the Convention, without prejudice to any additional personal privileges to which they may be entitled, if they are recognised also as diplomatic officers by the receiving state.

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. Such acting officer may perform these duties and enjoy the benefit of the provisions of this Convention upon notification to the government of the territory pending the return to duty of the officer concerned or the appointment of a new consular officer.

Article 8

Without prejudice to the provisions of paragraph (3) of Article 47, Parts V and VII, together with Article 34 of this Convention shall apply to consular agents as well as to consular officers.

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 under any form of tenure which may exist under the laws of the territory, and may thus hold and occupy, 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 consular officer, agent or employee, 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 laws 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 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 and inscription on or by the entrance door to the consulate.

(2) The national flag of the sending state or its consular flag may be flown at the consulate. A consular officer or agent may also place the coat-of-arms and fly the national flag of the sending state or its consular flag on the vehicles, vessels and aircraft which he employs in the exercise of his official duties. On suitable occasions these flags may also be flown at the consular officer's residence.

Article 11

(1) 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 of this Convention, or of the Minister for Foreign Affairs in the case of the territories referred to in paragraph (2) of that Article. 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.

(2) A consular office 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 (1) of this Article, may, if necessary, enter the consular office to apprehend the fugitive.

(3) Any entry into or search of a consular office pursuant to paragraphs (1) and (2) of this Article shall be conducted with due regard to the inviolability of the consular archives, as provided for in paragraph (1) of Article 13 of this Convention.

(4) A consular officer shall not take advantage of the privileges accorded in respect of the consular office by this Convention for any purpose not connected with the exercise of his consular functions.

Article 12

(1) Land, buildings, parts of buildings and appurtenances, including the furniture and equipment therein, occupied or held exclusively for any of the purposes specified in paragraph (1) of Article 9 of this Convention, as well as 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 temporary occupation for purposes of national defence 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, agent or employee, provided that he complies with the conditions specified in paragraph (5) of this Article, his private residence, furniture and other household articles and all vehicles, vessels and aircraft possessed or held by him, shall enjoy exemption from all contributions, military requisitions or billeting. This privilege shall not be extended to other property belonging to him. The private residence of a consular officer, agent or employee shall not be immune from expropriation or temporary occupation for purposes of national defence or public utility in accordance with the laws of the territory.

(3) In every case of expropriation or temporary occupation in accordance with the provisions of this Article, due compensation shall be paid to the sending state or to the consular officer, agent or employee concerned, as the case may be, provided that he complies with the conditions specified in paragraph (5) of this Article. This compensation shall be payable at the official selling rate of exchange most favourable to the sending state at the time when the property was expropriated or temporarily occupied, in a form readily convertible into the currency of and transferable to the sending state. It shall be paid not later than six months from the date on which the consulate or the consular officer or employee is deprived of possession.

(4) A consular officer, agent or employee, provided that he complies with the conditions specified in paragraph (5) of this Article, shall enjoy exemption from all public service of every kind.

(5) The conditions referred to in paragraphs (2), (3) and (4) of this Article are that the person concerned shall—

- (a) be a national of the sending state and not a national of the receiving state; and
- (b) not be engaged, in the territory, in any professional or business occupation or in any occupation for gain, as the case may be, other than his consular functions or work; and
- (c) not have been ordinarily resident in the territory at the time of his appointment to the consulate.

Article 13

(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, agent 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. The room or rooms where the archives and official papers of the consulate are kept shall be entirely separate from those used as the private residence of a consular officer, agent or employee or for purposes other than consular or diplomatic business.

(3) (a) A consular officer may communicate with his government or with his superintending diplomatic mission by post, telegraph, telephone and other public services and may send and receive official correspondence by sealed 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 corre-

spondence with the superintending diplomatic mission, if the latter is situated outside the territories of the receiving state, may be restricted.

(b) A consular agent may communicate and correspond freely with the consular officer under whose superintendence he is placed.

(4) The official consular correspondence referred to in paragraph (3) of this Article shall be inviolable and the authorities of the receiving state shall not examine or detain it. When they have serious reasons to advance for so doing, they may, however, request that such sealed bags or other containers should be opened in their presence by an authorised representative of the sending state, in order to satisfy themselves that they do not contain 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 the archives of the consulate or other official papers or to give evidence relating to the contents of such documents or official papers, or to any matter 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 officer in charge of the post, it is possible to do so without prejudice to the interests of the sending state.

Article 14

(1) A consular officer, agent 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, agent 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. The provisions of paragraph (5) of Article 13 and paragraph (2) of Article 16 of this Convention shall not entitle a consular officer, agent or employee to refuse to produce any document, or to give evidence, relating to such a contract.

(3) All motor vehicles, vessels and aircraft owned by the sending state and used by the consulate or owned by a consular officer, agent 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 civil liability as contemplated in paragraph (2) of this Article.

Article 15

(1) A career consular officer shall not be subjected in any territory of the receiving state to detention in custody pending trial except when accused of a grave offence; for this purpose a grave offence shall be deemed to be—

- (a) in any territory referred to in paragraph (1) of Article 1 of this Convention, an offence for which a sentence of imprisonment for five years or over may be awarded;
- (b) in any territory referred to in paragraph (2) of the said Article, an offence which constitutes a *crime* under the laws of the territory.

(2) Subject to the provisions of paragraph (1) of this Article relating to personal immunity, a career consular officer shall be entitled to no immunity from the jurisdiction of the receiving state except as provided for in paragraphs (5) of Article 13, (1) of Article 14 and (2) of Article 16 of this Convention.

Article 16

(1) Subject to the provisions of paragraph (5) of Article 13, a consular officer, agent or employee may be required to give testimony in either a civil or a criminal case. To the extent that the laws of the territory permit, any summons issued in this connexion shall not contain any provision imposing penalties in the event of non-appearance. The court requiring the testimony of a consular officer shall take all reasonable steps to avoid interference with the performance of his official duties and shall, wherever permissible and possible, arrange for the taking of such testimony, orally or in writing, at his office or residence.

(2) A consular officer, agent or employee shall be entitled to refuse any request by the authorities of the territory to advise, or to give evidence, with regard to the laws of the sending state or their interpretation.

Article 17

(1) A consular officer and his wife and minor children residing with him shall be exempted 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 is entitled to exercise his functions in the territory.

(2) A consular employee who is not an acting consular officer may, provided that he is not a national of the receiving state, be subjected to any of the laws and regulations of the territory relating to the entry, residence, control and deportation of foreigners.

PART IV.—FINANCIAL PRIVILEGES

Article 18

Each of the High Contracting Parties shall, in respect of the consulates and of the consular officers, agents and employees of the other High Contracting Party, grant on a reciprocal basis fiscal and customs franchise privileges in accordance with the provisions of Articles 19-23 inclusive of this Convention.

Article 19

No tax or other similar charge of any kind 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 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 by which, and to the extent that, the said premises are benefited;
- (b) transactions or instruments relating to the acquisition of immovable property for any of the said purposes;
- (c) the occupation of such property for any of the said purposes, except taxes or other assessments levied for services or for local public improvements by which, and to the extent that, the said premises are benefited;
- (d) the ownership, possession or use of movable property for any of the said purposes.

Article 20

(1) No tax or other similar charge of any kind shall be imposed or collected in the territory by the receiving state in respect of—

- (a) acts (including the collection of fees in connexion with consular services) performed by a consular officer, agent or employee of the sending state in the course of his official functions, with the exception of taxes or other similar charges in respect of which some other person is legally liable, notwithstanding that the burden thereof may be passed on to the sending state, the consular officer, agent or employee;
- (b) official emoluments, salary, wages or allowances received as compensation for his consular services by a consular officer, agent or employee of the sending state, provided that such consular officer, agent or employee is not a national of the receiving state.

(2) Without prejudice to the exemption set out in paragraph (1) of this Article a consular officer or employee shall be exempt from all taxes or other

similar charges of any kind imposed or collected in the territory, with the exceptions stated in paragraph (4) of this Article, provided that the consular officer or employee concerned—

- (a) is not a national of the receiving state;
- (b) does not engage, in the territory, in any professional or business occupation or in any occupation for gain, as the case may be, other than his consular functions or work; and
- (c) was not ordinarily resident in the territory at the time of his appointment to the consulate.

(3) If a consular officer, agent or employee, who complies with the conditions specified in paragraph (2) of this Article is entitled to income arising 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, agent, or employee shall be entitled to repayment of the tax so deducted.

(4) The provisions of paragraph (2) of this Article shall not apply to—

- (a) taxes imposed or collected on the ownership or occupation of immovable property situated within the territory;
- (b) taxes on income derived from other sources within the territory;
- (c) taxes imposed or collected on the passing of property on death within the territory, whether the consular officer or employee is the person who dies or the person to whom the property passes on death, without prejudice to any special exemption provided for by the law of the territory;
- (d) taxes on transactions or instruments effecting transactions;
- (e) indirect taxes, excise duties, consumption or other similar taxes or charges, which shall not be deemed to include taxes or charges imposed or collected on the ownership, use or operation of vehicles, vessels or aircraft, or of any wireless or television set; and
- (f) duties or taxes imposed upon or by reason of the importation of articles into the territory exemption from which is dealt with exclusively in Articles 21, 22 and 23 of this Convention.

Article 21

Coats-of-arms, flags, special national devices, seals, books, archives and official papers, and office supplies, together with office furniture, metal cupboards, safes, typewriters, wireless and television sets, consigned by the High Contracting Parties to their respective consulates, shall be permitted entry free of all duties or other taxes imposed upon or by reason of importation.

Article 22

(1) In connexion with his installation on taking up his post a consular officer, provided that he complies with the conditions specified in paragraph (2) of Article 20 of this Convention, shall be permitted to import into the territory, free of all duties or taxes imposed upon or by reason of importation, movable property for the exclusive personal use of himself or members of his family forming part of his household. This privilege shall be enjoyed in respect of property arriving in advance of the consular officer, accompanying him on his first arrival, or arriving later, but nothing in the provisions of this paragraph shall be regarded as implying any right on the part of a consular officer to import such movable property once his first installation has been completed.

(2) In addition, motor vehicles, vessels or aircraft imported for the exclusive personal use of such a consular officer or of members of his family forming part of his household shall, whether they arrive in advance of the consular officer or with him on his first arrival, or subsequently, or are obtained by him as replacements, be permitted entry, on a temporary basis, into the territory free of all duties or taxes imposed upon or by reason of importation.

(3) Consular employees, including those acting as consular officers in accordance with the provisions of Article 7, shall not be entitled under this Convention to make any claim to the enjoyment of the benefits accorded by the preceding paragraphs of this Article.

Article 23

(1) The receiving state may determine that the exemptions provided for by Articles 21 and 22 of this Convention shall 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.

(2) The provisions of Articles 21 and 22 of this Convention shall not be regarded as conferring exemption from the observance of any customs formalities or prohibitions upon importation imposed by the laws of the territory.

PART V.—GENERAL CONSULAR FUNCTIONS

Article 24

- (1) A consular officer shall be entitled within his district to—
- (a) interview, communicate with and advise any national of the sending state;
 - (b) inquire 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, and, where necessary, arrange for legal assistance for him;
- (d) act as interpreter on behalf of any such national before the judicial or administrative authorities of the receiving state or appoint an interpreter so to act, at their request or with their consent.

(2) For the purpose of the protection of the nationals of the sending state and their property and interests, a consular officer shall be entitled to apply to and correspond with the appropriate authorities within his district and, in the absence of any diplomatic representative of the sending state, with the appropriate departments of the central government of the territory.

(3) 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 25

(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 provision 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 that such regulations shall permit reasonable access to and opportunity of conversing with such national.

Article 26

- (1) A consular officer shall be entitled within his district to—
- (a) register nationals of the sending state;
 - (b) receive such declarations as may be required to be made under the nationality laws of the sending state;

- (c) (i) register or record the birth or death of a national of the sending state, 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, and receive declarations of recognition of illegitimate children made by a national of the sending state, provided that such declarations are in accordance with the laws of that state;
- (ii) it is understood that consular registration of a birth or death in no way exempts a private person from any obligation laid down by the laws of the territory with regard to the notification and registration of births or deaths with the authorities of the territory;
- (d) register for compulsory national service such nationals of the sending state as may voluntarily submit to these formalities, issue notices to and receive declarations from these nationals, in accordance with the laws of the sending state regarding compulsory national service;
- (e) 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;
- (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;
- (g) perform notarial acts, draw up and receive declarations, legalise, authenticate or certify signatures or documents, and translate documents in any case where these services are required by a person of any nationality for use in the sending state, or under the laws in force in the sending state. If under the laws of that state 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.

(2) The receiving state shall appoint a competent authority to authenticate the signature of consular officers for the purpose of recognition by other authorities of the receiving state, and shall take the necessary steps to ensure that specimens of these signatures are deposited with the said authority.

Article 27

(1) A consular officer may receive for safe custody such sums of money, documents and objects of all kinds as may be delivered to him by, or on behalf of, nationals of the sending state.

(2) It is understood that the provisions of paragraph (5) of Article 13 of this Convention shall not entitle a consular officer to refuse to produce any documents relating to such deposits, and that, if a consular officer exercises the rights referred to in this paragraph, he shall be subject in relation thereto to the laws of the territory and to the jurisdiction of its courts in the same manner as a national of the receiving state.

Article 28

A consular officer shall be entitled within his district to—

- (a) further the commercial and cultural interests of the sending state;
- (b) collect information regarding, and report upon, any matter within the scope of his official duties, it being understood that in the exercise of this function he is subject to any restrictions that may be imposed by the laws of the territory.

PART VI.—ESTATES AND TRANSFERS OF PROPERTY

Article 29

(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 case 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 Article 30 of this Convention, 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.

Article 30

(1) (a) In any case where a consular officer has a right of representation under paragraph (1) of Article 29 of this Convention, 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 the duly appointed attorney of the person whose interests he represents.

(b) 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, if satisfied as to such necessity, shall 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 or order is made.

(2) 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, however, by the laws of the territory a grant by a court is necessary, 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.

Article 31

The court may, if it thinks fit, order the consular officer to furnish reasonable evidence of the receipt of the assets by those 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.

Article 32

In any case where it is brought to the knowledge of the 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 this Part of this Convention; or

- (b) a national of the sending state has died in the territory and there does not appear to be 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 person may have left there; they shall inform the consular officer to this effect.

Article 33

If it is permitted in the territory to receive and distribute an estate without first obtaining a grant of representation, a consular officer shall be entitled so to receive and distribute such an estate of a national of the sending state in accordance with the laws of the territory.

Article 34

If a national of the sending state dies in the territory without being either domiciled or ordinarily 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 personal 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 personal effects shall be subject to the laws of the territory and to the provisions of this Part of this Convention.

Article 35

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 is not obliged to transmit such money or property through the consular officer, and the consular officer is not 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 36

Money or other property may be paid, delivered or transferred to a consular officer pursuant to the provisions of this Part of this Convention 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 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.

Article 37

If a consular officer exercises the rights referred to in this Part of this Convention with regard to an estate, he shall in that matter be subject to the laws of the territory and to the jurisdiction of its courts in the same manner as a national of the receiving state. He shall, however, appear not in his personal capacity but as representing the national concerned by virtue of his consular appointment.

PART VII.—SHIPPING

Article 38

(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 39 of this Convention 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 one or more members of his staff, may proceed personally on board the vessel after she has received *pratique*.

(2) In connexion with these duties the master and appropriate members of the crew may proceed to the consulate in the consular district within which the vessel lies, 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.

(3) 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 39

(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 his representative 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) The consular officer may, provided that the judicial authorities of the territory do not take jurisdiction in accordance with the provisions of paragraph (1) of Article 40 of this Convention, 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 laws of the sending state.

(5) 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.

Article 40

(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 may, however, exercise any jurisdiction which they may possess under the laws of the territory with regard to disputes as to wages and contracts of service between the master and members of the crew. 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 laws of the sending state and is not accompanied by unjustifiable severity or inhumanity.

(2) Without prejudice to their right to take cognizance 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 except for the preservation of peace and order or in the interests of public health or safety; or

- (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, 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) the offence is—
 - (I) in the case of any territory referred to in paragraph (1) of Article 1 of this Convention, an offence for which a sentence of imprisonment for five years or over may be awarded;
 - (II) in the case of any territory referred to in paragraph (2) of the said Article, an offence which constitutes a *crime* under the laws of the territory.

(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 his representative 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 apply to routine examinations by the authorities of the territory with regard to customs, health and the admission of aliens, nor 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 41

(1) A 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 laws of the sending state as a condition of entry of such vessel into its ports and to furnish to the competent authorities of the sending state 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 42

(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) Subject to compliance with the laws of the territory, the consular officer shall be deemed to be authorised to make, as agent for the owner, the arrangements which the latter could have made, if he had been present, in regard to the disposal of the vessel, except where the master has been furnished by the owner with the requisite powers enabling him to act on his behalf, or where all persons having a proprietary interest in the vessel or her cargo, including the owners and the insurers or their representatives having the necessary authority to act in respect of all such interests, are present, and discharge the expenses already incurred and give security for the balance which remains to be settled.

(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, may, if they think fit, 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 43

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 authorised 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 underwriter, nor, where the law of the flag permits, the master of the vessel, is in a position to make these arrangements.

Article 44

(1) The consular officer may make arrangements for the adjustment of marine averages, where a vessel of the sending state or her cargo suffers damage at sea and the vessel arrives at a port within his consular district, provided that no national of the receiving state has a direct financial interest in the said vessel or cargo and provided that there is no agreement in relation thereto between the owners, charterers and insurers.

(2) When any national of the receiving state has a direct financial interest in the adjustment of a marine average, the consular officer may appoint an expert on the adjustment of marine averages and, provided that all the interested parties agree, may arrange a settlement on the basis of his adjustment. In the absence of such agreement, the competent local authorities may make an adjustment.

Article 45

(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 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 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 His Majesty or 100,000 francs, where the competent department is an authority of the President of the French Republic, and the competent department is satisfied that there is a person entitled to succeed to the property of the deceased master or seaman, 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 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 His Majesty the competent department shall be the Ministry of Transport of the United Kingdom. In the case of the President of the French Republic the competent department shall be the Ministry in charge of Merchant Shipping.

(3) In any case where the competent department does not hand over to the appropriate consular officer the wages and effects and other property in its custody 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 that the consular officer may be given a reasonable opportunity to furnish information which may be relevant for taking the final decision.

(4) The provisions of paragraphs (2) and (3) of this Article shall not apply where the competent department delivers assets in its custody 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.

Article 46

A consular officer may receive, draw up or execute any declaration, transfer or other document prescribed by the laws of the sending state in connexion with—

- (a) the transfer to and 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.

PART VIII.—FINAL PROVISIONS

Article 47

(1) The provisions of Articles 24-46 of this Convention relating to consular functions are not exhaustive. A consular officer or agent shall also be permitted to perform other functions which are either in accordance with international law or practice relating to consular officers or agents, as the case may be, recognised in the territory or are acts which involve no conflict with the laws of the territory and to which the authorities of the territory raise no objection.

(2) It is understood that in any case where any article of this Convention gives a consular officer or agent the right to perform any functions it is for the sending state to determine to what extent its consular officers or agents, as the case may be, shall exercise such right.

(3) A consular officer or agent shall be entitled to levy the fees prescribed by the laws of the sending state in respect of services performed in the exercise of his official functions.

Article 48

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.

Article 49

Any dispute concerning the application and interpretation of this Convention which is not settled through the diplomatic channel may be referred by either of the High Contracting Parties to the International Court of Justice at The Hague or any other court subsequently substituted therefor, unless the parties agree to submit the dispute to another form of arbitration.

Article 50

Upon the entry into force of this Convention the following agreements shall be terminated in respect of territories to which the Convention applies :

- (a) Agreement between the United Kingdom and France relative to merchant seamen deserters of 23rd June, 1854;¹
- (b) Exchange of letters between the United Kingdom and France of 7th January and 6th February, 1867,² relative to the disposal of the estates of the deceased seamen of the two nations; and
- (c) Declaration between the United Kingdom and France of 23rd October, 1889,³ respecting the disposal of the proceeds of wrecks on the coasts of the two nations.

Article 51

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.

¹ United Kingdom of Great Britain and Northern Ireland : *Handbook of Commercial Treaties*, 1931, p. 220.

² United Kingdom of Great Britain and Northern Ireland : *Handbook of Commercial Treaties*, 1931, p. 222.

³ United Kingdom of Great Britain and Northern Ireland : *British and Foreign State Papers*, Vol. 81, p. 55.

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

DONE, in duplicate, at Paris this thirty-first day of December, 1951, in the English and French languages, both texts being equally authoritative.

[L.S.] Oliver HARVEY

[L.S.] SCHUMAN

FIRST PROTOCOL OF SIGNATURE

At the time of signing the Consular Convention of this day's date¹ on behalf of His Majesty the King 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 the President of the French Republic, in respect of the French Republic, the undersigned, being duly authorised 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, honorary consular officers, consular agents and 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 furniture and personal effects, 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.

¹ See p. 146 of this volume.

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

DONE, in duplicate, at Paris this thirty-first day of December, 1951, in the English and French languages, both texts being equally authoritative.

[L.S.] Oliver HARVEY

[L.S.] SCHUMAN

SECOND PROTOCOL OF SIGNATURE

At the time of signing the Consular Convention of this day's date¹ on behalf of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, in respect of the United Kingdom of Great Britain and Northern Ireland, and the President of the French Republic, in respect of the French Republic, the undersigned, being duly authorised thereto, declare as follows :

The High Contracting Parties have agreed that the provisions of Article 15 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 have affixed thereto their seals.

DONE, in duplicate, at Paris this thirty-first day of December, 1951, in the English and French languages, both texts being equally authoritative.

[L.S.] Oliver HARVEY

[L.S.] SCHUMAN

¹ See p. 146 of this volume.

EXCHANGE OF NOTES — ÉCHANGE DE NOTES

I

His Majesty's Ambassador at Paris to the French Minister for Foreign Affairs *L'Ambassadeur de Sa Majesté à Paris au Ministre des affaires étrangères de France*

BRITISH EMBASSY

Paris, 31st December, 1951

M. le Président,

I have the honour, upon the instructions of His Majesty's Government in the United Kingdom, to make the following communication to Your Excellency in connexion with paragraph (3) of Article 2 and paragraph (1) of Article 9 of the Consular Convention of this day's date.¹

With regard to Article 2, it is understood that each High Contracting Party will, on the date of the exchange of the instruments of ratification of the Convention, make to the other a notification in accordance with the provisions of paragraph (3) of that Article, which notification shall take effect as from the date of the entry into force of the Consular Convention.

With regard to Article 9, it is understood that the provisions of paragraph (1) of that Article will not apply to the Island of Jersey or to any territory of His 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 His Majesty, in respect of the United Kingdom of Great Britain and Northern Ireland, shall have caused the President of the French Republic 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.

If the foregoing proposals are acceptable to the French Government, I have the honour to suggest that this Note and Your Excellency's reply thereto in the same sense shall be regarded as constituting the agreement reached between our respective Governments in relation to these two matters.

I have, &c.

Oliver HARVEY

¹ See p. 146 of this volume.

« Si les propositions qui précèdent paraissent acceptables au Gouvernement français, j'ai l'honneur de suggérer que cette lettre et la réponse que Votre Excellence voudra bien lui réserver en ce sens constitueront l'accord de nos Gouvernements respectifs sur les points en question. »

J'ai l'honneur de faire connaître à Votre Excellence que le Gouvernement Français prend acte de cette communication et donne son assentiment aux propositions qu'elle contient.

Veuillez agréer, etc.

SCHUMAN

[TRANSLATION — TRADUCTION]

Paris, 31 December 1951

Your Excellency,

In your letter of today's date, you were good enough to make the following communication to me in connexion with paragraph (3) of article 2 and paragraph (1) of article 9 of the Consular Convention of today's date :

[See note I]

I have the honour to inform you that the French Government takes note of this communication and agrees to the proposals which it contains.

I have, etc.

SCHUMAN

III

The Secretary of State for Foreign Affairs to the French Ambassador at London *Le Secrétaire d'État aux affaires étrangères à l'Ambassadeur de France à Londres*

FOREIGN OFFICE, S.W. 1

December 15, 1953

Your Excellency,

I have the honour to refer to paragraph (3) of Article 2 of the Consular Convention of the 31st of December, 1951, and to the second paragraph of the Exchange of Notes of the same date annexed to that Convention.

Paragraph (3) of Article 2 of the Consular Convention reads as follows :

“ 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, for the purpose of all or some of the articles of the Convention, constitutes a territorial unit. Either High Contracting Party may from time to time inform the other through the diplomatic channel by notification in writing 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. Any such notification shall not, however, take effect until six months after the date of its receipt by the latter High Contracting Party ”;

and the second paragraph of the Exchange of Notes reads as follows :

“ With regard to Article 2, it is understood that each High Contracting Party will, on the date of the exchange of the instruments of ratification of the Convention, make to the other a notification in accordance with the provisions of paragraph (3) of that Article, which notification shall take effect as from the date of the entry into force of the Consular Convention. ”

In respect of the territories referred to in Article 1 (1) of the Convention, I hereby notify Your Excellency, for the information of the French Government, that, for the purposes of the Convention, the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man are together to be regarded as a single territory and that all other territories for whose international relations Her Majesty’s Government in the United Kingdom are responsible are each to be regarded as a separate territory; provided that, for the purposes of Article 20, the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man are each to be regarded as a separate territory and that, for the purposes of Part VI, England and Wales, Scotland, Northern Ireland, the Channel Islands and the Isle of Man are each to be regarded as a separate territory.

I have, &c.

For the Secretary of State :

C. G. KEMBALL

auxquels se réfère l'article 1, paragraphe 1, de la convention, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, les îles anglo-normandes et l'île de Man doivent être considérées, pour l'application de la Convention, comme un seul territoire; d'autre part, chacun des autres territoires dont le Gouvernement de Sa Majesté assure la responsabilité des relations internationales devra être considéré comme un territoire distinct. Toutefois, eu égard aux dispositions de l'article 20, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, les îles anglo-normandes et l'île de Man seront considérés respectivement comme territoires distincts. Enfin, eu égard aux dispositions du titre VI de la convention, l'Angleterre et le Pays de Galles, l'Écosse, l'Irlande du Nord, les îles anglo-normandes et l'île de Man seront tenus respectivement pour des territoires distincts. »

J'ai l'honneur d'accuser réception de cette communication et de faire savoir à Votre Excellence que la notion d'unité territoriale n'appelle, en général, pour l'Union Française, aucune observation particulière, de la part du Gouvernement français.

Toutefois, en ce qui concerne exclusivement l'application du Titre VI, le Gouvernement français considérera comme unités territoriales distinctes au sens de la conventions, la France métropolitaine, l'Algérie, chacun des Départements et des Territoires d'Outre-Mer, le Togo, le Cameroun, la Tunisie et le Maroc.

Je saisis cette occasion, etc.

R. MASSIGLI

[TRANSLATION — TRADUCTION]

London, 12 January 1954

Sir,

In your letter of 15 December 1953, after referring to paragraph (3) of article 2 of the Consular Convention of 31 December 1951, and to the second paragraph of the exchange of notes of the same date annexed to that Convention, you made the following communication to me :

[See last paragraph, note III]

I have the honour to acknowledge the receipt of that communication and to inform you, Excellency, that, so far as the French Union is concerned, the term " territorial unit " does not, in general, call for any special comment by the French Government.

Nevertheless, and solely for the purposes of Part VI, the French Government will regard metropolitan France, Algeria, the several Overseas Departments and Territories, Togoland, the Cameroons, Tunisia and Morocco as separate territorial units for the purposes of this Convention.

I have the honor, etc.

R. MASSIGLI