

No. 8197

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

**Consular Convention (with Schedule, Protocols of Signature  
and Memorandum of Interpretation). Signed at Copen-  
hagen, on 27 June 1962**

*Official texts: English and Danish.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on  
20 May 1966.*

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

**Convention consulaire (avec annexe, Protocoles de signa-  
ture et Mémorandum d'interprétation). Signée à Copen-  
hague, le 27 juin 1962**

*Textes officiels anglais et danois.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le  
20 mai 1966.*

No. 8197. CONSULAR CONVENTION<sup>1</sup> BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE KINGDOM OF DENMARK. SIGNED AT COPENHAGEN, ON 27 JUNE 1962

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PREAMBLE

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, and His Majesty The King of Denmark :

Being desirous of regulating their relations in the consular field and of facilitating the protection of the nationals and organisations of each High Contracting 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 the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth (hereinafter referred to as " Her Britannic Majesty "):

For the United Kingdom of Great Britain and Northern Ireland :

His Excellency Sir William Horace Montagu-Pollock, K.C.M.G., Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at Copenhagen,

His Majesty The King of Denmark :

For the Kingdom of Denmark :

The Minister for Foreign Affairs Jens Otto Krag.

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

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<sup>1</sup> Came into force on 23 March 1963, the thirtieth day after the exchange of the instruments of ratification which took place at London on 21 February 1963, in accordance with article 39, with the exception of the following provisions: article 13; paragraphs (1) and (2) of article 14; paragraphs (2) and (3) of article 15; paragraphs (1) and (2) of article 16, and paragraph (2) of article 27 (see footnote 1, p. 134 of this volume).

- (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 Denmark, to the Kingdom of Denmark.

### *Article 2*

For the purposes of this Convention

(1) the term "sending State" means, according to the context, the High Contracting Party by whom a 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 a 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 the district of a consular officer 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 37;

(4) the term "nationals" means

- (a) in relation to Her Britannic Majesty, all British subjects and British protected persons belonging to any of the categories specified in the Schedule to the Convention, together with, where the context permits, all juridical entities duly created under the law of any of the territories to which the Convention applies under paragraph (1) of Article 1;
- (b) in relation to His Majesty The King of Denmark, all Danish citizens, together with, where the context permits, all juridical entities duly created under the law of the Kingdom of Denmark;

(5) the term "vessel", in relation to a High Contracting Party, means, for the purpose of Part VII, 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 holds from the appropriate authorities of the territory a valid *exequatur* or other authorisation (including a provisional authorisation) to act in such capacity on behalf of the

sending State; 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 on behalf of the sending State, provided that his name has been duly communicated in accordance with the provisions of Article 5 to the appropriate authorities of the territory, and provided also that the said authorities have not declined to recognise him, or to continue to recognise him; 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 purpose of the official business of a consular officer;

(9) the term “ grave offence ” means, for the purposes of Article 13 and paragraph (2) of Article 27

- (a) in the case of any of the territories referred to in paragraph (1) of Article 1, an offence for which a sentence of imprisonment for five years, or a more severe sentence, may be awarded; and
- (b) in the case of the Kingdom of Denmark, an offence for which a sentence of imprisonment for four years, or a more severe sentence, may be awarded.

## 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 a consulate shall be a consulate-general, consulate, vice-consulate or consular agency.

(2) The sending State shall keep the receiving State informed of the limits of each of its consular districts and, subject to the provisions of paragraph (3) of this Article, may prescribe those limits 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 official commercial representatives, of a third State :
- (b) of any territory of a third State.

*Article 4*

(1) The sending State may assign to any of its consulates consular officers in such numbers and of such rank as it may deem necessary. The sending State shall notify the receiving State in writing through the diplomatic channel of the appointment of a consular officer to a consulate. In the case of honorary consular officers who are nationals of the receiving State, that State may require that its consent to the appointment of such officers to a consulate shall 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 commission of a consular officer or other notification of appointment. 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 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 (including a provisional authorisation).

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

(6) 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 communicated to the sending State through the diplomatic channel.

(7) Upon the termination of the appointment of a consular officer, the sending State shall so notify the receiving State in writing through the diplomatic channel.

*Article 5*

(1) 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.

(2) Consular officers shall notify the names of these employees to such authority as the Government of the territory may designate and shall keep the said authority informed of their addresses.

(3) Except where the Government of the territory otherwise require, the provisions of paragraph (2) of this Article shall, in the case of employees of an honorary consulate, be applicable only to those who are engaged primarily on the performance of consular duties.

(4) The Government of the territory may, either at the time of notification or subsequently, decline to recognise, or to continue to recognise any person in the capacity of a consular employee.

#### *Article 6*

(1) 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.

(2) If such acting consular officer is a consular employee he shall not be entitled by virtue of such temporary assignment to any privileges in respect of taxes or duties imposed upon or by reason of importation greater than those to which he is already entitled.

#### *Article 7*

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 or 5, as the case may be. The persons concerned shall continue to enjoy all those privileges and immunities which they derive from their diplomatic status, except that no claim to immunity greater than that of a consular officer or employee, as the case may be, under this Convention shall be made on their behalf in respect of the performance of any of the functions specified in Parts V, VI and VII or in Article 33.

### PART III

#### LEGAL RIGHTS AND IMMUNITIES

#### *Article 8*

(1) The sending State, either in its own name or in the name of one or more natural or juridical persons acting on its behalf, may, in accordance with such

conditions as may be prescribed by the law of the territory, acquire, hold and occupy, under any form of tenure which may exist under the law of the territory, land, buildings, parts of buildings and appurtenances for the purpose of maintaining a consulate, or 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 provisions of paragraphs (1) and (2) of this Article shall not exempt the sending State from the operation of any building or town planning regulation or other restriction applicable to the area in which the land, buildings, parts of buildings and appurtenances, referred to in the said paragraphs, are situated.

#### *Article 9*

(1) There may be placed, on the outer enclosure and on the 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 that 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 as also, on suitable occasions and subject to the consent of the receiving State, at the residence of a consular officer. 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 Denmark. The consent of such consular officer may, however, 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 involving violence to persons or property is about to be, or is being or has been 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, the said authorities may, if necessary, enter to apprehend the fugitive, provided that in so doing they comply with the provisions of paragraph (3) of this Article.

(5) Any entry into or search of a consular office pursuant to paragraph (3) or (4) of this Article shall be conducted with due regard to the inviolability of the consular archives, as recognised in paragraph (1) of Article 11.

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

#### *Article 10*

(1) Without prejudice to the provisions of paragraph (2) of this Article, the receiving State shall treat as immune from all forms of requisitioning for purposes of national defence or public utility

- (a) a consulate of the sending State, together with the furniture and equipment thereof;
- (b) the vehicles, vessels and aircraft of any such consulate;
- (c) the residence, together with the furniture and equipment thereof, of a consular officer or employee of the sending State, provided, in either case, that he complies with the conditions specified in paragraph (5) of this Article;
- (d) the vehicles, vessels and aircraft of any such consular officer or employee; and
- (e) the personal effects of any such consular officer or employee or of any member of his family forming part of his household.

(2) However, nothing in this Article shall preclude the receiving State from the expropriation or seizure for purposes of national defence or public utility, in conformity with the law of the territory, of a consulate of the sending State or a residence of a consular officer or employee, 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 duties.

(3) In the event of the expropriation or seizure of a consulate or of a residence of a consular officer or employee, in compliance with paragraph (2) of this Article, the receiving State shall take all appropriate measures, in conformity



with the law of the territory, with a view to ensuring that suitable alternative accommodation is obtained.

(4) Prompt and adequate compensation shall be paid in respect of any proprietary interests of which the sending State, or any natural or juridical person acting on its behalf, has been deprived by reason of the expropriation or seizure of a consulate. Such compensation shall be in a form convertible into the currency of and transferable to the sending State at the market selling rate ruling at the close of business on the date on which such deprivation took place or, if there is no quotation on that date, at the rate ruling at the close of business on the last preceding date when there was such a quotation.

(5) The conditions referred to in paragraph (1) 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 private occupation for gain in the territory; and
- (c) not have been ordinarily resident in the territory at the time of taking up his consular appointment.

(6) The term "consulate" shall include for the purposes of this Article all land, buildings, parts of buildings and appurtenances, held or occupied exclusively for any of the purposes specified in paragraph (1) of Article 8.

#### *Article 11*

(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) A career consular officer shall be entitled to communicate with the Government of the sending State, with the diplomatic mission of that State, accredited to the receiving State, and with consulates of the sending State, situated in the same territory as the consulate of the consular officer, by post, telegraph, telephone and other public services, and to send and receive official correspondence by sealed consular pouches, bags and other containers; he may, in both cases, use secret language. In addition, he may similarly communicate and correspond with the Governments of territories, for whose international relations the Government of the sending State are responsible, and with diplo-

matic missions and consulates of that State, situated elsewhere than in the same territory as the consulate of the consular officer, provided that, when the receiving State is at war, this additional right may be restricted.

(b) In the case of an honorary consular officer, the application of the provisions of sub-paragraph (a) of this paragraph shall be regulated by special arrangements to be made from time to time between the High Contracting Parties.

(4) The official consular correspondence, referred to in paragraph (3), shall be inviolable and the authorities of the territory shall not examine or detain it. In special 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 document 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 law of the sending State.

#### *Article 12*

(1) A consular officer or employee shall not be liable, in proceedings in the receiving State, in respect of acts performed in his official capacity and falling within the functions of a consular officer under international law, including those referred to in Articles 17 to 31 and 33, 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 shall 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 contract, expressly or impliedly, as agent for his Government and that the provisions of paragraph (5) of Article 11 shall 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 evidence in either a civil or a criminal case, except as provided for in paragraphs (5) and (6) of Article 11. The authority or court requiring his evidence shall take all

reasonable steps to avoid interference with the performance of his official duties. In the case of a consular officer who is not a national of the receiving State the authority or court concerned shall, wherever permissible and possible, arrange for the taking of such evidence, orally or in writing, at his office or residence.

(4) (a) All motor vehicles (which term shall be deemed for the purposes of this Article to include trailers), vessels and aircraft, owned by a consular officer or employee, shall be insured by policies against third party risks. Such insurance shall be made in conformity with any requirements that may be imposed by the law of the territory.

(b) The provisions of paragraph (1) of this Article shall not be deemed to preclude a consular officer or employee from being held liable in a civil action by a third party claiming damages in respect of injury sustained as a result of an accident involving a motor vehicle, vessel or aircraft under his control. In connexion with such an action a consular officer or employee shall not be entitled to refuse to produce any document, or to give evidence, by reason of the provisions of paragraph (5) of Article 11.

(5) A consular officer, together with his wife and minor children residing with him, shall be exempt from the requirements of the law of the territory with regard to the registration of foreigners and permission to reside, and shall not be subject to deportation.

(6) A consular employee, provided that he complies with the conditions specified in sub-paragraphs (b) and (c) of paragraph (8), shall, together with his wife and minor children residing with him, enjoy the same exemptions as specified in paragraph (5) of this Article.

(7) A consular officer, provided that he is not a national of the receiving State, as also a consular employee, provided that he complies with the conditions specified in paragraph (8) of this Article, shall enjoy exemption from military, naval, air, police, administrative or jury service of any kind.

(8) The conditions referred to in paragraphs (6) and (7) of this Article are that the person concerned shall

- (a) be a national of the sending State and not be a national of the receiving State; and
- (b) not be engaged in private occupation for gain in the territory; and
- (c) be a permanent employee of the sending State, or, if not a permanent employee of that State, not have been ordinarily resident in the territory at the time of taking up his consular appointment.

*Article 13*

A consular officer, being a career consular officer, shall not, in respect of acts performed otherwise than in his official capacity, be detained in custody for an offence against the law of the territory except

- (a) in the case of a grave offence as defined in paragraph (9) of Article 2, or
- (b) in the case of any other offence, for the purpose of standing trial (it being understood that such detention shall only continue during the progress of proceedings in court exclusive of any adjournments thereof), or upon conviction; or
- (c) at the request or with the consent of the sending State.

## PART IV

## FINANCIAL PRIVILEGES

*Article 14*

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

- (1) 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 8, except taxes or other assessments levied for services or for local public improvements, which shall be payable to the extent that the said premises are benefited thereby;
- (2) transactions or instruments relating to the acquisition of immovable property for any of the said purposes;
- (3) the ownership, possession or use of movable property for consular purposes.

*Article 15*

(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, by reason of acts performed by a

consular officer or employee in his official capacity and falling within the sphere of his official duties. 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 by a consular officer as compensation for his consular services.

(3) The provisions of paragraph (2) of this Article shall also apply to the official emoluments, salary, wages or allowances received by a consular employee as compensation for his services at a consulate, 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 16, 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 of that State, was not ordinarily resident in the territory at the time of taking up his consular appointment.

(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 16.

### Article 16

(1) All furniture, equipment, supplies and other articles, together with vehicles, vessels and aircraft, intended for official use in the territory in connexion with any of the purposes specified in paragraph (1) of Article 8 shall be permitted entry into the territory free of all taxes or duties imposed upon or by reason of importation.

(2) Baggage, furniture and effects and consumable articles, together with vehicles, vessels and aircraft, imported into the territory by a consular officer, provided that he fulfils the conditions specified in paragraph (4) of Article 15, 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 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, subject to such formalities as the receiving State may prescribe, articles imported as samples of commercial products solely for display within a consulate 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 in the provisions of this Article 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 17*

(1) A consular officer shall be entitled 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) inquire into any incidents which have occurred affecting the interests of any such national;
- (c) aid 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 local authorities and the appropriate departments of the central Government of the territory, but not correspond with or make diplomatic claims to the Foreign Office or the Ministry of 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) The term " interests " as used in paragraph (1) of this Article shall be deemed to include in relation to nationals, matters arising in connexion with their stay, taking of employment and enjoyment of civil rights in 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 18*

(1) The appropriate consular officer shall be informed immediately by the competent authorities of the territory, when any national of the sending State is confined in prison awaiting trial or is otherwise detained in custody.

(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 interrogation 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 a sentence, a consular officer shall, upon notification to the competent 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 19*

A consular officer may further the interests of the sending State in relation to economic, commercial and cultural matters.

*Article 20*

A consular officer may

(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 law of the sending State with regard to compulsory national service;

(c) register the birth or death of a national of the sending State and, provided that at least one of the parties is a national of the sending State, record a marriage celebrated under the law of the territory, but it is understood that such registration of a birth or death or recording of a marriage by a consular officer in no way exempts a private person from any obligation under the law 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 that 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 conformity with any special arrangement on this subject between the High Contracting Parties or otherwise not inconsistent with the law of the territory, but it is understood that, in relation to criminal matters, a consular officer is not entitled under this Convention to serve such documents on, or take such evidence from, any person other than a national of the sending State;

(2) 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 law in force in that 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 that 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 law of the receiving State.

#### PART VI

#### ESTATES AND TRANSFERS OF PROPERTY

#### *Article 21*

(1) Where a deceased person leaves property in a territory and a legal or equitable interest in such property (for instance, as a beneficiary under a will or as an executor or as a creditor of the estate or in the event of an intestacy) is held or claimed by a national of the sending State who is neither resident nor legally represented in that territory, a consular officer within whose district or within the district of whose superintending consular officer, or head of post, as the case may be, the estate of the deceased person is being administered or, if no administration has been instituted, the 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 position of the consular officer 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, in any case where a grant has already been made in favour of the consular officer in accordance with the provisions 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) 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 likewise have the right to take possession of the estate or the property to the same extent as if he were the 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 law of the territory a grant of representation or order of a court is necessary for the purpose of enabling the consular officer so to protect or to take possession of the property, any grant or order which would have been made on the application of the duly appointed attorney of the person whose interests are represented by the consular officer shall be made on the application of the consular officer. 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 provisional grant or order in favour of the consular officer, limited to the protecting and preserving of the estate, until such time as a further grant of representation is made.

(4) (a) If under the law of the territory a grant of representation by a court (or, where a grant has already been made in accordance with paragraph (3) of this Article, a further grant) is necessary for the full administration of the estate, the consular officer, subject to the provisions of sub-paragraphs (b) and (c) of this paragraph, shall have the same right to apply for and to obtain 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 on the application of 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 a consular officer to furnish reasonable evidence of the receipt of the assets by the beneficiary, 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 the beneficiary shall be effected through such other channels as it may direct.

(5) In addition, a consular officer shall be entitled 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 law of the territory.

(6) If a national of the sending State dies while travelling in or passing through a territory without being either domiciled or resident in that territory, a consular officer shall be permitted, for the purpose of safeguarding the money and effects in the personal possession of the deceased, to assume 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 to that extent, notwithstanding the provisions of paragraph (5) of Article 11 or paragraph (1) of Article 12, be subject to the jurisdiction of the courts of the territory in any proceedings arising in connexion therewith.

(8) 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 a 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 that 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 22*

Without prejudice to the provisions of Article 21, 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 other 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 23*

Money or other property may be paid, delivered or transferred to a consular officer, pursuant to the provisions of Articles 21 and 22, 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 receive 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 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 24*

(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 members of the crew of the vessel shall be permitted to communicate with the appropriate consular officer.

(2) The consular officer shall be permitted freely to perform the duties set out in Article 25 without interference on the part of the authorities of the territory, and for the purpose of performing any of these duties, may, accompanied, if he so desires, by a member or members of his staff, proceed personally on board the vessel after she has received *pratique*.

(3) In connexion with the performance of 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 consular officer.

(4) 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 25*

(1) A consular officer may question the master or any member 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) A consular officer or a consular employee may appear with the master or any member of the crew before the local authorities and courts, may lend his aid (including, where necessary, arranging for legal assistance) 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 paragraph (1) of Article 27, a consular officer may decide disputes between the master and any member of the crew, including disputes as to wages or any contract of service, arrange for the engagement and discharge of the master or any member of the crew and take measures for the preservation of good order and discipline on the vessel.

(4) A consular officer may, where necessary, make arrangements for the treatment in a hospital and for the repatriation of the master or any member of the crew of the vessel.

(5) A 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; or
- (d) the loss of, or average in relation to, such a vessel.

(6) In addition, a consular officer may take other measures for the enforcement of the shipping law of the sending State.

*Article 26*

(1) If a member of the crew of a vessel of the sending State deserts in a port of the receiving State, the administrative and judicial authorities of the territory shall, at the request of a consular officer, 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

- (a) who is a national of the receiving State; or
- (b) in whose case there is reasonable cause for believing that his life or liberty will be endangered, for reasons of race, nationality, political opinion or religion, in any country to which the vessel is likely to go.

(3) The said authorities shall, moreover, be entitled to suspend such action if the deserter is accused or has been convicted of an offence (other than the desertion) which is cognisable under the law of the territory, until such time as he has been tried and, if convicted, has undergone any punishment which may have been awarded to him for that offence.

*Article 27*

(1) The judicial authorities of the territory shall not entertain civil proceedings arising out of any dispute between the master and any member of the crew of a vessel of the sending State as to wages or any contract of service, unless the appropriate consular officer shall have been notified of the proceedings and shall not have raised objection.

(2) Except at the request or with the consent of the consular officer, the judicial authorities of the territory shall not entertain prosecutions in respect of offences committed on board the vessel except

- (a) offences by or against any person other than the master or any member of the crew or by or against any national of the receiving State; or
- (b) offences involving the tranquillity or safety of the port or the law of the territory regarding public health, immigration, the safety of life at sea, customs or any similar matter; or
- (c) offences falling within the definition of a grave offence as set out in paragraph (9) of Article 2; or
- (d) offences where the prosecution is instituted by a private person.

(3) The administrative authorities of the territory shall not intervene in relation to any matter occurring on board the vessel except

- (a) where a person has been charged with having committed on board an offence in respect of which the judicial authorities of the territory may, in conformity with sub-paragraphs (a), (b) or (c) of paragraph (2) of this Article, entertain a prosecution, or where there is reasonable cause for believing that such an offence is about to be, or is being or has been committed on board; or
- (b) where they are entitled to intervene in conformity with paragraph (4) of this Article, or where a person (other than a member of the crew) is detained on board against his will; or
- (c) for the purpose of taking any action or making any examination which they consider necessary in relation to any of the matters specified in sub-paragraph (b) of paragraph (2) of this Article; or
- (d) at the request or with the consent of a consular officer.

(4) The authorities of the territory shall not treat as unlawful the detention in custody on the vessel of a member of the crew for disciplinary offences, except where

- (a) his detention is unlawful under the law of the sending State or is accompanied by unjustifiable severity or inhumanity; or
- (b) there is reasonable cause for believing that his life or liberty will be endangered, for reasons of race, nationality, political opinion or religion, in any country to which the vessel is likely to go.

(5) If, for the purpose of taking action in accordance with the foregoing provisions 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 a 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 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 shall not, however, apply to any routine examination by the authorities of the territory with regard to public health, immigration or customs nor to the detention of the vessel or of any portion of her cargo arising out of civil proceedings in the courts of the territory.

#### Article 28

(1) Provided that the master of the vessel consents, a consular officer shall have the right to inspect 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 to furnish the competent authorities of that State with such information with regard to sanitary or other matters as the said authorities may require.

(2) In exercising the rights set out in this Article the consular officer shall act with all possible dispatch.

*Article 29*

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

(2) The competent 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 internal or territorial waters of the receiving State, the authorities of the territory may 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 authorised 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 conformity with 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 charges (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, her cargo or other property on board, 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.



(7) If a vessel of the sending State should be compelled, by weather or by accident, to take shelter in a port of the receiving State, the master shall be permitted to refit therein, to procure the necessary stores and to put to sea again. In any such case, no charges shall be levied other than charges of the same kind and amount as would be leviable in similar circumstances in respect of a vessel of the receiving State. However, if it should be necessary to dispose of the cargo or part thereof, in order to defray the expenses of the vessel, any such transaction shall be subject to the regulations of the territory in regard to the payment of any charges which may be leviable in connexion therewith.

#### *Article 30*

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 appropriate consular officer shall be deemed to be authorised to make, as agent for 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 that 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 such arrangements.

#### *Article 31*

(1) The competent authority of the receiving State shall, if the master or a member of the crew of a vessel of that State, being a national of the sending State, dies afloat or ashore in any country, deliver 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 authority 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 authority, does not exceed a sum to be fixed by mutual agreement between the High Contracting Parties the competent authority shall deliver the wages, effects and property under its control of the deceased master or seaman to the consular officer. However, the competent authority shall have the right, before so delivering them, to satisfy itself that there is some person resident in the sending State entitled to succeed to the property of the

deceased, otherwise than as a creditor, and 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 authority after delivery shall be referred to the competent authority of the sending State.

(3) In any case where the competent authority does not deliver 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 authority 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 as to the existence of other claims on the estate of which the competent authority may be unaware.

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

(5) The expression "competent authority" shall denote

- (a) in relation to Her Britannic Majesty, the Ministry of Transport; and
- (b) in relation to His Majesty The King of Denmark: Ministeriet for handel, håndværk, industri og søfart.

#### PART VIII

#### GENERAL PROVISIONS

##### *Article 32*

(1) A consular officer, as an official agent of the sending State, shall be entitled to special respect and to the high consideration of all officials of the receiving State with whom he has official intercourse.

(2) In addition, the receiving State shall take all appropriate measures to ensure the protection of the consulates (which term, for the purposes of this paragraph, shall be deemed to include all premises held or occupied by the sending State for any of the purposes specified in paragraph (1) of Article 8)

and of the lives and safety of all consular personnel (which term, for the purposes of this paragraph, shall be deemed to include all consular officers and employees fulfilling the conditions specified in paragraph (4) of Article 15, together with their wives and families forming part of their households).

#### *Article 33*

The provisions of Articles 17 to 31, specifying the functions which a consular officer may perform, are not exhaustive. A consular officer shall also be permitted in his consular capacity to perform other functions, provided that

- (a) they are in accordance with international law or practice relating to consular officers as recognised in the territory; or
- (b) they involve no conflict with the law of the territory and the authorities of the territory raise no objection to them.

#### *Article 34*

(1) Subject to the provisions of paragraph (2) of this Article, a consular officer shall be entitled to perform the functions specified in Articles 17 to 31 and 33 only within his own consular district or, in the case of a consular officer to whom the sending State has not allotted a separate consular district, within the district of his superintending consular officer, or head of post, as the case may be.

(2) Upon notification to the receiving State a consular officer may perform consular functions outside his consular district or the district of his superintending consular officer, or head of post, as the case may be, unless the receiving State objects.

(3) It is understood that it is for the sending State to determine whether and to what extent its consular officers shall perform the said functions.

#### *Article 35*

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

### PART IX

### FINAL PROVISIONS

#### *Article 36*

Any dispute which may arise between the High Contracting Parties as to the interpretation or application of any of the provisions of this Convention,

together with the Protocols and other ancillary documents appended thereto, 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 37

(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 its 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 its decision to modify the arrangements previously notified and any such notification shall take effect six months after the date of its receipt by the latter High Contracting Party.

#### Article 38

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

- (a) The Declaration between the United Kingdom and Denmark Relative to the Disposal of the Estates of Deceased Seamen of the Two Nations, signed at London on the 11th of April, 1877; and
- (b) The Agreement between the United Kingdom and Denmark Relative to Merchant Seamen Deserters, signed at London on the 21st of June, 1881 ;<sup>1</sup> and
- (c) The Exchange of Notes between the United Kingdom and Denmark of the 28th of September, 1918/the 29th of November, 1920, regarding the extension to consular officers of certain rights in relation to wrecks.<sup>2</sup>

(2) In addition, in the event of any conflict or discrepancy between the provisions of the Convention and the provisions of any previously concluded agreement in force between the High Contracting Parties, the provisions of the Convention shall prevail and shall be regarded as definitive, in so far as concerns the rights, powers, privileges, exemptions and immunities of the consular officers and employees of each Party in respect of any territory of the other to which the Convention applies.

#### Article 39

This Convention shall be ratified and the instruments of ratification shall be exchanged at London. The Convention shall enter into force on the thirtieth

<sup>1</sup> De Martens, *Recueil des Traités*, deuxième série, tome VIII, p. 694.

<sup>2</sup> De Martens, *Recueil des Traités*, troisième série, tome XIV, p. 476.

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 Copenhagen, this 27th day of June, 1962, in the English and Danish languages, both texts being equally authoritative.

For Her Britannic Majesty :

[L.S.] W. H. MONTAGU-POLLOCK

For His Majesty The King of Denmark :

[L.S.] J. O. KRAG

## SCHEDULE

### *relative to sub-paragraph (a) of paragraph (4) of Article 2*

The categories of nationals referred to in sub-paragraph (a) of paragraph (4) of Article 2 are as follows :

- (1) British subjects who are citizens of the United Kingdom and Colonies;
- (2) British subjects who are citizens of the Federation of Rhodesia and Nyasaland;
- (3) British subjects who are citizens of the State of Singapore;
- (4) British subjects who, being citizens of the Irish Republic, have made a claim to retain the status of a British subject under Section 2 of the British Nationality Act, 1948;
- (5) Persons who, under Section 13 (1) of the British Nationality Act, 1948, are British subjects without citizenship;
- (6) Persons who are British protected persons as defined by the British Protectorates, Protected States and Protected Persons Order in Council, 1949, as subsequently amended.

## FIRST PROTOCOL OF SIGNATURE

At the time of signing the Consular Convention of this day's date between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Denmark, the undersigned, being duly authorised thereto, declare as follows :

The High Contracting Parties wish to place 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 any territory of a third State which comes 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 any territory of a third State 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 that 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 so prefer, to deposit such documents and articles 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 personal effects and furniture.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol.

DONE, in duplicate, at Copenhagen, this 27th day of June, 1962, in the English and Danish languages, both texts being equally authoritative.

For Her Britannic Majesty :

W. H. MONTAGU-POLLOCK

For His Majesty The King of Denmark :

J. O. KRAG

## SECOND PROTOCOL OF SIGNATURE

At the time of signing the Consular Convention of this day's date between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Denmark, the undersigned, being duly authorised thereto, declare as follows :

(1) The High Contracting Parties have agreed that the provisions of Article 13, of paragraphs (1) and (2) of Article 14, of paragraphs (2) and (3)

of Article 15, of paragraphs (1) and (2) of Article 16 and of paragraph (2) of Article 27 of the Convention shall not come into operation until such time as, in each case, each High Contracting Party has given notice to this effect to the other.<sup>1</sup>

(2) The provisions of paragraph (1) of Article 8, in so far as they relate to the acquisition of land in full ownership, shall not apply to :

- (a) the Island of Jersey; or
- (b) any of the territories, referred to in paragraph (1) of Article 1, where under the law at present in force the acquisition of land in full ownership is restricted to the indigenous inhabitants of the territory in question.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol.

DONE, in duplicate, at Copenhagen, this 27th day of June, 1962, in the English and Danish languages, both texts being equally authoritative.

For Her Britannic Majesty :

W. H. MONTAGU-POLLOCK

For His Majesty The King of Denmark :

J. O. KRAG

### THIRD PROTOCOL OF SIGNATURE

At the time of signing the Consular Convention of this day's date between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Denmark, the undersigned, being duly authorised thereto, declare as follows :

The High Contracting Parties wish to place on record that, in their view, a State is entitled to decline to recognise the right of a consular officer of another State to act on behalf of, or otherwise concern himself with, any national of the latter State who has become a political refugee.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol.

DONE, in duplicate, at Copenhagen, this 27th day of June, 1962, in the English and Danish languages, both texts being equally authoritative.

For Her Britannic Majesty :

W. H. MONTAGU-POLLOCK

For His Majesty The King of Denmark :

J. O. KRAG

<sup>1</sup> According to the information provided by the Government of the United Kingdom, these provisions have not yet come into operation.

## MEMORANDUM OF INTERPRETATION

REGARDING ARTICLE 31 OF THE CONSULAR CONVENTION BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE KINGDOM OF DENMARK, SIGNED AT COPENHAGEN ON 27 JUNE, 1962

With reference to Article 31 of the Consular Convention of to-day's date between the United Kingdom and the Kingdom of Denmark, relating to the disposal of certain estates of deceased masters and seamen, it is agreed that, upon the entry into force of the Convention, the maximum figure for such estates shall be £100 sterling, in respect of the territories referred to in paragraph (1) of Article 1, and 2000 kroner, in respect of the territories referred to in paragraph (2) of that Article, and that, as regards those estates of which the value is less than £50 sterling or 1000 kroner, as the case may be, the provisions of the second sentence of the second paragraph of Article 31 shall not be applicable.

For Her Britannic Majesty :

W. H. MONTAGU-POLLOCK

For His Majesty The King of Denmark :

J. O. KRAG

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