

No. 9708

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

**Consular Convention (with protocols). Signed at London on
13 March 1968**

**Exchange of notes constituting an agreement concerning the
above-mentioned Convention. London, 13 March 1968**

Authentic texts: English and Bulgarian.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
8 July 1969.*

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

**Convention consulaire (avec protocoles). Signée à Londres le
13 mars 1968**

**Échange de notes constituant un accord relatif à la Convention
susmentionnée. Londres, 13 mars 1968**

Textes authentiques: anglais et bulgare.

*Enregistrés par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
8 juillet 1969.*

CONSULAR CONVENTION¹ BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE PEOPLE'S REPUBLIC OF BULGARIA

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 the Praesidium of the National Assembly of the People's Republic of Bulgaria;

Animated by the desire further to strengthen the ties of friendship between their two countries;

Wishing to regulate their consular relations, to define the rights, privileges and immunities of their consular officers and to facilitate the protection of their nationals and national interests;

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 :

The Right Honourable George Alfred Brown, M.P., Her Majesty's Principal Secretary of State for Foreign Affairs;

The Praesidium of the National Assembly of the People's Republic of Bulgaria :

His Excellency Dr. Peter Voutov, Ambassador Extraordinary and Plenipotentiary of the People's Republic of Bulgaria in London,

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

PART I

DEFINITIONS

Article 1

For the purposes of this Convention :

(1) the term " consulate " shall mean a consulate-general, consulate, vice-consulate or consular agency;

¹ Came into force on 21 December 1968, i.e., thirty days after the exchange of the instruments of ratification, which took place at Sofia on 21 November 1968, in accordance with article 57 (1).

(2) the term “ consular officer ” shall mean any person, including a consular officer, head of a post, who is charged with the performance of consular duties and has been appointed or notified as such in conformity with Article 3 or Article 4, as the case may be;

(3) the term “ consular employee ” shall mean any person employed to perform administrative, technical or service duties at a consulate and notified as such in conformity with Article 6;

(4) the term “ consular district ” shall mean the area assigned for the performance of consular duties in conformity with paragraph (2) of Article 2;

(5) the term “ vessel ” shall mean, in relation to the sending State, any vessel registered at a port of that State; the term shall not, however, include any ship of war.

PART II

ESTABLISHMENT OF CONSULATES AND APPOINTMENT OF CONSULAR OFFICERS AND EMPLOYEES

Article 2

(1) The sending State may, subject, in each case, to the consent of the receiving State, establish and maintain consulates in the territory of the latter State.

(2) The sending and receiving States shall determine by agreement the seat of a consulate and the limits of the consular district.

Article 3

(1) The sending State shall request in advance through the diplomatic channel the agreement of the receiving State to the appointment of a consular officer, head of a post.

(2) After such agreement has been obtained the diplomatic mission of the sending State shall transmit to the ministry of foreign affairs of the receiving State the consular commission or other document of appointment, which shall specify the full name, nationality and rank of the consular officer, head of a post, the seat of the consulate and the consular district in which he will perform his duties.

(3) Upon the presentation of the commission or other document of appointment of a consular officer, head of a post, the exequatur or other authorisation shall be granted as soon as possible and free of charge by the receiving State. Pending the grant of the exequatur or other authorisation the receiving State shall, where appropriate, grant the consular officer, head of a post, a provisional authorisation.

(4) A consular officer, head of a post, may enter upon the performance of his duties as soon as the receiving State has granted him an exequatur or other authorisation, including a provisional authorisation.

Article 4

In the case of a consular officer to whom Article 3 does not apply, the sending State shall notify in advance through the diplomatic channel the ministry of foreign affairs of the receiving State of the full name, nationality, rank and function of the consular officer.

Article 5

Only a national of the sending State may be appointed as a consular officer.

Article 6

The sending State shall notify in advance through the diplomatic channel the ministry of foreign affairs of the receiving State of the full name, nationality, and function of a consular employee appointed to a consulate.

Article 7

A national of the sending State who is already present in the receiving State or who is in transit to that State may not be appointed as a consular officer or employee. This prohibition does not apply, however, in the case of a national who is already a member of the Staff of a consulate, or of the diplomatic mission, of the sending State in the receiving State.

Article 8

The receiving State may at any time and without having to explain the reason for its decision, notify the sending State through the diplomatic channel that a consular officer or employee is unacceptable. The sending State shall thereupon recall the consular officer or employee concerned or terminate his duties at the consulate. If the sending State fails to carry out this obligation within a reasonable period, the receiving State may, in the case of a consular officer, head of a post, withdraw the exequatur or other authorisation or, in the case of a consular officer or employee, decline to continue to recognise the person concerned in such capacity.

Article 9

(1) If a consular officer, head of a post, is unable to act as such or if the post is temporarily vacant, the sending State may appoint a consular officer be-

longing to the same consulate or to another consulate in the receiving State, or a member of the diplomatic staff of its diplomatic mission in that State, to act temporarily in his place. The full name of the person concerned shall be notified in advance to the ministry of foreign affairs of the receiving State.

(2) A consular officer appointed to take temporary charge of a consulate in pursuance of paragraph (1) of this Article shall enjoy the same rights, privileges and immunities as the consular officer, head of a post, in whose place he is acting.

(3) If a member of the diplomatic staff of the diplomatic mission is so appointed he shall be accorded the same rights as the consular officer, head of a post, in whose place he is acting. Without prejudice to the provisions of Article 49, he shall continue to enjoy the privileges and immunities accorded to him by virtue of his diplomatic status.

Article 10

(1) Members of the diplomatic staff of the diplomatic mission of the sending State in the receiving State may be appointed to perform consular, in addition to diplomatic duties. The name of any person so appointed shall be notified to the ministry of foreign affairs of the receiving State.

(2) A member of the diplomatic mission to whom paragraph (1) of this Article applies shall be accorded the same rights as a consular officer under this Convention. Without prejudice to the provisions of Article 49, he shall continue to enjoy the privileges and immunities accorded to him by virtue of his diplomatic status.

Article 11

The receiving State shall afford its protection to a consular officer and shall take the necessary measures to ensure that he is accorded the rights, privileges and immunities due to him under this Convention and otherwise. In connexion with the performance of his duties the competent authorities of the receiving State shall give him all requisite assistance.

Article 12

(1) A consular officer shall be given an appropriate document indicating his consular quality by the competent authority of the receiving State.

(2) The provisions of paragraph (1) of this Article shall also apply to consular employees and to members of the families of consular officers and em-

ployees and to members of the families of consular officers and employees, residing with them, provided that the person concerned is neither a national of the receiving State nor permanently resident in that State.

Article 13

Upon the termination of his appointment or employment at a consulate a consular officer or, provided that he is not a national of the receiving State, a consular employee shall be permitted, together with members of his family residing with him, to depart from the receiving State without hindrance and to proceed to the sending State or to such other destination as the diplomatic mission of the sending State may specify. Departure shall take place within a reasonable period.

Article 14

(1) The sending State may, to the extent that this is permitted under the law of the receiving State, acquire, hold or occupy under any form of tenure which may exist under that law, for the purposes of providing premises for a consulate or for a residence for a consular officer or, provided that he is not a national of the receiving State, a consular employee, land, buildings, or parts of buildings and may subsequently dispose of them. Where necessary, the receiving State shall assist the sending State in acquiring land, buildings, or parts of buildings for these purposes.

(2) Nothing in the provisions of paragraph (1) of this Article shall be construed so as to exempt the sending State from compliance with any law or regulation relative to town planning or building and applicable to the area where the land, buildings, or parts of buildings in question are situated.

PART III

PRIVILEGES AND IMMUNITIES

Article 15

(1) Land, buildings and parts of buildings used exclusively for the purpose of a consulate shall be inviolable. The authorities of the receiving State may not enter the said land, buildings and parts of buildings except with the consent of the consular officer, head of a post, or of the head of the diplomatic mission of the sending State or of a person nominated by one of them.

(2) The provisions of paragraph (1) of this Article shall apply also to the residence of a consular officer.

(3) The premises specified in this Article shall be used only for purposes connected with the performance of consular duties and consistent with their consular character.

Article 16

(1) Land, buildings and parts of buildings used exclusively for consular purposes, including the purpose of providing a residence for a consular officer, or, provided that he is not a national of the receiving State, a consular employee, together with the furniture and equipment thereof, shall be exempt from all forms of requisitioning. They shall, however, be liable to measures of expropriation or seizure, in conformity with the law of the receiving State, for purposes of national defence or public utility.

(2) Where any such measures are taken, the competent authorities of the receiving State shall take all necessary steps to avoid interference with the work of the consulate.

(3) The receiving State shall, in conformity with its law, pay prompt compensation to the sending State in respect of any such measure of expropriation or seizure.

(4) The provisions of this Article shall apply also to the means of transport of the consulate, of a consular officer, and, provided that he is not a national of the receiving State, of a consular employee.

Article 17

✓ (1) The coat-of-arms or consular shield of the sending State, together with an inscription designating the consulate in the language of that State and of the receiving State, may be affixed to the building in which a consulate is installed as also on or by the entrance door of the consulate and on the outer enclosure.

(2) The flag of the sending State or its consular flag may be flown at the consulate and also at the residence of a consular officer, head of a post.

(3) The appropriate flag of the sending State may also be flown on the means of transport of a consular officer, head of a post, when he uses them in the performance of his official duties.

Article 18

The consular archives shall be inviolable at all times and wherever they may be. Unofficial documents and objects shall not be kept in the consular archives.

Article 19

(1) A consulate shall be entitled to exchange communications with the Government of the sending State and with the diplomatic mission, or other consulates, of that State in the receiving State. For this purpose a consulate may make use of all public means of communication, as also couriers and sealed containers (pouches, bags, etc.) and may employ cyphers.

(2) In respect of public means of communication the same tariffs shall be applied in the case of a consulate as are applied in the case of the diplomatic mission of the sending State.

(3) The official correspondence of a consulate, whatever the means of communication employed, as also the sealed pouches, bags and other containers referred to in paragraph (1) of this Article shall, provided that they bear visible external marks of their official character, be inviolable. The authorities of the receiving State shall not examine or detain them.

(4) Persons charged with the conveyance of consular pouches, bags and other containers shall be accorded the same rights, privileges and immunities as are accorded by the receiving State to the diplomatic couriers of the sending State.

Article 20

(1) A consular officer, provided that he is not a national of the receiving State, shall be immune from the jurisdiction of that State except in the cases referred to in Article 49 of this Convention and in sub-paragraphs (a), (b) and (c) of paragraph (1) and in paragraph (3) of Article 31 of the Vienna Convention on Diplomatic Relations signed on the 18th of April, 1961.¹ The person of such an officer shall be inviolable.

(2) The provisions of paragraph (1) of this Article shall apply also to members of the family of such a consular officer, residing with him, provided in each case that the person concerned is likewise not a national of the receiving State.

(3) A consular employee, provided that he is not a national of the receiving State, shall be immune from the jurisdiction of that State in respect of any act performed in his official capacity.

(4) The sending State may waive the immunity from jurisdiction of any person to whom the provisions of paragraphs (1), (2) or (3) of this Article apply. Such waiver shall always be express.

(5) Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of execution of the judgment for which a separate waiver shall be required.

Article 21

(1) A consular officer or consular employee who is not a national of the receiving State may, in the interests of justice, voluntarily with a request to give evidence as a witness. In this event, however, he may decline to give evidence with regard to matters falling within the scope of his official duties or in the capacity of an expert witness with regard to the law of the sending State. No

¹ United Nations, *Treaty Series*, vol. 500, p. 95.

coercive measures shall be taken to compel such an officer or employee to give evidence or to appear in court for this purpose, and no penalty shall be imposed in the event of failure to give evidence or to appear in court.

→ (2) In any case where a consular officer or consular employee agrees to give evidence as a witness, all reasonable steps shall be taken to avoid interference with the work of the consulate. On the request of the consular officer, head of the post, such evidence may, where this is possible and permissible, be given, orally or in writing, at the consulate or at the residence of the consular officer or consular employee concerned.

(3) A consular employee, to whom the provision of paragraph (1) of this Article do not apply, may decline to give evidence as a witness with regard to matters falling within the scope of his official duties.

(4) A consular officer or consular employee shall be entitled, in giving evidence as a witness, to make an affirmation in lieu of an oath.

(5) The provision of this Article shall apply to proceedings before administrative tribunals as well as to proceedings before courts.

(6) The provisions of paragraphs (1), (3), (4) and (5) of this Article shall also apply, to the extent that they are capable of such application, to the members of the family of the consular officer or employee, residing with him, provided, in each case, that the person concerned is not a national of the receiving State.

(7) The provisions of this Article shall be without prejudice to the provisions of Article 49.

Article 22

(1) A consular officer shall be exempt in the receiving State from service in the armed forces and from compulsory service of any kind.

(2) The provisions of paragraph (1) of this Article shall also apply to consular employees and to members of the families of consular officers and employees, residing with them, provided, in each case, that the person concerned is not a national of the receiving State.

Article 23

A consular officer or employee, together with members of his family, residing with him, shall be exempt from all requirements under the laws and regulations of the receiving State with regard to registration, permission to reside and other similar requirements applicable in the case of aliens.

Article 24

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

- (a) land, buildings or parts of buildings owned or leased by the sending State or by a natural or juridical person acting on behalf of that State and used exclusively for any of the purposes specified in Article 14;
- (b) transactions or instruments relative to the acquisition of such premises.

(2) The provisions of sub-paragraph (a) of paragraph (1) of this Article shall not apply with regard to payments due in respect of services rendered.

Article 25

No tax or other similar charge of any kind for the payment of which the sending State would otherwise be legally liable shall be imposed or collected by the receiving State in respect of the acquisition, ownership, possession or use of movable property by the sending State for consular purposes.

Article 26

No tax or other similar charge of any kind shall be imposed or collected in the receiving State in respect of fees received on behalf of the sending State as compensation for consular services or in respect of any receipt given in connexion with such a fee.

Article 27

A consular officer or, provided that he is not a national of the receiving State, a consular employee, shall be exempt in that State from all taxes or other similar charges of any kind imposed or collected by the receiving State in respect of the official emoluments, salary, wages or allowances received by him as compensation for his official duties.

Article 28

(1) Subject to the provisions of paragraph (2) of this Article, a consular officer or employee, provided, in either case, that he is not a national of the receiving State, that he is not engaged in private occupation for gain in that State and that he is a permanent official of the sending State, shall in his private capacity be exempt in the receiving State from all taxes or other similar charges of any kind imposed or collected by that State for the payment of which he would otherwise be the person legally liable.

(2) The provisions of paragraph (1) of this Article shall not, however, apply with respect to any tax or other similar charge of any kind leviable :

- (a) on the acquisition, ownership, occupation or disposal of immovable property situated within the receiving State;
- (b) without prejudice to the provisions of Article 27, on income derived from other sources, or on the appreciation of assets, within the receiving State;
- (c) on transactions, or instruments effecting transactions, including stamp duties imposed or collected in connexion therewith;
- (d) without prejudice to the provisions of Article 30, on the passing at death, including by inheritance, of property.

Article 29

(1) All articles, including motor vehicles, imported for the official use of a consulate shall be exempt from customs duties and other taxes or similar charges of any kind imposed upon or by reason of importation to the same extent as if they were imported by the diplomatic mission of the sending State in the receiving State.

(2) A consular officer or employee shall, provided, in either case, that he is not a national of the receiving State, that he is not engaged in private occupation for gain in that State and that he is a permanent official of the sending State, be exempt from customs duties and other taxes or similar charges of any kind in respect of articles imported, including motor vehicles, to the same extent as a member of the corresponding category of staff of the diplomatic mission of the sending State.

(3) The provisions of paragraph (2) of this Article shall apply also to members of the family of a consular officer or consular employee, residing with him, provided, in each case, that the person concerned is not a national of the receiving State and is not engaged in private occupation for gain in that State.

Article 30

If a consular officer or consular employee or a member of his family, residing with him, dies and leaves movable property in the receiving State, no tax or other similar charge of any kind shall be imposed or collected by the receiving State in respect of that property, provided that the deceased person was not a national of the receiving States and that the presence of the property in that State

was due solely to the presence of the deceased in the capacity of a consular officer or employee or as a member of the family of a consular officer or employee.

Article 31

(1) The privileges and immunities accorded under this Convention shall be granted to a consular officer or employee from the moment of his entry into the receiving State to assume his post, or, if he is already in that State, from the moment of taking up his duties at the consulate. They shall continue to be granted until the moment of departure from the receiving State upon the termination of his appointment.

(2) In the case of a member of the family of a consular officer or employee, residing with him, the said privileges and immunities shall be granted from the moment when they are granted to the officer or employee concerned, or from the moment of entry into the receiving State, whichever is the later, and shall continue to be granted until the moment of departure from the receiving State of that officer or employee upon the termination of his appointment.

Article 32

(1) All persons to whom privileges and immunities are accorded under this Convention shall, without prejudice to the said privileges and immunities, be under an obligation to respect the laws and regulations of the receiving State, including those relative to the control of traffic and to the insurance of motor vehicles.

(2) The rights, privileges and immunities accorded to a consular officer or employee shall not be made use of by him except for purposes consistent with his capacity as such.

PART IV

CONSULAR FUNCTIONS

Section A

GENERAL PROVISIONS

Article 33

(1) A consular officer shall be entitled to perform the duties specified in this Part. He may, in addition, perform other consular duties, provided that they are not contrary to the law of the receiving State.

(2) A consular officer shall be entitled to perform consular duties only within the consular district. However, upon notification to the appropriate authorities of the receiving State and in the absence of objection on their part, he may perform such duties outside the said district.

(3) In connexion with the performance of his duties a consular officer may apply to, and correspond with, the competent authorities of the receiving State within the consular district.

(4) A consular officer shall be entitled to levy the fees prescribed under the law of the sending State for the performance of consular duties.

(5) Upon notification to the receiving State, a consular officer shall be entitled to perform duties on behalf of a third State, provided that the receiving State does not raise objection.

Section B

GENERAL FUNCTIONS

Article 34

A consular officer shall be entitled :

- (a) to protect the rights and to promote the interests of the sending State and of its nationals; the term " national " shall, for the purposes of this Part, mean any person whom the sending State recognises as its national, including, where the context so permits, any juridical entity,
- (b) to further the expansion of contacts between the sending State and the receiving State in relation to commercial, economic, scientific and cultural matters and tourism and to contribute to the development of friendly ties between them in these and other fields of their mutual relations.

Article 35

In any case where a national of the sending State is not present or otherwise represented in the receiving State, a consular officer shall be entitled, consistently with the law of the receiving State, to take, personally or through an authorised representative, any necessary measures to safeguard the rights and interests of the national before the judicial or administrative authorities of the receiving State. A consular officer may also propose to the competent authority that consideration of the matter be postponed until such time as the national has been informed and has had reasonable opportunity to be present or represented.

Article 36

(1) A consular officer shall be entitled to communicate with, interview and advise a national of the sending State, to aid him in relations with, or in proceedings before, the judicial or administrative authorities of the receiving State, make arrangements for legal assistance for him, where necessary, and, at the request of the said authorities or with their consent, act as interpreter on behalf of such a national or propose an interpreter so to act.

(2) No restriction shall be placed by the receiving State upon the access of a national of the sending State to the consulate or upon communication by him with the consulate.

Article 37

(1) In any case where a national of the sending State has been arrested, detained or subjected to any other deprivation of liberty, the competent authorities of the receiving State shall within the course of one to three days (but not later) so inform the appropriate consular officer.

(2) The consular officer shall be entitled without delay to communicate with, to visit and to converse with any such national and, where necessary, to arrange legal representation for him.

(3) In any case where a national of the sending State has been convicted and is serving a sentence of imprisonment the consular officer shall have the right to communicate with and to visit and converse with him. Such visits may be paid on a recurrent basis.

(4) The rights accorded under paragraphs (2) and (3) of this Article shall be exercised in accordance with the laws and regulations of the receiving State, provided, however, that the said laws and regulations shall not derogate from these rights.

(5) A national to whom the provisions of this Article apply may receive parcels of the size and content and at the intervals permitted under the regulations of the institution in which he is detained.

Article 38

(1) A consular officer shall be entitled :

- (a) to receive any declaration required to be made under the law of the sending State with regard to nationality;
- (b) to keep a register of nationals of the sending State;
- (c) to register the birth or death of a national of the sending State;
- (d) to receive declarations pertaining to the family relationships of a national of the sending State in accordance with the law of that State;

- (e) to record a marriage solemnized under the law of the receiving State, or a divorce granted under that law, provided that at least one of the parties to such marriage or divorce is a national of the sending State;
 - (f) to solemnize a marriage, provided that both parties thereto are nationals of the sending State and provided also that the solemnization of such a marriage is not prohibited under the law of the receiving State;
 - (g) to issue, revoke, renew, amend and extend the validity of passports, entry, exit and transit visas and other similar documents;
 - (h) to issue, with regard to goods, certificates of origin and other similar documents for use in the sending State.
- (2) Nothing in the provisions of sub-paragraphs (c), (e) and (f) of paragraph (1) of this Article shall exempt the person concerned from any obligation under the law of the receiving State to make an appropriate registration or notification.

Article 39

- (1) A consular officer shall be entitled :
- (a) to attest, certify, authenticate, legalise or take such other action as may be necessary to validate acts or documents of a juridical character or copies thereof, including commercial documents, declarations, registrations, testamentary dispositions and contracts required :
 - (i) by a person of any nationality for use in the sending State or under the law of that State; or
 - (ii) by a national of the sending State for use elsewhere than in that State;
 - (b) to translate documents and to certify the accuracy of the translation.
- (2) It is understood, however, that the provisions of paragraph (1) of this Article involve no obligation on the authorities of the receiving State to recognise the validity of the acts and documents referred to in that paragraph if required for use in the receiving State or under the law of that State.
- (3) Upon submission to the competent authorities of the receiving State, documents, copies, extracts and translations shall be legalised where this is required by the law of that State.

Article 40

- (1) A consular officer shall be entitled to propose to a court or other competent authority of the receiving State the names of appropriate persons to act as guardians or trustees in respect of a national of the sending State or in respect

of the property of such a national in any case where that property is left without supervision.

(2) If the court or authority concerned considers that a person proposed is for any reason unacceptable in such capacity the consular officer may propose a new candidate.

Article 41

A consular officer shall be entitled, on behalf of the courts of the sending State, to serve judicial documents on a national of the sending State in a manner not contrary to the law of the receiving State.

Section C

FUNCTIONS RELATING TO ESTATES

Article 42

Where it comes to the knowledge of the competent authorities of the receiving State that a national of the sending State has died in the former State they shall notify the appropriate consular officer accordingly.

Article 43

(1) Where it comes to the knowledge of the competent authorities of the receiving State that in that State there is an estate :

- (a) of a national of the sending State in relation to which no person (other than an authority of the receiving State) entitled to claim administration is present or represented in the receiving State; or
- (b) of a deceased person of any nationality in relation to which a consular officer may have a right to represent interests by virtue of the provisions of paragraph (2) of Article 44,

the said authorities shall notify the appropriate consular officer of the sending State accordingly.

(2) The consular officer shall likewise notify the competent authorities of the receiving State if such information should reach him through any other channel.

Article 44

(1) Where a deceased national of the sending State leaves property in the receiving State, a consular officer shall be entitled, with a view to the protection, preservation and administration of the estate :

- (a) to request the competent authorities of the receiving State to take such action for these purposes as may be appropriate under the law of that State; he may be present at the making of the inventory and the imposition of the seals and may generally concern himself with the action taken in relation to the estate;
- (b) to the extent that the law of the receiving State so permits, to take the appropriate action himself, either personally or through an authorised representative.

(2) Where a national of the sending State holds or claims an interest in property left in the receiving State by a deceased person of any nationality and is not present or represented in that State, a consular officer shall be entitled to represent the interests of the said national in relation to the estate to the same extent as if valid powers of attorney had been executed by him in favour of the consular officer.

(3) Where a consular officer is entitled to take action under paragraph (2) of this Article, any grant or order of a court which may be necessary under the law of the receiving State to enable him to take possession of, or to administer, the estate, shall be made in favour of the consular officer upon his application as would have been made in favour of the duly appointed attorney of the national whose interests the consular officer represents.

(4) On *prima facie* evidence of the necessity for the immediate protection and preservation of the estate and of the existence of a person or 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.

Article 45

If a national of the sending State whom a consular officer represents by virtue of the provisions of Article 44 subsequently becomes legally represented in the receiving State, the consular officer shall cease to represent him as from the date when he is informed that the national is otherwise represented. Where, however, a grant of representation or order of a court has already been made in favour of the consular officer, he shall continue to represent the national until the date when a further grant or order has been made on the application of the national or of his representative.

Article 46

(1) A consular officer shall be entitled, on behalf of a national of the sending State not present in the receiving State, to receive from a court, agency or person money or other property to which the national concerned is entitled as a consequence of the death of any person, including shares in an estate, payments made in pursuance of workmen's compensation laws and the proceeds of life insurance policies.

(2) In conformity with the law of the receiving State, the consular officer may transmit the money or property referred to in paragraph (1) of this Article to the national.

(3) If the court, agency or person concerned should think it necessary to impose conditions with regard to :

- (a) the production of a power of attorney or other authorisation from the national concerned; or
- (b) the production of reasonable evidence of the receipt of such money or property by the said national or the return of the money or property in the absence of such evidence,

the consular officer shall comply with such conditions.

Article 47

(1) If a national of the sending State, not being domiciled in the receiving State, dies during a temporary stay in or while passing through that State, a consular officer shall be entitled, for the purpose of safeguarding the money and effects in the personal possession of the deceased, to take immediate custody thereof.

(2) The consular officer may retain for disposal in conformity with the appropriate law of succession those objects which the deceased national had with him for personal use but any right to retain possession of money or other effects shall be subject, except where the law of the receiving State otherwise provides, to the provisions of Articles 44 and 46.

Article 48

In any case where a consular officer receives from a court, agency or person money or other property, the court, agency or person concerned shall be entitled to receive from him a valid discharge in respect of such money or property.

Article 49

In exercising the rights accorded under Articles 44 to 48 a consular officer shall comply with the law of the receiving State and shall be subject in this connexion to the civil jurisdiction of that State.

Section D

FUNCTIONS RELATING TO SHIPPING

Article 50

(1) A consular officer shall be entitled to render every assistance and aid to a vessel of the sending State which has come to a port or other place of anchorage within the consular district.

(2) A consular officer may communicate with the vessel and proceed on board as soon as she has been given permission to establish contact with the shore (*pratique*).

(3) The master and members of the crew shall be permitted to communicate with the consular officer. They may also, subject to the laws and regulations of the receiving State with regard to the port area and the admission of foreigners, proceed to the consulate.

(4) A consular officer may invoke the aid of the competent authorities of the receiving State in any matter relating to the performance of his duties with respect to a vessel of the sending State or to the master and members of the crew of such a vessel.

Article 51

(1) A consular officer shall be entitled :

- (a) to investigate, without prejudice to the rights of the authorities of the receiving State, any incident occurring on board a vessel of the sending State during her voyage, question the master or any member of the crew, examine the vessel's papers, take statements with regard to her voyage and destination and generally facilitate the entry into, stay in and departure from, a port of the vessel;
- (b) to arrange, provided that this is not contrary to the law of the receiving State, for the engagement and discharge of the master or a member of the crew;
- (c) without prejudice to the rights of the authorities of the receiving State, to settle disputes between the master and any member of the crew, including disputes as to wages and contracts of service to the extent that this is permitted under the law of the sending State;
- (d) to take measures for the maintenance of good order and discipline on board the vessel;
- (e) to arrange for the treatment in a hospital and for the repatriation of the master or a member of the crew of the vessel;

- (f) to receive, draw up or execute any declaration or other document prescribed under the law of the sending State in connexion with vessels;
- (g) to take other measures for the enforcement of the law of the sending State relative to merchant shipping.

(2) A consular officer may, to the extent that the law of the receiving State permits him to do so, appear with the master or any member of the crew of the vessel before the judicial and administrative authorities of that State, render him every assistance and act as interpreter before those authorities.

Article 52

(1) The judicial authorities of the receiving State shall not entertain any proceedings with regard to disputes as to wages and contracts of service between the master and a member of the crew of a vessel of the sending State without first giving notice to the appropriate consular officer and shall refuse to entertain the proceedings if the consular officer objects.

(2) These authorities may, however, exercise any other civil jurisdiction which they may possess under the law of the receiving State.

Article 53

(1) Where it is the intention of the courts or other competent authorities of the receiving State to institute any formal enquiry or to take any coercive action on board a vessel of the sending State, they shall notify the appropriate consular officer accordingly. Such notification shall be made in time to enable the consular officer or his representative to be present or, if this should prove to be impracticable owing to the urgency of the matter, as soon as possible thereafter. If the consular officer was not present or represented, he shall, upon request, be provided by the authorities concerned with full information with regard to what has taken place.

(2) The provisions of paragraph (1) shall apply also in any case where it is the intention of the competent authorities of the port to question the master or any member of the crew ashore.

(3) The provisions of this Article shall not apply to any routine examination by the authorities with regard to immigration, customs, public health, the safety of life at sea, the prevention of pollution of the sea, wireless telegraphy or any action taken at the request or with the consent of the master of the vessel.

Article 54

(1) If a vessel of the sending State is wrecked, runs aground, is swept ashore or otherwise sustains damage in the receiving State or if any article forming part of the cargo of a wrecked vessel of a third State, being the property of a national of the sending State, is found on or near the coast of the receiving State or is brought into a port of that State, the competent authorities of the receiving State shall, as soon as possible, notify the appropriate consular officer accordingly. They shall also inform him of the measures taken for the preservation of the vessel, of the lives of persons on board the vessel, of the cargo and other property on board and of articles belonging to the vessel, or forming part of her cargo, which have become separated from the vessel.

(2) The consular officer may render every assistance to the vessel, her passengers and members of her crew, including the taking of measures for the purposes referred to in paragraph (1) of this Article, as also for the repair of the vessel, and, in this connexion, may invoke the assistance of the competent authorities of the receiving State.

(3) Where the vessel or any article belonging thereto has been found on or near the coast of the receiving State or brought into a port of that State and neither the master of the vessel, the owner, his agent nor the underwriters concerned is in a position to make arrangements for the custody or disposal of the vessel or article, the consular officer shall be deemed to be authorised to make, on behalf of the owner of the vessel, the same arrangements as the owner himself could have made for such purposes.

(4) The provisions of paragraph (3) of this Article shall also apply to any article forming part of the cargo of the vessel and being the property of a national of the sending State.

(5) The authorities of the receiving State shall not levy in relation to any vessel, cargo or article to which the foregoing paragraphs of this Article apply any duty, tax or charge other than duties, taxes or charges of the same kind and amount as would be levied in similar circumstances in relation to a vessel, cargo or article of the receiving State or of a third State.

(6) Where any article forming part of the cargo of a wrecked vessel of a third State is the property of a national of the sending State and is found on or near the coast of the receiving State or is brought into a port of that State, and neither the master of the vessel, the owner of the article, his agent nor the underwriters concerned is in a position to make arrangements for the custody or disposal of the article, the consular officer shall be deemed to be authorised to make,

on behalf of the owner, such arrangements as the owner himself could have made for such purposes.

Article 55

(1) If a ship of war of the sending State comes to a port or other place of anchorage in the receiving State, the appropriate consular officer shall be entitled to render every aid and assistance to the ship, her commanding officer and crew.

(2) The consular officer may proceed on board the ship and the commanding officer and members of the crew may communicate with the consular officer.

Article 56

The provisions of Articles 50 to 54 of this Convention shall also apply in relation to civil aircraft to the extent that they are capable of such application.

PART V

FINAL PROVISIONS

Article 57

(1) This Convention shall be ratified and shall enter into force thirty days after the exchange of instruments of ratification, which shall take place at Sofia as soon as possible.

(2) The Convention shall remain in force for a period of five years. In case neither High Contracting Party shall have given to the other, twelve months before the expiry of the said period of five years, notice of intention to terminate the Convention, it shall continue to remain in force until the expiry of twelve months from the date on which notice of such intention is given by one High Contracting Party to the other.

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

DONE in duplicate at London this 13th day of March, 1968, in the English and Bulgarian languages, both texts being equally authoritative.

For Her Britannic Majesty :

George BROWN

For the Praesidium of the National Assembly
of the People's Republic of Bulgaria :

д-р П. ВУТОВ¹

¹ Dr. P. Voutov.

FIRST PROTOCOL

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 People's Republic of Bulgaria, the undersigned Plenipotentiaries, being authorised thereto, have agreed as follows :

“ With reference to paragraph (3) of Article 37, the High Contracting Parties shall interpret the expression ‘ on a recurrent basis ’ as meaning that visits may be paid under normal circumstances at intervals of not more than one month and in all circumstances at intervals of not more than three months. ”

This Protocol shall form an integral part of the Convention.

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

DONE in duplicate at London this 13th day of March, 1968, in the English and Bulgarian languages, both texts being equally authoritative.

For Her Britannic Majesty :

George BROWN

For the Praesidium of the National Assembly
of the People's Republic of Bulgaria :

д-р П. ВУТОВ¹

¹ Dr. P. Voutov.

SECOND PROTOCOL

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 People's Republic of Bulgaria, the undersigned Plenipotentiaries, being authorised thereto, have agreed as follows :

“ The High Contracting Parties shall enter into negotiations within a period of twelve months with a view to the conclusion of an Agreement to regulate the right of their authorities, judicial and administrative, to exercise jurisdiction, or to intervene, in relation to matters occurring on board a vessel of one Party in the territories of the other Party. ”

This Protocol shall form an integral part of the Convention.

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

DONE in duplicate at London this 13th day of March, 1968, in the English and Bulgarian languages, both texts being equally authoritative.

For Her Britannic Majesty :

George BROWN

For the Praesidium of the National Assembly
of the People's Republic of Bulgaria :

д-р П. ВУТОВ¹

¹ Dr. P. Voutov.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
CONCERNING THE CONSULAR CONVENTION OF 13
MARCH 1968 BETWEEN THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE
PEOPLE'S REPUBLIC OF BULGARIA

I

The Secretary of State for Foreign Affairs to the Bulgarian Ambassador in London

FOREIGN OFFICE, S.W.1

(KO 10/107/1)

Your Excellency,

13 March, 1968

With reference to Article 20 of the Consular Convention of today's date between our two countries, I have the honour to confirm that if after the entry into force of the Convention the Bulgarian Government should appoint a consular employee to a consulate, Her Majesty's Government in the United Kingdom will be prepared, subject to a reciprocal undertaking on the part of the Bulgarian Government, to extend immunity from jurisdiction and personal inviolability to the employee and to any member of his family residing with him, provided in each case that the person concerned is not a national of the receiving State, to the same extent as they are granted to a consular officer and to a member of his family residing with him under paragraph (1) and paragraph (2) of this Article respectively. This shall not apply, however, to a member of the family of a consular employee employed on service duties.

If the Bulgarian Government are prepared to give such a reciprocal undertaking, I have the honour to propose that this Note and Your Excellency's reply thereto to that effect shall be regarded as constituting the agreement reached between our respective Governments in this matter.

I have the honour to be, with the highest consideration, Your Excellency's obedient Servant

George BROWN

¹ Came into force on 13 March 1968 by the exchange of the said notes.

[TRANSLATION¹ — TRADUCTION²]

The Bulgarian Ambassador in London to the Secretary of State for Foreign Affairs

EMBASSY OF THE PEOPLE'S REPUBLIC OF BULGARIA

No. 420

London, 13 March 1968

Sir,

I have the honour to confirm the receipt of your Note (KO 10/107/1) of today's date, the contents of which are as follows :—

[*See note I*]

I am directed to state that the Government of the People's Republic of Bulgaria approve the conditions set forth and regard them as accepted by the two countries.

Please accept, Sir, my highest respects.

д-р П. ВУТОВ³

¹ Translation by the Government of the United Kingdom.

² Traduction du Gouvernement du Royaume-Uni.

³ Dr. P. Voutov.