

No. 11808

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

Consular Convention. Signed at Budapest on 12 March 1971

Authentic texts : English and Hungarian.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
9 May 1972.*

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

Convention consulaire. Signée à Budapest le 12 mars 1971

Textes authentiques : anglais et hongrois.

*Enregistrée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
9 mai 1972.*

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

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 Presidential Council of the Hungarian People's Republic;

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

Wishing to regulate their relations in the consular field and thus to facilitate the protection of their respective national interests and the rights and interests of their respective nationals;

Have decided to conclude a consular convention and have appointed as their Plenipotentiaries for this purpose :

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 :

Anthony Henry Fanshawe Royle, Esquire, M.P., Parliamentary Under Secretary of State for Foreign and Commonwealth Affairs;

The Presidential Council of the Hungarian People's Republic :

Mr. József Marjai, Deputy Minister of Foreign Affairs of the Hungarian People's Republic;

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 purpose of this Convention :

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

¹ Came into force on 28 November 1971, i.e. 30 days after the exchange of the instruments of ratification, which took place at London on 29 October 1971, in accordance with article 61(1).

(2) the term “consular officer” shall mean any person, including the head of a consulate, who has been appointed as such in accordance with the provisions of the Convention, and charged with the performance of consular duties;

(3) the term “consular employee” shall mean any person employed at a consulate by the sending State to perform :

- (a) administrative or technical duties; or
- (b) other duties in the service of the consulate;

and notified as such to the receiving State in conformity with article 5;

(4) the term “vessel of the sending State” shall mean any vessel registered at a port of the sending State. This term shall not, however, include any ship of war.

PART II

ESTABLISHMENT OF CONSULATES AND CONSULAR APPOINTMENTS

Article 2

(1) The establishment of a consulate by the sending State in the territory of the receiving State shall be subject to the consent of the latter State.

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

Article 3

(1) The head of the consulate may enter upon the performance of his duties as soon as he receives an exequatur or other authorisation from the receiving State after the presentation of his consular commission or other document of appointment.

(2) The consular commission or other document of appointment shall specify the full name of the head of the consulate, his rank, the consular district and the seat of the consulate.

(3) A State which refuses to grant an exequatur or other authorisation shall not be obliged to give the sending State reasons for such refusal.

(4) Pending delivery of the exequatur or other authorisation, the head of a consulate may be admitted on a provisional basis to the performance of his duties.

Article 4

(1) If the head of a consulate is unable for any reason to act as such or if the post is temporarily vacant, the sending State may appoint a consular officer belonging 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 name of the person concerned shall be notified as soon as possible to the ministry of foreign affairs of the receiving State.

(2) Such acting officer shall be accorded the same rights, privileges and immunities and shall be subject to the same obligations as if he had been appointed under article 3.

Article 5

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

Article 6

(1) (a) A consular officer shall be a national of the sending State and not a national or a permanent resident of the receiving State.

(b) A consular employee may be a national of the sending State, a national of the receiving State or a national of a third State.

(2) The prior consent of the receiving State shall be required in the following cases :

(a) any appointment of a national of the sending State if the person concerned has already been authorised to enter, or reside in, the receiving State for other purposes. This limitation shall not apply, however, in the case of a person who is already a member of the staff of a consulate, or of the diplomatic mission, of the sending State in the receiving State;

(b) the appointment as a consular employee of a national or a permanent resident of the receiving State or a national of a third State.

Article 7

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 consular employee is unacceptable. The sending State shall thereupon recall the person concerned or terminate his duties at the consulate. If the sending State fails to carry out this obligation within a reason-

able period, the receiving State may, in the case of the head of a consulate, withdraw the exequatur or other authorisation or, in the case of a consular officer or consular employee, decline to continue to recognise him in such capacity.

PART III

FACILITIES, PRIVILEGES AND IMMUNITIES

Article 8

(1) The receiving State shall treat the consulates and consular officers of the sending State with due respect and shall safeguard their dignity.

(2) The receiving State shall take all necessary measures to protect the consulates of the sending State as also the residences of consular officers and consular employees, and to ensure their lives and safety, as also the lives and safety of members of their families, residing with them.

Article 9

To the extent that this is permitted under the law of the receiving State, the sending State or a natural or juridical person acting on its behalf may acquire, hold or occupy under any form of tenure which may exist under that law, land, buildings or parts of buildings 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, and may dispose of them. Where necessary, the receiving State shall assist the sending State in acquiring land, buildings or parts of buildings for these purposes.

Article 10

(1) Land, buildings and parts of buildings used exclusively for the purposes of a consulate shall be inviolable. The authorities of the receiving State shall not enter the said land, buildings or parts of buildings except with the consent of the head of the consulate or of the head of the diplomatic mission of the sending State or of a person nominated by one of them. The provisions of this paragraph shall apply also to the residence of a consular officer.

(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.

Article 11

Land, buildings and parts of buildings, their furniture and equipment, used exclusively for consular purposes, including the purpose of providing a residence for a consular officer, as also the means of transport of a consulate or of a consular officer, shall be exempt from all forms of requisitioning.

Article 12

(1) The flag of the sending State or its consular flag may be flown and its coat-of-arms displayed on the building in which the consulate is installed and at the entrance door thereof, on the residence of the head of the consulate and on the means of transport used by him in the performance of his official duties.

(2) In the exercise of the rights accorded under this article regard shall be paid to the laws, regulations and usages of the receiving State.

Article 13

(1) The consular archives and documents shall be inviolable at all times and wherever they may be.

(2) Documents and objects of an unofficial character shall not be kept in the archives.

Article 14

(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 or in a third State. The consulate may for this purpose employ all public means of communication as also couriers, sealed pouches, bags and other containers, and may use cyphers. However, the installation and use of a wireless transmitter by the consulate shall be subject to the consent of the receiving State.

(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.

(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 and the authorities of the receiving State shall not examine or detain them. They shall contain only official correspondence and objects intended exclusively for official use.

(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 15

(1) (a) A consular officer shall be immune from the jurisdiction of the receiving State except in the cases referred to in article 52 of this Convention and in sub-paragraph (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.

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

(2) (a) A consular employee, as defined in sub-paragraph (3) (a) of article 1, provided that he is not a national or a permanent resident of the receiving State, shall be immune from the criminal jurisdiction of that State. He shall also be immune from the civil and administrative jurisdiction of that State in respect of any act performed in his official capacity.

(b) The provisions of the first sentence of sub-paragraph (a) of this paragraph shall apply also to members of the family of the consular employee, residing with him, provided in each case that the person concerned is likewise not a national of the receiving State.

(3) A consular employee, as defined in sub-paragraph (3) (b) of article 1, provided that he is not a national or a permanent resident of the receiving State, shall be immune from the jurisdiction of that State in respect of any act performed in his official capacity.

Article 16

(1) In the event of the arrest or detention of, or the institution of criminal proceedings against, a consular employee, as defined in sub-paragraph (3) (b) of article 1, the receiving State shall immediately inform the head of the consulate accordingly.

(2) The provisions of paragraph (1) of this article shall apply also to the members of the family of the consular employee, residing with him, as also to members of the family of a consular officer to whom the provisions of sub-paragraph (1) (b) of article 15 do not apply.

Article 17

(1) A consular officer and, provided that he is not a national or a permanent resident of the receiving State, a consular employee, as defined in sub-paragraph (3) (a) of article 1, shall be entitled to decline to give evidence as a witness.

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

(2) A consular employee, as defined in sub-paragraph (3) (a) of article 1, to whom the provisions of paragraph (1) of this article do not apply, or a consular employee, as defined in sub-paragraph (3) (b) of article 1, shall be entitled to decline to give evidence as a witness with regard to matters falling within the official work of the consulate or to produce any official document or object.

(3) In any case where the sending State has made a waiver of immunity in pursuance of article 18 in order that a person to whom the provisions of paragraph (1) or of paragraph (2) of this article apply may give evidence in the interests of justice,

(a) no coercive measures shall be taken to compel the person concerned to give evidence or to appear in court for this purpose and no penalty shall be imposed in the event of failure by him to give evidence or to appear in court;

(b) all reasonable steps shall be taken to avoid interference with the work of the consulate. If the person concerned is a consular officer such evidence, on the request of the head of the consulate may, where this is possible and permissible, be given, orally or in writing, at the consulate or at the residence of the consular officer.

(4) The provisions of paragraph (1) and sub-paragraph (3) (a) of this article shall apply also to members of the family of the consular officer or consular employee, residing with him, provided in each case that the person concerned is not a national of the receiving State.

(5) The provisions of the preceding paragraphs of this article shall apply alike to proceedings before the courts of the receiving State and its administrative authorities.

Article 18

(1) The sending State may waive any of the privileges and immunities provided for in articles 15 and 17.

(2) Without prejudice to the provisions of paragraph (3) of this article, the waiver shall in all cases be express and shall be communicated in writing to the receiving State.

(3) The initiation of proceedings by a person entitled to immunity from jurisdiction under article 15 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

(4) 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 19

Subject to the laws and regulations of the receiving State with regard to areas entry into which is prohibited or restricted for reasons of national security, a consular officer or consular employee, as also members of his family, residing with him, shall be permitted to travel freely in that State. The provisions of this article shall be without prejudice to any requirement with regard to the obtaining of visas or other travel documents laid down under the laws and regulations of the receiving State.

Article 20

(1) A consular officer, as also, provided that he is not a national or a permanent resident of the receiving State, a consular employee, shall be exempt in the receiving State from service in the armed forces and from other compulsory public service of any kind.

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

Article 21

(1) A consular officer, as also, provided that he is not a permanent resident of the receiving State, a consular employee, shall be exempt from all requirements under the laws and regulations of the receiving State relative to the registration of aliens and permission to reside.

(2) The provisions of paragraph (1) 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 permanent resident of the receiving State.

Article 22

The child of a consular officer, as also the child of a consular employee, provided that he is a national of the sending State and is not a permanent resident of the receiving State, shall not acquire the nationality of the latter State solely by virtue of birth in that State during the period of the assignment of the person concerned to that State.

Article 23

(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 9;

(b) transactions or instruments relative to the acquisition of such premises.

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

(3) The exemption accorded under paragraph (1) of this article shall not apply to taxes or other similar charges payable under the law of the receiving State by a person contracting with the sending State or with a person acting on its behalf.

Article 24

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 25

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 26

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 27

A consular officer or consular 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 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 except those,

- (a) on the acquisition, ownership, occupation or disposal of immovable property situated within the receiving State;
- (b) without prejudice to the provisions of article 26, 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;
- (d) without prejudice to the provisions of article 29, on the passing of property at death.

Article 28

(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 consular 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 the 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.

(4) The personal baggage accompanying a consular officer or a member of his family, residing with him, shall be exempt from customs inspection to the same extent as the personal baggage of a diplomatic agent.

Article 29

If a consular officer, a 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 and no limitation upon export shall be applied, provided,

- (a) that the deceased person was not a national or a permanent resident of the receiving State;
- (b) that the person entitled to receive the property as a consequence of the death is not a national or a permanent resident of the receiving State;

- (c) 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 consular employee or as a member of the family of a consular officer or consular employee.

Article 30

(1) Without prejudice to the provisions of paragraph (4) of this article, a consular officer, as also, provided that he is not a national or a permanent resident of the receiving State, a consular employee, shall, with respect to services rendered by him for the sending State, be exempt from the social security provisions of the receiving State.

(2) The exemption provided for in paragraph (1) of this article shall apply also to members of the family of the consular officer or consular employee, residing with him, provided in each case that the person concerned is not a national or a permanent resident of the receiving State.

(3) In addition, the exemption provided for in paragraph (1) of this article shall apply to a person in the private service of the consular officer or consular employee, provided in each case that the person concerned

- (a) is not a national or a permanent resident of the receiving State; and
(b) is covered by the social security provisions of the sending State or of a third State.

(4) Any such consular officer or consular employee who employs a person to whom the provisions of paragraph (3) of this article do not apply shall observe any obligations imposed upon employers under the social security provisions of the receiving State.

(5) The exemption provided for in paragraphs (1), (2) and (3) of this article shall not preclude voluntary participation, in so far as such participation may be permissible, in the social security system of the receiving State.

Article 31

(1) A consular officer or consular employee shall receive the immunities and privileges due to him under this Convention as from the moment of crossing the frontier of the receiving State to take up his post or, if he is already present in that State, as from the moment of entering upon his duties.

(2) Members of the family of a person to whom paragraph (1) of this article applies, residing with him, shall receive the immunities and privileges accorded to them under the Convention,

- (a) as from the moment that the consular officer or consular employee becomes entitled to receive immunities and privileges in accordance with paragraph (1) of this article;

- (b) if they entered the receiving State after that date, as from the moment of crossing the frontier; or
- (c) as from the moment of becoming members of the family of the person concerned, as the case may be.

(3) When the appointment of a consular officer or consular employee comes to an end, his immunities and privileges, as also the immunities and privileges of members of his family, residing with him, shall cease as from the moment of his departure from the receiving State or upon the expiry of a reasonable period after termination of his appointment.

(4) In the case of a consular employee who is a national or a permanent resident of the receiving State immunities and privileges shall cease upon the termination of his appointment.

(5) In so far as concerns any act performed in his official capacity by a consular officer or consular employee, immunity from jurisdiction shall continue to subsist without limitation of time.

(6) The immunities and privileges of members of the family shall likewise cease as from the moment when they cease to be members of the family of the consular officer or consular employee in question. However, if the person concerned undertakes to depart from the territory of the receiving State within a reasonable period thereafter the immunities and privileges shall continue to be accorded until that date.

(7) In the event of the death of a consular officer or consular employee, members of his family shall continue to receive the immunities and privileges accorded to them under the Convention until the moment of their departure from the receiving State or until the expiry of a reasonable period granted for this purpose.

PART IV

CONSULAR FUNCTIONS

Article 32

The receiving State shall accord full facilities for the performance of the functions of the consulate.

Article 33

(1) A consular officer shall be entitled to perform the duties specified in this Convention. He may, in addition, perform other duties with which he is charged by the sending State, 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 his own consular district. The performance by him of consular duties outside that district shall be subject to the consent of the receiving State.

(3) 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.

(4) A consular officer may, on notification to the receiving State, act as representative of the sending State to an international organisation. In this capacity he shall be entitled to receive any facilities, privileges and immunities accorded to such a representative by international law.

Article 34

A consular officer shall be entitled,

- (a) to protect and promote the rights and interests of the sending State and those of its nationals including, where the context so permits, juridical persons;
- (b) to advance the interests of the sending State with regard to commercial, economic, scientific and cultural matters and tourism and to further the expansion of contacts and the development of friendly relations between the sending State and the receiving State in these and other fields;
- (c) to ascertain by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, to report thereon to the Government of the sending State and give information to persons interested.

Article 35

In connexion with the performance of his duties, a consular officer shall be entitled to apply,

- (a) to the competent local authorities within his consular district;
- (b) to the central authorities of the receiving State to such extent as the laws and usages of that State permit.

Article 36

A consulate shall be entitled to levy in the receiving State the fees and charges prescribed under the laws and regulations of the sending State for the performance of consular services.

Article 37

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, consi-

tently 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 38

A consular officer shall be entitled to serve judicial documents and execute letters rogatory in accordance with international agreements in force or otherwise not inconsistent with the laws and regulations of the receiving State.

Article 39

- (1) A consular officer shall be entitled,
- (a) to keep a register of nationals of the sending State;
 - (b) to register, or receive notification of, the birth or death of a national of the sending State;
 - (c) to record a marriage solemnised 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;
 - (d) to solemnise a marriage, provided that both parties thereto are nationals of the sending State and provided also that the solemnisation of such a marriage is not prohibited under the law of the receiving State.

(2) Nothing in the provisions of paragraph (1) of this article shall exempt any private person from any obligation imposed by the law of the receiving State with regard to the notification to, or registration with, the competent authorities of any matter dealt with in those provisions.

Article 40

A consular officer shall be entitled to issue, revoke, renew, amend and extend the validity of passports, entry, exit, and transit visas and other similar documents.

Article 41

- (1) A consular officer shall be entitled,
- (a) to draw up, attest, certify, authenticate, legalise or otherwise validate documents of a juridical character or copies thereof,

- (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) In any case where a document referred to in paragraph (1) of this article is required for use in the receiving State, the authorities of that State shall be obliged to recognise its validity only to the extent that this is consistent with the laws and regulations of the receiving State.

(3) In exercising the rights accorded under this article a consular officer shall act in conformity with the laws and regulations of the receiving State.

Article 42

(1) A consular officer shall be entitled, in so far as the law of the receiving State permits, to make representations to the competent authorities of that State in any case where a national of the sending State has been, or is about to be, placed under guardianship or trusteeship in the receiving State or with a view to ensuring the proper supervision of the property of a national who is absent. He may propose to the competent authorities of the receiving State the names of appropriate persons to act as guardians or trustees.

(2) If it comes to the knowledge of the competent authorities of the receiving State that measures require to be taken for the appointment of a guardian or trustee of a national of the sending State, they shall promptly so inform the consular officer.

Article 43

(1) In any case where a national of the sending State has been placed under detention pending trial or subjected to any other deprivation of personal liberty, the competent authorities of the receiving State shall notify the appropriate consulate of the sending State accordingly. Notification shall be made without delay and in any event within three days.

(2) The consular officer shall be entitled, provided that he complies with the conditions laid down for this purpose by the laws and regulations of the receiving State, to receive correspondence or other communications from a national who has been so placed under detention pending trial or subjected to any other form of deprivation of personal liberty and to take the necessary steps to provide him with legal assistance and representation.

(3) The consular officer shall likewise be entitled, provided that he complies with the conditions laid down for this purpose by the laws and regulations of the receiving State, to visit, to converse with and to communicate

with the national. Visits shall be permitted at latest after the expiry of seven days from the date on which the national was placed under detention pending trial or subjected to any other deprivation of liberty.

(4) In any case where a national of the sending State has been convicted and is serving a sentence of imprisonment in the receiving State, the consular officer, provided that he complies with the conditions laid down for this purpose by the laws and regulations of the receiving State, shall have the right to visit, to converse with and to communicate with him. Visits may be made on a recurrent basis and at intervals of not more than one month.

(5) A national to whom the provisions of this article apply may receive from the consular officer parcels containing food, clothes, medicaments and reading and writing materials to the extent that the applicable regulations of the institution in which he is detained so permit.

(6) The competent authorities of the receiving State shall, without delay, inform the national concerned of the rights of visit and communication granted under this article.

Article 44

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, without delay, inform the appropriate consular officer accordingly and shall transmit to him a copy of the death certificate or other document recording the death.

Article 45

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

(a) of a national of the sending State in relation to which no person (other than an official of the receiving State in his official capacity) entitled to claim administration is present or represented in the receiving State; or

(b) of a deceased person of any nationality in respect of which a national of the sending State who is neither present nor represented in the receiving State has an interest,

the said authorities shall, without delay, inform the appropriate consular officer 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.

(3) The provisions of this article shall apply whatever the place of the death of the deceased person.

Article 46

In any case to which the provisions of sub-paragraph (1) (a) of article 45 apply, the consular officer shall be entitled to take steps, personally or through an authorised representative, consistent with the law of the receiving State,

- (a) for the protection and preservation of the estate;
- (b) for the administration (including the distribution) of the estate.

Article 47

In any case where the provisions of sub-paragraph (1) (b) of article 45 apply, the consular officer within whose district the estate is being administered or, if no administration has been instituted, the property is situated, shall be entitled to represent the interests of the national of the sending State concerned to the same extent as if valid powers of attorney had been executed by him in favour of the consular officer.

Article 48

(1) If it is necessary under the law of the receiving State to obtain a grant of representation or order of a court before action can be taken in pursuance of article 47, any such grant or order 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.

(2) 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, or a definitive, grant of representation is made.

Article 49

(1) If a national of the sending State whom a consular officer represents by virtue of the provisions of article 47 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.

(2) Where a grant of representation or order of a court has already been made in favour of the consular officer under article 48, the consular officer 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 or of

some other person or until the grant or order is revoked by the appropriate authorities of the receiving State.

Article 50

(1) In conformity with the laws and regulations of the receiving State (including any provisions with regard to duties or taxes due, to foreign exchange regulations or to restrictions upon exportation), a consular officer shall be entitled, on behalf of a national of the sending State who is neither present nor represented in the receiving State,

- (a) to receive money or other property to which the national is entitled as a consequence of the death of any person; such money or property may include, *inter alia*, shares in an estate, legacies, payments made in respect of compensation or under social security legislation, pensions, and the proceeds of insurance policies;
- (b) to transmit to the national concerned the money or property referred to in sub-paragraph (a) of this paragraph; the receiving State may require that the liabilities of the estate, declared within the legal limits of time, shall first be paid or guaranteed.

(2) If the competent court, agency or person 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 51

(1) In any case where a national of the sending State who is not domiciled in the receiving State dies while temporarily present in that State, money and personal effects in his possession, provided that they are not claimed by a person who is present and entitled to claim them, shall be handed over without formality, on a provisional basis and for conservatory purposes, to the consulate of the sending State. This provision shall be without prejudice to the right of the authorities of the receiving State, administrative or judicial, to take charge of them in the interests of justice.

(2) If an authority of the receiving State is charged with the administration of the estate of the deceased person the consulate shall hand over the money and personal effects to the said authority.

(3) The exportation of the money and personal effects shall be subject to the laws and regulations of the receiving State.

(4) The provisions of this article shall be without prejudice to the provisions of articles 45 to 50.

Article 52

If a consular officer exercises the rights accorded under articles 46 to 51 with regard to an estate he shall, notwithstanding the provisions of paragraph (1) of article 15, be subject to that extent to the civil jurisdiction of the courts of the receiving State.

Article 53

(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 consulate 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 54

(1) A consular officer shall be entitled :

- (a) to investigate any incident occurring on board a vessel of the sending State during her voyage, question the master and any member of the crew, examine and confirm 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 this is not contrary to the law of the receiving State, for the engagement and discharge of the master or any member of the crew or for his return to the vessel;
- (c) without prejudice to the provisions of article 55, to settle disputes of any kind 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 make arrangements for the medical treatment and for the repatriation of the master or any member of the crew of the vessel;
- (e) to receive, draw up or execute any declaration or other document prescribed by the law of the sending State in connexion with vessels.

(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 courts and authorities of that State, render them every assistance (including the making of arrangements for legal aid) and act as interpreter in matters between them and these courts and authorities.

Article 55

(1) The judicial authorities of the receiving State shall not entertain any civil proceedings arising out of a claim of the master or a member of the crew of a vessel of the sending State relating to wages or to a contract of service without first giving notice to the appropriate consular officer, and shall decline to entertain the proceedings if the consular officer objects.

(2) The judicial authorities may, however, exercise any civil jurisdiction which is not excluded by paragraph (1) of this article.

(3) In addition, except at the request or with the consent of the appropriate consular officer, the judicial and administrative authorities of the receiving State shall not exercise jurisdiction or intervene (as the case may be) in respect of any matter occurring on board a vessel of the sending State, including, provided that it is justifiable under the law of the receiving State, the detention on the vessel of any person.

(4) The provisions of paragraph (3) of this article shall not apply :

- (a) in connexion with any offence committed on board the vessel of the sending State;
 - (i) if the consequences of the offence extend to the territory of the receiving State;
 - (ii) if the offence is of a kind to disturb the peace of the territory of the receiving State, or the good order of its national or territorial waters;
 - (iii) by or against a national of the receiving State or by or against some person other than the master or a member of the crew;
 - (iv) constituting under the law of the receiving State an offence which involves a penalty of deprivation of liberty for a period of at least five years or a more severe penalty; or
- (b) in connexion with any action taken by the authorities with regard to customs, immigration, public health, the safety of life at sea, oil pollution, wireless telegraphy or any similar matter.

Article 56

(1) Where it is the intention of the courts or other competent authorities of the receiving State to take any coercive action or to institute any formal enquiry on board a vessel of the sending State, they shall so inform the appropriate consular officer. Except where this is impossible on account of the urgency of the matter, such notification shall be made in time to enable the consular officer or his representative to be present. If the consular officer has not been 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) of this article shall apply also in any case where it is the intention of the competent authorities of the port area to question the master or any member of the crew ashore.

(3) The provisions of this article shall not, however, apply to any routine examination by the authorities in connexion with any of the matters specified in paragraph (4) (b) of article 55, or with the consent of the master of the vessel.

Article 57

In any case where a vessel of the sending State is wrecked, runs aground or otherwise sustains damage in the national or territorial waters of the receiving State, the competent authorities of that State shall, without delay, so notify the appropriate consulate of the sending State. The said authorities shall, likewise, notify the consulate of measures taken, or intended to be taken, for the purpose of safeguarding and preserving the lives of persons on board the vessel and her cargo.

Article 58

The provisions of articles 53 to 57, with the exception of the provisions of paragraphs (3) and (4) of article 55, shall apply also in relation to civil aircraft to the extent that they are capable of such application.

PART V

FINAL PROVISIONS

Article 59

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.

Article 60

(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 52, he shall continue to receive the privileges and immunities accorded to him by virtue of his diplomatic status.

Article 61

(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 London 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 Budapest this 12th day of March 1971, in the English and Hungarian languages, both texts being equally authoritative.

For Her Britannic Majesty :

ANTHONY ROYLE

For the Presidential Council
of the Hungarian People's Republic :

MARJAI JÓZSEF