

No. 24105

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

**Agreement on the establishment of a British Consulate-
General at Shanghai and a Chinese Consulate-General
at Manchester. Signed at Beijing on 17 April 1984**

Authentic texts: English and Chinese.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 19 May 1986.*

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

**Accord relatif à l'établissement d'un consulat général du
Royaume-Uni à Shanghai et d'un consulat général de
Chine à Manchester. Signé à Beijing le 17 avril 1984**

Textes authentiques : anglais et chinois.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 19 mai 1986.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA ON THE ESTABLISHMENT OF A BRITISH CONSULATE-GENERAL AT SHANGHAI AND A CHINESE CONSULATE-GENERAL AT MANCHESTER

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China;

Proceeding from the common desire to develop friendly relations and strengthen consular relations between the two countries;

Have agreed to establish a Consulate-General of each country in the other, as follows:

Article 1. (1) The Government of the People's Republic of China gives its consent to the Government of the United Kingdom to establish a Consulate-General at Shanghai, with the consular district comprising the Shanghai Municipality directly under the jurisdiction of the Central Government and the Provinces of Jiangsu and Zhejiang.

(2) The Government of the United Kingdom gives its consent to the Government of the People's Republic of China to establish a Consulate-General at Manchester, with the consular district comprising the counties of Greater Manchester, Merseyside, Lancashire, Tyne and Wear, North Yorkshire, South Yorkshire, West Yorkshire, Durham and Derbyshire.

(3) The dates on which the two Governments will establish the above-mentioned Consulates-General shall be determined by mutual agreement.

Article 2. In accordance with the relevant laws and regulations of their respective countries, and following friendly consultation, the Contracting Governments shall mutually provide necessary assistance for the establishment of the Consulates-General, including assistance in the acquisition of premises for the Consulate-General and accommodation for its members.

Article 3. (1) The consular premises shall be inviolable. The authorities of the receiving State may not enter the consular premises without the consent of the head of the consular post or the head of the diplomatic mission of the sending State, or a person designated by one of those persons.

(2) The receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

(3) The provisions of paragraph (1) of this Article shall likewise apply to the residences of consular officers.

Article 4. (1) Unless otherwise agreed by the Contracting Governments, the number of members of the consular post shall not exceed the limit of 30 per-

¹ Came into force on 14 January 1985, the date of the last of the notifications (effected on 14 January 1985) by which the Contracting Parties informed each other of the completion of the required procedures, in accordance with article 11.

sons, of which that of consular officers shall not exceed the limit of 10 persons, and that of consular employees and members of the service staff shall not exceed the limit of 20 persons.

(2) Consular officers shall be nationals of the sending State, and not nationals or permanent residents of the receiving State.

Article 5. (1) The receiving State shall take all steps necessary to provide full facilities for the performance of consular functions by the consular officers of the sending State.

(2) With the consent of the receiving State, consular officers shall be able to exercise consular functions in areas outside their consular district when necessary. The receiving State shall render necessary assistance in this regard.

Article 6. The receiving State shall treat consular officers with due respect, and shall take all appropriate steps to prevent any attack on their person, freedom or dignity.

Article 7. (1) Members of the consular post and members of their families shall be immune from the criminal jurisdiction of the receiving State and shall not be liable to arrest or detention pending trial.

(2) Members of the consular post shall be immune from the civil and administrative jurisdiction of the receiving State in respect of any act performed by them in the exercise of consular functions.

(3) The provisions of paragraph (2) of this Article shall not apply in respect of a civil action:

- (a) Relating to private immovable property situated in the receiving State, unless the member of the consular post holds it on behalf of the sending State for the purposes of the consular post;
- (b) Relating to succession in which the member of the consular post is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
- (c) Relating to any professional or commercial activity exercised by the member of the consular post in the receiving State outside his official functions;
- (d) Arising out of a contract concluded by the member of the consular post in which he did not contract, expressly or impliedly, on behalf of the sending State;
- (e) By a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

(4) No measures of execution shall be taken against any of the persons mentioned in this Article, except in the cases coming under subparagraphs (a), (b) and (c) of paragraph (3) of this Article and provided also that the measures concerned can be taken without infringing the inviolability of the person concerned or of his residence.

(5) Members of the consular post and members of their families may be called upon to attend as witnesses in the course of judicial or administrative proceedings. If a consular officer or a member of his family should decline to give evidence, no coercive measure or penalty shall be applied to that person. Consular employees and members of their families, as well as members of the

service staff and members of their families, may not decline to give evidence except as provided in paragraph (6) of this Article.

(6) Members of the consular post are under no obligation to give evidence concerning matters relating to the exercise of their official functions or to produce official correspondence or documents. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

(7) In taking evidence from members of the consular post, the authorities of the receiving State shall take all appropriate measures to avoid interference with the performance of their consular functions. At the request of the head of the consular post, such evidence may, when possible, be given orally or in writing at the consular premises or at the residence of the person concerned.

(8) Members of the consular post who are nationals or permanent residents of the receiving State and members of their families, as well as those members of the families of the members of the consular post who are themselves nationals or permanent residents of the receiving State, shall not enjoy the rights, facilities and immunities provided for in this Article, except the immunity provided for in paragraph (6) of this Article.

Article 8. (1) Consular officers shall have the right to communicate with nationals of the sending State and to have access to them in the consular district. The receiving State shall not in any way limit the communication of nationals of the sending State with the consular post or their access to it.

(2) If a national of the sending State is arrested, committed to prison or detained in any other manner in the consular district, the competent authorities of the receiving State shall notify the consular post of the sending State to that effect as soon as possible and at the latest within seven days from the time at which the personal freedom of that national is restricted. A visit to that national as requested by consular officers shall be arranged by the competent authorities of the receiving State two days after the consular post is notified of the restriction of the personal freedom of that national. Subsequent visits shall be permitted at intervals not exceeding one month.

(3) The rights mentioned in this Article shall be exercised within the framework of the laws and regulations of the receiving State, it being understood, however, that those laws and regulations shall enable full effect to be given to the purposes for which the said rights are granted.

Article 9. Consular matters which are not dealt with in this Agreement shall be settled by the Contracting Governments in accordance with the relevant provisions of the Vienna Convention on Consular Relations of 24 April 1963,¹ through friendly consultation and in a spirit of mutual understanding and co-operation.

Article 10. Paragraph (2) of Article 4 and Articles 5, 8 and 9 of this Agreement shall also apply to the diplomatic missions of the two States with respect to the exercise of consular functions.

Article 11. Each Contracting Government shall notify the other in writing of the completion of the procedures required by its respective national laws. This Agreement shall enter into force on the date of the later of those notifications.

¹ United Nations, *Treaty Series*, vol. 596, p. 261.

DONE in duplicate at Beijing this 17th day of April 1984, in English and Chinese languages, both texts being equally authoritative.

For the Government
of the United Kingdom of Great Britain
and Northern Ireland:

[*Signed — Signé*]¹

For the Government
of the People's Republic of China:

[*Signed*]

WU XUEQIAN

¹ Signed by Geoffrey Howe — Signé par Geoffrey Howe.