

No. 8179

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

**Consular Convention (with schedule, Protocol of Signature
and exchange of notes). Signed at Tokyo, on
4 May 1964**

Official texts : English and Japanese.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
15 April 1966.*

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

**Convention consulaire (avec annexe, Protocole de signature
et échange de notes). Signée à Tokyo, le 4 mai 1964**

Textes officiels anglais et japonais.

*Enregistrée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
15 avril 1966.*

No. 8179. CONSULAR CONVENTION¹ BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND JAPAN. SIGNED AT TOKYO, ON 4 MAY 1964

The United Kingdom of Great Britain and Northern Ireland and Japan ;
Being desirous of regulating their relations in the consular field and of thus facilitating the protection of the nationals and interests of each Contracting Party in the territories of the other ;

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

The United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as " the United Kingdom ") :

The Right Honourable Richard Austen Butler, C.H., M.P., Her Majesty's Principal Secretary of State for Foreign Affairs ;

Japan :

His Excellency Mr. Masayoshi Ohira, Minister for Foreign Affairs ;

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

PART I

APPLICATION AND DEFINITIONS

Article 1

This Convention shall apply,

(1) in relation to the United Kingdom, to the United Kingdom and to all territories for whose international relations the Government of the United Kingdom are responsible ;

(2) in relation to Japan, to the territory of Japan.

Article 2

For the purposes of this Convention :

(1) the term " sending State " means the Contracting Party by which a consular officer is appointed, or, where the context so requires, all the territories of that Party ;

¹ Came into force on 10 October 1965, the thirtieth day after the date of the exchange of the instruments of ratification which took place at London on 10 September 1965, in accordance with article 41 (1).

(2) the term “receiving State” means the Contracting Party within whose territories a consular officer exercises his functions, or, where the context so requires, all the territories of that Party ;

(3) the term “particular territory concerned” means,

(a) in relation to the United Kingdom, any part of the territories referred to in paragraph (1) of Article 1 in which the whole or part of the district of a consular officer of Japan is situated and which has been notified under Article 40 as constituting a territorial unit for the purposes of all or some of the Articles of the Convention ;

(b) in relation to Japan, the territory of Japan ;

(4) the term “national” means,

(a) in relation to the United Kingdom, any British subject or any British protected person belonging to any of the categories specified in the Schedule to the Convention, together with, where the context so permits, any juridical entity duly created under the law of any of the territories referred to in paragraph (1) of Article 1 ;

(b) in relation to Japan, any person possessing the nationality of Japan, including, where the context so permits, any juridical entity duly created under the law of Japan ;

(5) the term “vessel” means, for the purposes of Section D of Part IV,

(a) in relation to the United Kingdom, any ship or craft registered at a port in any of the territories referred to in paragraph (1) of Article 1 ;

(b) in relation to Japan, any ship or craft carrying the papers required by the law of Japan in proof of Japanese nationality ;

(6) the term “consular premises” means land, buildings, parts of buildings and appurtenances held or occupied by the sending State for the official purposes of a consulate ;

(7) the term “consular officer” means any person, appointed by the sending State to exercise consular functions, who holds from the receiving State a valid exequatur or other authorisation, including a provisional authorisation ; a consular officer may be a career officer or a honorary officer ;

(8) the term “consular employee” means any person, not being a consular officer, employed by the sending State at a consulate for the performance of consular duties, provided that his name has been duly notified, in accordance with the provisions of Article 5, to the appropriate authorities of the receiving State, and provided also that the said authorities have not declined to recognise him, or to continue to recognise him ; the term does not, however, apply to any driver, or any person employed solely on domestic duties at, or in the upkeep of, the consular premises ;

(9) the term “consular archives” includes all official papers, documents, correspondence, books, films, tapes and registers of a consulate, together with

its cyphers, codes and card-indexes, and any article of furniture intended for their protection or safekeeping ;

(10) the term “grave offence” means, for the purposes of sub-paragraph (b) of paragraph (1) of Article 14 and sub-paragraph (c) of paragraph (2) of Article 34, an offence for which a sentence of imprisonment or other deprivation of liberty, for five years in the case of the United Kingdom or for three years in the case of Japan, or a more severe sentence, may be awarded.

PART II

APPOINTMENTS AND DISTRICTS

Article 3

(1) The sending State may establish and maintain consulates in the receiving State at any place where any third State maintains a consulate, and at any other place where the receiving State agrees to the establishment of a consulate. The sending State may at its discretion designate a consulate as a consulate-general, consulate, vice-consulate or consular agency.

(2) The sending State may, subject to the provisions of paragraph (3) of this Article, prescribe the limits of its consular districts and shall keep the receiving State informed of such limits.

(3) The receiving State shall have the right to raise objection to the inclusion within a consular district of any area :

- (a) which is not within a consular district of, and is not open to the official commercial representatives of, a third State ;
- (b) which forms part of the territories of a third State.

Article 4

(1) The sending State may appoint consular officers of such number and rank as it may deem necessary to exercise consular functions in the receiving State. In the case of a person who is recognised in a third State as a consular officer, appointment under the provisions of this Article shall be subject to the prior consent of the receiving State through the diplomatic channel.

(2) The sending State shall notify the receiving State, in writing and through the diplomatic channel, of the appointment of a consular officer. However, in the case of honorary consular officers who are nationals of the receiving State, it is understood that the receiving State retains the right to require that its consent to their appointment shall be obtained in advance through the diplomatic channel.

(3) On presentation of a consular officer's commission or other notification of appointment, the receiving State shall, as soon as possible and free of charge, grant him an exequatur or other authorisation to exercise consular functions. Pending the grant of an exequatur or other authorisation, the receiving State shall, where appropriate, grant a provisional authorisation.

(4) The receiving State shall not, without good cause, refuse to grant an exequatur or other authorisation, including a provisional authorisation.

(5) The receiving State shall not, except as otherwise specifically provided in this Convention, be deemed to have authorised a consular officer to act as such or to have extended to him the benefits of the Convention prior to the grant of an exequatur or other authorisation, including a provisional authorisation.

(6) The receiving State shall, without delay, inform its appropriate authorities of the name of any consular officer authorised to act as such under this Convention.

(7) The receiving State may revoke the exequatur or other authorisation of a consular officer whose conduct has given serious cause for complaint. The reason for such revocation shall, upon request, be communicated to the sending State through the diplomatic channel.

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

Article 5

(1) The sending State shall be free to employ consular employees at its consulates. The appropriate authorities of the receiving State shall be notified of the name of each such employee and shall be kept informed of his private address.

(2) The appropriate authorities of the receiving State may, either at the time of notification or subsequently, decline to recognise, or to continue to recognise, any person in the capacity of a consular employee. The person concerned shall, however, be considered to have been so recognised, unless and until the said authorities signify their unwillingness to recognise him in that capacity.

Article 6

The receiving State may require that the size of the staff of a consulate be kept within limits that are reasonable and normal having regard to circumstances and conditions in the consular district, provided that the right of the sending State to maintain a staff of a size commensurate with the requirements of the consulate is at all times respected.

Article 7

When a consular officer is unable to act through death, illness, absence or other cause, a consular officer or employee or some other person may be temporarily appointed to act in his place until his return to duty or the making of a new appointment by the sending State. Such acting officer shall be entitled, upon notification to the receiving State, to perform the duties referred to in this Convention and to receive the same treatment as he would receive under the Convention if he had been appointed to the post under Article 4.

Article 8

The sending State may, with the permission of the receiving State, appoint one or more members of its diplomatic mission accredited to that State to perform consular, in addition to diplomatic, duties. The provisions of this Convention shall apply to persons so appointed. They shall continue to enjoy all those privileges and immunities which they derive from their diplomatic status, except that no claim to privilege or immunity greater than that of a consular officer or employee, as the case may be, under the Convention shall be made on their behalf in respect of the performance by them of consular duties.

Article 9

(1) The receiving State shall respect and protect the dignity of a consular officer of the sending State.

(2) As an official agent of the sending State, a consular officer shall be entitled to high consideration by all officials of the receiving State with whom he has official intercourse.

(3) The receiving State shall take appropriate measures to safeguard the persons and property of the consular officers and employees of the sending State and of members of their families forming part of their households.

PART III

EXEMPTIONS, PRIVILEGES AND FACILITIES

Article 10

(1) The sending State, either in its own name or in the name of one or more natural or juridical persons acting on its behalf, may, subject to compliance with such conditions as may be prescribed by the law of the receiving State,

(a) acquire, hold or occupy, under any form of tenure which may exist under that law, land, buildings, parts of buildings and appurtenances,

- (i) for the purposes of establishing or maintaining a consulate ; or
 - (ii) for the purposes of establishing or maintaining a residence for a consular officer or employee who fulfils the conditions specified in Article 19 ; or
 - (iii) for other purposes, arising out of the operation of the consulate, to which the receiving State does not raise objection ;
- (b) construct or adapt buildings and appurtenances on land which the sending State so acquires, holds or occupies ;
- (c) dispose of land, buildings, parts of buildings and appurtenances acquired under sub-paragraph (a) of this paragraph.

(2) If the law of the receiving State requires that permission shall be obtained as a prerequisite to acquisition under paragraph (1) of this Article, such permission shall be granted subject to compliance with the necessary formalities.

(3) Nothing in the provisions of this Article shall exempt the sending State from compliance with any building, zoning or town planning regulations applicable to all land in the area concerned.

Article 11

(1) The consulates of the sending State, together with the residences occupied by consular officers or employees, shall be treated with respect and accorded due protection.

(2) The sending State shall be entitled to place, on or by the entrance of the consulate, its coat-of-arms or national device and an appropriate inscription in its official language designating the consulate. It shall likewise be entitled to fly its national flag and its consular flag at the consulate.

(3) A consular officer may place the coat-of-arms or national device and fly the flag of the sending State and its consular flag on any vehicle, vessel or aircraft which he employs in the performance of his duties. These flags may also be flown at the residence of a consular officer.

(4) (a) The consular archives kept in a consulate shall be inviolable and the authorities of the receiving State shall not, under any pretext, examine or detain any document or object forming part of the archives.

(b) The said archives shall be kept in a place entirely separate from the place where the private or business papers of consular officers and employees are kept.

(5) (a) A consular office, in the charge of a consular officer who is a national of the sending State and is not a national of the receiving State, shall not be entered by the police or other authorities of the receiving State, except with the consent of the consular officer in charge or, if such consent cannot be

obtained, pursuant to appropriate writ or process and with the consent of the Secretary of State for Foreign Affairs of the United Kingdom, when the United Kingdom is the receiving State, or of the Minister for Foreign Affairs of Japan, when Japan is the receiving State. The consent of the consular officer in charge may be assumed in the event of fire or other disaster or in the event that the police or other authorities of the receiving State have reasonable cause to believe that a crime involving violence to persons or property has been, is being or is about to be committed in the consular office.

(b) For the purposes of sub-paragraph (a) of this paragraph, the term "consular office" means any building or part of a building which is occupied exclusively for the official purposes of a consulate.

(6) A consulate shall not be used to afford asylum to fugitives from justice. If a consular officer refuses to surrender a fugitive from justice on the lawful demand of the authorities of the receiving State, such authorities may, subject to the provisions of paragraph (5) of this Article, enter the consular premises to apprehend the fugitive.

(7) If an entry is made into the consular premises pursuant to paragraph (5) or paragraph (6) of this Article, the inviolability of the consular archives shall be respected.

Article 12

(1) The receiving State shall treat as immune from all forms of requisitioning for purposes of national defence or public utility :

- (a) the consular premises of the sending State, together with the furniture and equipment thereof ;
- (b) the residence, together with the furniture and equipment thereof, of a consular officer or employee who fulfils the conditions specified in Article 19 ;
- (c) the vehicles, vessels and aircraft of a consulate or of such a consular officer or employee.

(2) Nothing in the provisions of paragraph (1) of this Article shall preclude the receiving State from the expropriation or seizure for purposes of national defence or public utility, in conformity with the law of the receiving State, of the consular premises of the sending State or of a residence of a consular officer or employee. If, however, it is necessary to take any such action with regard to such property, every consideration shall be shown to avoid interference with the performance of consular duties.

(3) The sending State or the consular officer or employee shall receive prompt and adequate compensation for all property expropriated or seized in pursuance of paragraph (2) of this Article. Compensation in a form readily convertible into the currency of, and transferable to, the sending State shall

be paid not later than six months from the date on which the amount of compensation has been finally fixed.

Article 13

(1) A consular officer shall be entitled to send communications to, and receive communications from, the Government of the sending State, the administrations of territories for whose international relations the Government of the sending State are responsible and the diplomatic missions and consulates of that State, wherever situated. For this purpose he may use all public means of communication and employ secret language.

(2) The communications referred to in paragraph (1) of this Article may also be transmitted by means of couriers, sealed official pouches and other official containers. Communications so transmitted shall be inviolable and the authorities of the receiving State shall not, under any pretext, examine or detain them.

(3) A sealed official pouch or other official container which has been certified by a responsible officer of the sending State to contain only official documents shall be inviolable. Nevertheless, if the authorities of the receiving State have serious reason to believe that the pouch or container contains anything other than official documents, they may request that the pouch or container be opened in their presence by an authorised representative of the sending State. If this request is refused, the pouch or container shall be returned forthwith by the sending State to its place of origin.

(4) If the receiving State should be involved in armed conflict, the right of communication may be withdrawn or restricted at the discretion of the receiving State, except in the case of communications between the consular officer and the Government of the sending State, between the consular officer and the diplomatic mission of that State to the receiving State and between consular officers in the same consular district.

Article 14

(1) (a) A consular officer or employee shall not be held liable in proceedings in the courts of the receiving State in respect of acts performed in his official capacity and falling within the functions of a consular officer under this Convention, except with the consent of the sending State notified in writing through the diplomatic channel.

(b) (i) A consular officer who fulfils the conditions specified in Article 19 shall in the receiving State be exempt from detention pending trial, except when charged with the commission of a grave offense.

(ii) Where the law of the receiving State so permits, such a consular officer may be held in detention for the purpose of standing trial. However,

except when he is charged with the commission of a grave offence, such detention shall not begin before the opening of the trial and shall only continue during the progress of proceedings in court, exclusive of any adjournment thereof.

(2) (a) The provisions of sub-paragraph (a) of paragraph (1) of this Article shall not, however, preclude a consular officer or employee from being held liable in civil proceedings :

- (i) arising out of a contract concluded by him in which he did not contract, expressly or impliedly, on behalf of his Government ;
- (ii) brought by a third party in respect of damage caused by a vehicle, vessel or aircraft, without prejudice to the provisions of paragraph (7) of this Article.

(b) The provisions of sub-paragraph (a) of paragraph (3) of this Article shall not entitle a consular officer or employee to refuse to produce any document or object or to give evidence relating exclusively to the subject-matter of the proceedings referred to in sub-paragraph (a) of this paragraph.

(3) (a) A consular officer or employee shall be entitled to refuse a request from the judicial or administrative authorities of the receiving State to produce any document or object from the consular archives or to give evidence relating to matters falling within the scope of his official duties. Such a request shall, however, in the interests of justice, be complied with, if in the judgement of the sending State it is possible to do so without prejudice to the interests of that State.

(b) A consular officer or employee shall also be entitled to refuse to give evidence as an expert witness with regard to the law of the sending State.

(c) Except as provided in sub-paragraphs (a) and (b) of this paragraph, a consular officer or employee may be required to give evidence in either a civil or a criminal case. In the case of a consular officer, wherever permissible and possible, the judicial or administrative authorities shall arrange for the taking of such evidence, orally or in writing, at his office or residence.

(4) A consular officer or employee who fulfils the conditions specified in Article 19 shall be exempt from naval, military, air, police, administrative or jury service of every kind or any other compulsory public service, and from any contribution in lieu thereof.

(5) A consular officer or employee who fulfils the conditions specified in Article 19 shall be exempt from the requirements of the law of the receiving State relative to the registration of foreigners and to permission to reside. The benefits of this paragraph shall also be extended to the spouse and minor children of such a consular officer or employee forming part of his household, provided that the person concerned is not engaged in private occupation for gain in the receiving State.

(6) A consular officer, together with his spouse and minor children forming part of his household, shall not be subject to deportation.

(7) All vehicles, vessels and aircraft owned by the sending State and used for the official purposes of a consulate, and all vehicles, vessels and aircraft owned by a consular officer or employee of the sending State shall be adequately insured in the receiving State against third party risks.

Article 15

(1) The sending State, or one or more natural or juridical persons acting on its behalf, shall be exempt from all taxes or similar charges of any kind imposed or collected by the receiving State or by any local sub-division thereof in respect of :

- (a) the acquisition, ownership, occupation, use, construction or adaptation of immovable property exclusively for any of the purposes specified in paragraph (1) of Article 10, with the exception of taxes or other assessments imposed for services or for local public improvements which shall be payable to the extent that such property is benefited thereby ;
- (b) transactions or instruments relating to the acquisition of immovable property exclusively for any of the said purposes ;
- (c) the acquisition, ownership, possession or use of movable property exclusively for the official purposes of a consulate.

(2) The exemptions accorded under paragraph (1) of this Article shall not, however, apply with respect to taxes or similar charges of any kind for the payment of which some other person is legally liable, notwithstanding that the burden of the tax or similar charge may be passed on to the sending State or to one or more natural or juridical persons acting on its behalf.

Article 16

The sending State, or one or more natural or juridical persons acting on its behalf, shall be exempt from all taxes or similar charges of any kind imposed or collected by the receiving State or by any local sub-division thereof in respect of the fees received in compensation for consular services or of the receipts given for the payment of such fees.

Article 17

(1) Any consular officer or employee who is not a national of the receiving State shall be exempt from all taxes or similar charges of any kind imposed or collected by the receiving State or by any local sub-division thereof on the official emoluments, salary, wages or allowances received by such officer or employee from the sending State.

(2) A consular officer or employee who fulfils the conditions specified in Article 19 and who is not a national of the receiving State shall, in addition, be exempt from all other taxes or similar charges of any kind imposed or collected by the receiving State or by any local sub-division thereof.

(3) The exemption accorded under paragraph (2) of this Article shall not, however, apply with respect to :

- (a) taxes or similar charges of any kind for which some other person is legally liable, notwithstanding that the burden of the tax or similar charge may be passed on to the consular officer or employee ;
- (b) taxes on the acquisition, ownership or occupation of immovable property situated within the particular territory concerned of the receiving State ;
- (c) taxes on income derived from sources within the particular territory concerned of the receiving State ;
- (d) taxes on transactions or on instruments effecting, or relating to, transactions, including stamp duties of any kind ;
- (e) taxes on the transfer by gift of property located within the particular territory concerned of the receiving State ;
- (f) taxes on the passing on death of property, such as estate, inheritance and succession taxes.

Article 18

(1) The sending State may import into the particular territory concerned of the receiving State, or re-export therefrom, free of all customs duties or other taxes or similar charges imposed or collected by the receiving State or by any local sub-division thereof upon or by reason of importation or re-exportation, all official emblems, furniture, equipment, supplies, building materials and other articles, including vehicles, vessels and aircraft, intended for use in connexion with the official purposes of a consulate.

(2) A consular officer who fulfils the conditions specified in Article 19 may, in reasonable quantities, import into the particular territory concerned of the receiving State, or re-export therefrom, free of all customs duties or other taxes or similar charges imposed or collected by the receiving State or by any local sub-division thereof upon or by reason of importation or re-exportation, baggage, effects and other articles, including vehicles, vessels and aircraft, required for the exclusive personal use of consumption of himself or members of his family forming part of his household. This exemption shall apply alike with respect to articles accompanying the consular officer to his post on first arrival or on any subsequent arrival, and to articles consigned to him at that post for the above-mentioned purposes.

(3) A consular employee who fulfils the conditions specified in Article 19 shall be accorded the benefits of paragraph (2) of this Article in connexion with first arrival.

(4) It is, however, understood that :

- (a) the receiving State may, as a condition for the granting of the exemption provided for in this Article, require that a notification of any importation or re-exportation be given in such manner as it may prescribe ;
- (b) the exemption provided for in this Article, being accorded in respect of articles imported for official or personal use only, shall not extend to articles imported as an accommodation to others or for sale or for other commercial purposes ; this understanding shall not be regarded as precluding the duty-free importation of articles as samples of commercial products solely for display within the consular premises ;
- (c) the receiving State may determine that the exemption provided for in this Article does not apply in respect of articles grown, produced or manufactured in the particular territory concerned of the receiving State which have been exported therefrom without payment of, or upon repayment of, duties or taxes which would have been chargeable but for such exportation ;
- (d) articles imported under this Article shall be liable to the payment of duties or taxes in accordance with the law of the receiving State in the event of their disposal within the particular territory concerned or of their use for purposes other than those for which they were imported ;
- (e) the exemption provided for in this Article shall not apply to cinema films, with the exception of documentary films, newsreels or films imported for academic or cultural purposes ;
- (f) nothing in the provisions of this Article shall be construed so as to confer exemption from compliance with customs formalities, or to permit the entry of any article the importation of which is specifically prohibited by law.

Article 19

(1) The provisions of sub-paragraph (a) (ii) of paragraph (1) of Article 10, sub-paragraphs (b) and (c) of paragraph (1) of Article 12, sub-paragraph (b) of paragraph (1) and paragraphs (4) and (5) of Article 14, paragraph (2) of Article 17 and paragraphs (2) and (3) of Article 18 shall apply only to those consular officers or employees who fulfil the conditions specified in paragraph (2) of this Article.

(2) The conditions referred to in paragraph (1) of this Article are that the consular officer or employee concerned shall :

- (a) be a national of the sending State ;

- (b) not be engaged in private occupation for gain in the particular territory concerned ;
- (c) not be ordinarily resident in that territory at the time of his appointment ;
and
- (d) be a full-time officer or employee of the sending State.

PART IV

CONSULAR FUNCTIONS

Section A

GENERAL PROVISIONS

Article 20

(1) A consular officer shall be entitled to exercise the functions specified in Sections B, C and D of this Part. He may, in addition, exercise other functions which are either in accordance with international law or practice relating to consular officers and recognised as such by the law of the receiving State or are acts to which no objection is raised by the receiving State.

(2) The receiving State shall, in exercising any jurisdiction which it possesses over a consular officer or employee, interfere to the least extent possible with the exercise of consular functions or the work of the consulate.

(3) In any case where a consular officer is entitled under this Convention to exercise any function, it is for the sending State to determine to what extent the consular officer shall exercise such a right.

(4) A consular officer shall be entitled to exercise functions only within his own consular district. However, upon notification to the appropriate authorities of the receiving State and in the absence of objection on their part, he may exercise these functions outside the said district.

(5) (a) A consular officer shall be entitled, in connexion with the exercise of his functions, to apply to and correspond with the authorities of the receiving State, including the departments of the central Government of that State, situated within his consular district. The said authorities shall give a consular officer all requisite assistance and information.

(b) A consular officer may not, however, except in the absence of a diplomatic representative of the sending State, apply direct to the Foreign Office of the United Kingdom, when the United Kingdom is the receiving State, or to the Ministry of Foreign Affairs of Japan, when Japan is the receiving State.

(6) A consular officer shall be entitled, in connexion with the exercise of consular functions, to levy the fees prescribed by the sending State. Fees so levied shall be convertible into the currency of, and transferable to, the sending State.

Section B

GENERAL FUNCTIONS

Article 21

A consular officer shall be entitled :

- (a) to protect the nationals of the sending State and to defend their rights and interests ;
- (b) to further the interests of the sending State in relation to commercial, professional, cultural, educational and scientific matters.

Article 22

(1) A consular officer shall be entitled :

- (a) to interview, communicate with, aid and advise any national of the sending State ;
- (b) to inquire into any incident which has occurred affecting the interests of any such national ;
- (c) to assist any such national in proceedings before, or in relations with, the authorities of the receiving State ;
- (d) to concern himself, *inter alia*, with matters arising in relation to the stay or employment of any such national, with the enjoyment by that national of rights conferred under the law of the receiving State and with rights relevant to the interests of that national arising under any international agreement applicable between the Contracting Parties.

(2) A national of the sending State shall at all times be entitled to communicate with the competent consular officer and, unless subject to lawful detention, to visit him at his consulate.

Article 23

(1) Whenever any national of the sending State is held in detention within the receiving State, whether pending trial or otherwise, the appropriate authorities of the receiving State shall, without delay, inform the nearest consular officer of the sending State.

(2) Where any national of the sending State to whom the provisions of paragraph (1) of this Article apply is held in detention for the purposes of any proceedings or investigation, or is entitled to appeal under the ordinary

rules as to the time within which an appeal may be made, a consular officer of the sending State may, without delay, visit him and arrange legal representation for him. The consular officer may, likewise, converse privately, in the language of his choice, with the national and receive communications from him. Any such communication, or, if it is necessary to retain the original thereof, a copy of the communication, shall be forwarded without delay by the authorities of the receiving State to the consular officer.

(3) (a) Where any national of the sending State to whom the provisions of paragraph (1) of this Article apply has been convicted and is serving a sentence in a prison or similar institution, the consular officer in whose district the sentence is being served shall be entitled to visit him, upon notification to the appropriate authorities, and to exchange communications with him. Any such visit or communication shall be subject to the regulations in force in the institution in which the national is held in detention, which regulations shall, however, always permit the consular officer reasonable access to, and opportunity of conversing with, the national, and provide reasonable facilities for the purposes of communication.

(b) It is understood, however, that in any case where further proceedings are taken against a national who is held in detention in the circumstances contemplated in sub-paragraph (a) of this paragraph, the provisions of paragraph (2) of this Article shall be regarded as applicable.

Article 24

(1) A consular officer shall be entitled to :

- (a) receive such declarations as may be required to be made under the law of the sending State relative to nationality ;
- (b) issue such notices to, receive such declarations from, and provide for such medical examinations of, a national of the sending State as may be required under the law of that State relative to compulsory national service ;
- (c) register a national of the sending State ;
- (d) register, or receive notification of, the birth or death of a national of the sending State ;
- (e) receive any such declaration pertaining to the family relationships of a national of the sending State as may be provided for under the law of that State ;
- (f) record a marriage solemnised under the law of the receiving State when at least one of the parties is a national of the sending State ;
- (g) issue, amend, renew, validate and revoke visas, passports and other similar documents ;
- (h) issue, with regard to goods, certificates of origin and other necessary documents for use in the sending State.

(2) Nothing in the provisions of sub-paragraphs (d), (e) and (f) of paragraph (1) of this Article shall, however, confer exemption from any obligation imposed by the law of the receiving State with regard to the notification to, or registration with, the appropriate authorities of that State, of births, deaths, marriages or other matters pertaining to family relationships.

(3) A consular officer may authenticate, legalise or certify signatures or documents, or translate documents, in any case where these services are required by a person of any nationality for use in the sending State or under the law of that State. In connexion with the performance of these services he may administer an oath or affirmation if such an oath or affirmation is required under the law of the sending State. He may also perform these services in connexion with documents required by a national of the sending State for use elsewhere than in that State. It is understood, however, that the provisions of this paragraph involve no obligation on the authorities of the receiving State to recognise the validity of such acts performed by a consular officer with respect to documents required under the law of the receiving State.

(4) A consular officer may, in accordance with the law of the sending State, exercise functions in connexion with the testamentary dispositions of a national of that State, provided that this is not inconsistent with the law of the receiving State.

Article 25

A consular officer shall be entitled, on behalf of the courts of the sending State, to serve judicial documents or take evidence voluntarily given, orally or in writing, provided that this is in accordance with the law of the sending State and not inconsistent with the law of the receiving State.

Section C

FUNCTIONS RELATING TO ESTATES AND TRANSFERS OF PROPERTY

Article 26

(1) Where a deceased person leaves property in the receiving State and an interest in such property, as an executor, as a beneficiary under a will or in the event of intestacy, as a creditor or by any other title, is held or claimed by a national of the sending State who is neither resident nor legally represented in the particular territory concerned of the receiving State, the consular officer within whose district the estate of the deceased person is being administered or, if no administration has been instituted, the property is situated shall have the right to represent such national as regards his interest in the estate or property as if a valid power of attorney had been executed by him in favour of the consular officer.

(2) If, subsequently, such national becomes legally represented in the territory, the position of the consular officer shall be as if he previously had a power of attorney from the national which has ceased to be operative as from the date when the consular officer is informed that such national is otherwise legally represented or, in any case where an order of a court has already been made in favour of the consular officer in accordance with the provisions of paragraph (5) or of paragraph (6) of this Article, as from the date when a further order is made in favour of that national on his own application or on the application of his legal representative.

(3) The provisions of paragraphs (1) and (2) of this Article shall apply whatever the nationality of the deceased person and irrespective of the place of his death.

(4) Where a consular officer has a right of representation under paragraph (1) of this Article, he may take steps for the protection and preservation of the interests of the person whom he is entitled to represent. He may likewise take possession of the estate or the property to the same extent as if he were the duly appointed attorney of the person whose interests he represents, unless another person having equal or prior rights has taken the necessary steps to assume possession thereof.

(5) Where, under the law of the receiving State, an order of a court is necessary for the purpose of enabling the consular officer so to protect or to take possession of the property, any order which would have been made on the application of the duly appointed attorney of the person whose interests are represented by the consular officer shall be made on the application of the consular officer. On *prima facie* evidence of the necessity for the immediate protection and preservation of the estate and of the existence of some 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 order in favour of the consular officer, limited to the protecting and preserving of the estate until such time as a further order is made.

(6) (a) The consular officer may, in addition, fully administer the estate to the same extent as if he were the duly appointed attorney of the person whose interests he represents. Where, under the law of the receiving State, an order of a court is necessary for this purpose, the consular officer shall have the same right, subject to the provisions of sub-paragraph (b) of this paragraph, to apply for such an order and to obtain it on his application as the duly appointed attorney of the person whose interests he represents.

(b) The court may, however, if it thinks fit

- (i) postpone the making of an order for such time as it deems necessary to enable the person represented by the consular officer to be informed and to decide whether he desires to be represented otherwise than by the consular officer ;

- (ii) order that the consular officer shall furnish reasonable evidence of the receipt of the assets by the beneficiary or that, in the event of his being unable to furnish such evidence, he shall repay or return those assets to the appropriate authority or person or that the actual transmission of the assets to the beneficiary shall be effected through such other channel as it may direct.

Article 27

(1) If a national of the sending State dies while travelling in or passing through the receiving 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) Any right to retain possession of, or to dispose of, such money or effects shall be subject to the provisions of Article 26 and to the law of the receiving State.

Article 28

If a consular officer exercises the rights accorded under Article 26 with regard to an estate he shall to that extent, notwithstanding the provisions of sub-paragraph (a) of paragraph (1) and sub-paragraph (a) of paragraph (3) of Article 14, be subject to the jurisdiction of the courts of the receiving State in any proceedings arising in connexion therewith.

Article 29

The appropriate authorities shall promptly inform the competent consular officer when it comes to their knowledge that there is in the receiving State an estate :

- (a) of a deceased person of any nationality in relation to which the consular officer may have a right to represent interests by virtue of the provisions of Article 26 ; or
- (b) of a national of the sending State in relation to which no person (other than an official of the receiving State) entitled to claim administration is present or represented in the particular territory concerned of the receiving State.

Article 30

In any case where, in pursuance of Article 26, 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 receipt constituting a valid discharge in respect of such money or property.

Article 31

(1) Without prejudice to the provisions of Article 26, a consular officer may receive for transmission to a national of the sending State who is not present in the particular territory concerned of the receiving State, from a court, agency or person, money or other property to which such national is entitled as a consequence of the death of any person. Such money or property may include shares in an estate, payments made pursuant to laws relative to workmen's compensation or any similar laws and the proceeds of life insurance policies. The court, agency or person making the distribution shall not be obliged to transmit such money or property through the consular officer, and the consular officer shall not be obliged to receive it for transmission. If he does receive such money or property, he shall comply with any condition laid down by such court, agency or person with regard to furnishing reasonable evidence of the receipt of the money or property by the national to whom it is to be transmitted or with regard to returning it in the event of his being unable to furnish such evidence.

(2) Money or other property may be paid, delivered or transferred to a consular officer only to the extent that, and subject to the conditions under which, payment, delivery or transfer to the person whom the consular officer represents, or on whose behalf he receives the money or property, would be permitted under the law of the receiving State.

(3) The consular officer shall acquire no greater rights in respect of any such money or property than the person whom he represents, or on whose behalf he receives it, would have acquired if the money or property had been paid, delivered or transferred to that person directly.

Section D

FUNCTIONS RELATING TO VESSELS AND CREWS

Article 32

(1) When a vessel visits a port (which includes any place to which a vessel may come) in the receiving State, the master and appropriate members of the crew of the vessel shall be permitted to communicate with, and, unless the authorities of the receiving State raise objection in any case involving unreasonable time or distance of travel, visit, the consular officer in whose district the port is situated ; in the event of such objection being made, the authorities of the receiving State shall, where necessary, assist the master, at his request, in communicating with the consular officer. For the purpose of performing any of the duties authorised under this Convention, a consular officer, accompanied, if he so desires, by one or more consular officers or employees on his staff, may proceed on board the vessel after she has received *pratique*.

(2) A consular officer may request the assistance of the appropriate authorities of the receiving State in any matter pertaining to the performance of such duties, and they shall give the requisite assistance, unless they have special reasons which would fully warrant refusing it in a particular case.

Article 33

(1) A consular officer may question the master and members of the crew of a vessel, examine her papers, take statements with regard to her voyage and her destination and generally facilitate her entry and departure.

(2) A consular officer or employee may appear with the master or members of the crew of a vessel before the judicial and administrative authorities of the receiving State, and may lend his assistance, including, where necessary, arranging for legal aid and acting as interpreter in matters between them and such authorities.

(3) A consular officer may, provided that the judicial authorities of the receiving State do not exercise jurisdiction in accordance with the provisions of Article 34, settle, or arrange for the settlement of, disputes between the master and members of the crew of a vessel including disputes as to wages and contracts of services, arrange for the engagement and discharge of the master and members of the crew, and take measures for the preservation of good order and discipline on the vessel.

(4) A consular officer may :

- (a) take measures for the enforcement of the law of the sending State relative to vessels and crews ;
- (b) receive, draw up or execute any declaration or other document prescribed by that law.

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

Article 34

(1) The courts of the receiving State shall not entertain civil proceedings arising out of any dispute between the master and any member of the crew of a vessel of the sending State as to wages or contracts of service, except where they are satisfied that the competent consular officer of the sending State has been notified of the proceedings and has not raised objection.

(2) Except at the request or with the consent of a consular officer, the courts of the receiving State shall not entertain prosecutions in respect of any offence committed on board the vessel other than :

- (a) an offence by or against a person not being the master or a member of the crew or by or against a national of the receiving State ; or

- (b) an offence involving the tranquillity or safety of the port or the law of the receiving State relative to public health, immigration, the safety of life at sea, customs or any similar matter ; or
- (c) a grave offence.

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

- (a) where a person has been charged with having committed on board the vessel an offence in respect of which the courts of the receiving State may exercise jurisdiction in conformity with paragraph (2) of this Article, or where there is reasonable cause for believing that such an offence is about to be, or is being or has been committed on board ; or
- (b) for the purpose of taking any action or making any examination which they consider necessary in relation to any of the matters specified in sub-paragraph (b) of paragraph (2) of this Article ; or
- (c) where any member of the crew is held in detention on board the vessel and it appears that such detention is illegal under the law of the sending State or is accompanied by inhumanity or unjustifiable severity ; or
- (d) where there is reasonable cause for believing that the life or liberty of any member of the crew held in detention on board the vessel will be endangered for reasons of race, nationality, political opinion or religion in any country to which the vessel is likely to go ; or
- (e) where any person other than the master or a member of the crew is held in detention on board the vessel, it being understood that the provisions of this sub-paragraph shall not be construed so as to authorise any intervention which would be contrary to international law ; or
- (f) at the request or with the consent of the consular officer.

(4) If, for the purpose of exercising the rights referred to in paragraphs (2) and (3) of this Article, the authorities of the receiving State intend to detain or question any person or to seize any property or to institute any formal enquiry on board a vessel, the master or other officer acting on his behalf shall be given an opportunity to inform the competent consular officer, and, unless this is impossible on account of the urgency of the matter, to do so in such time as to enable the consular officer or a consular employee on his staff to be present, if he so desires. If a consular officer has not been present or represented, he shall be entitled, at his request, to receive from the authorities of the receiving State full information with regard to what has taken place. The provisions of this paragraph shall not, however, apply to routine examinations by the authorities of the receiving State in connexion with public health, immigration, the safety of life at sea, customs or any similar matter, or to the detention of a vessel or of any portion of her cargo arising out of civil or commercial proceedings in the courts of the receiving State.

(5) The provisions of this Article shall not be construed so as to prejudice the right of innocent passage, recognised by international law, of vessels passing through the territorial waters.

Article 35

A consular officer may, at the request or with the consent of the master, visit a vessel of any flag destined to a port of the sending State, in order to obtain the information necessary for the preparation and execution of any documents required under the law of the sending State as a condition of entry, and to obtain any particulars required by the appropriate authorities of the sending State with regard to sanitary or other matters. In exercising the rights conferred upon him by this Article, the consular officer shall act with all possible despatch.

Article 36

(1) If a vessel of the sending State is wrecked in the receiving State, the consular officer in whose district the wreck occurs shall be informed as soon as possible by the appropriate authorities of the receiving State of the occurrence of the wreck. He shall likewise be informed when it comes to the knowledge of these authorities that any article forming part of the cargo of a wrecked vessel of a third State has been found on or near the coast of the receiving State, or has been brought into a port of that State and has been identified as being the property of a national of the sending State.

(2) The appropriate authorities of the receiving State shall take all practicable measures for the preservation of the wrecked vessel, the lives of persons on board the vessel, the cargo and other property on board, and for the prevention and suppression of plunder or disorder on board the vessel. These measures shall also extend to articles belonging to the vessel, or forming part of her cargo, which have become separated from the vessel.

(3) If the vessel is wrecked within a port or constitutes a navigational hazard within the internal or territorial waters of the receiving State, the appropriate authorities of the receiving State may order any measures to be taken which they consider necessary with a view to avoiding any damage that might otherwise be caused by the vessel to port facilities or navigation.

(4) If the owner of the wrecked vessel, his agent, the underwriters concerned or the master is not in a position to make arrangements for the disposal of the vessel in accordance with the law of the receiving State, a consular officer shall be deemed to be authorised to make, on behalf of the owner, the same arrangements as the owner himself could have made if he had been present.

(5) Where any articles belonging to or forming part of a wrecked vessel of any flag (not being a vessel of the receiving State), or belonging to or forming part of the cargo of any such vessel, are found on or near the coast

of the receiving State or are brought into any port of that State, the consular officer in whose district the articles are found or brought into port shall be deemed to be authorised to make, on behalf of the owner of the articles, such arrangements relating to the custody and disposal of the articles as the owner himself could have made, if,

- (a) in the case of articles belonging to or forming part of the vessel, the vessel is a vessel of the sending State or, in the case of cargo, the cargo is owned by a national of the sending State ; and
- (b) neither the owner of the articles, his agent, the underwriters nor the master of the vessel is in a position to make such arrangements.

(6) The authorities of the receiving State shall not levy, in relation to any vessel, cargo or article to which the provisions of this Article apply, any duty, tax or charge other than duties, taxes and 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 any third State.

Article 37

(1) The appropriate authorities of the receiving State shall, if the master or a member of the crew of a vessel of that State, being a national of the sending State and not being a national of the receiving State, dies afloat or ashore in any country, promptly transmit to the competent consular officer copies of any accounts received by them with respect to the wages and effects of the deceased master or seaman (hereinafter referred to as " the deceased "), together with any particulars at their disposal likely to facilitate the tracing of persons legally entitled to succeed to his property.

(2) In any case where the wages, effects and any other property of the deceased which come into the control of the appropriate authorities do not exceed in value a sum to be fixed by mutual agreement between the Contracting Parties, the said authorities shall deliver such wages, effects and property (hereinafter referred to as " the assets ") to the consular officer. They may, however, before delivery, meet out of the assets any claim of any person resident elsewhere than in the sending State against the estate of the deceased which they consider to be legally due. Any claim against the estate of the deceased which may be received by the authorities of the receiving State after delivery of the assets to the consular officer shall be referred to him for transmission, where necessary, to the appropriate authorities of the sending State.

(3) The appropriate authorities may, before taking action under paragraph (2) of this Article, satisfy themselves that there is some person resident in the sending State entitled to receive the assets. If they are not so satisfied, the said authorities may deliver the assets to any person considered to be entitled to receive them. Before doing so, however, they shall notify the consular

officer, stating the person to whom it is proposed to deliver the assets, in order to give the consular officer a reasonable opportunity to furnish information, including information with regard to the existence of other claims against the estate, of which the authorities may be unaware and which may be relevant for the final decision as to the person entitled to receive the assets.

PART V

FINAL PROVISIONS

Article 38

A consular officer or employee shall not take advantage of the rights, exemptions, privileges or facilities accorded under this Convention for purposes other than those for which they are accorded.

Article 39

Any dispute that may arise between the Contracting Parties as to the interpretation or application of any of the provisions of this Convention shall, at the request of either of them, be referred to the International Court of Justice, unless in any particular case the Contracting Parties agree to submit the dispute to some other tribunal or to dispose of it by some other procedure.

Article 40

(1) The Government of the United Kingdom shall, before the entry into force of this Convention, notify the Government of Japan which parts of their territories are to be regarded as territorial units for the purposes of all or some of the Articles of the Convention, and, in the latter case, for the purposes of which Articles they are to be so regarded.¹

(2) The Government of the United Kingdom may, whenever necessary, modify the notification made under paragraph (1) of this Article. Any such modification shall be effected by means of a notification to the Government of Japan and shall come into operation six months after the date of the receipt of the said notification by that Government.

(3) Any notification in pursuance of this Article shall be made in writing and through the diplomatic channel.

¹ The following information is provided by the Government of the United Kingdom :

“ On 8 October 1965 the Japanese Government were notified that for the purposes of the Convention, the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man are together to be regarded as a single unit and that each of the other territories for whose international relations the Government of the United Kingdom are responsible is to be regarded as a separate territory ; provided that, for the purpose of Article 17, the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man are each to be regarded as a separate territory and that, for the purposes of Article 26, England and Wales, Scotland, Northern Ireland, the Channel Islands and the Isle of Man are each to be regarded as a separate territory. ”

Article 41

(1) This Convention shall be ratified and the instruments of ratification thereof shall be exchanged at London as soon as possible. The Convention shall enter into force on the thirtieth day after the date of exchange of the instruments of ratification, and shall thereafter remain in force during a period of five years.

(2) In case neither 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 this 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.

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

DONE in duplicate at Tokyo this fourth day of May, 1964, in the English and Japanese languages, both texts being equally authoritative.

For the United Kingdom of Great Britain
and Northern Ireland :

[L.S.] R. A. BUTLER

For Japan :

[L.S.] Masayoshi OHIRA

SCHEDULE

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

British subjects who are citizens of the United Kingdom and Colonies ;

British subjects who are citizens of Southern Rhodesia ;

British subjects who, being citizens of the Irish Republic, have made a claim to retain the status of a British subject under Section 2 of the British Nationality Act, 1948 ;

Persons who, under Section 13 (1) of the British Nationality Act, 1948, are British subjects without citizenship ;

Persons who are British protected persons under the law of the United Kingdom as regards nationality.

PROTOCOL OF SIGNATURE

At the time of signing the Consular Convention between the United Kingdom of Great Britain and Northern Ireland and Japan (hereinafter referred to as "the Convention"), the undersigned Plenipotentiaries, duly authorised thereto, have agreed as follows :

(1) Notwithstanding the provisions of Article 1 of the Convention, the Convention shall not apply to any area referred to in Article 3 of the Treaty of Peace with Japan, signed at the city of San Francisco on the 8th of September, 1951, ¹ so long as any such area has not been returned to Japanese jurisdiction.

(2) With reference to paragraph (4) of Article 2 of the Convention, the term "national", in relation to Japan, includes all inhabitants of any area, referred to in paragraph (1) of this Protocol, who are nationals of Japan.

(3) (a) With reference to paragraph (5) of Article 2 of the Convention, the term "vessel" does not include warships ;

(b) With reference to Section D of Part IV of the Convention,

- (i) if a vessel of one Contracting Party is chartered on bare boat terms by a national of the other Contracting Party, the competent consular officer of the latter Party shall be entitled to perform in relation to the master or members of the crew of that vessel the duties with which he is charged to the extent that this is consistent with the law of the former Party ;
- (ii) the consular officer may likewise perform these duties to the same extent in relation to the master or members of the crew of a vessel of a third State so chartered.

(4) The provisions of paragraph (1) of Article 10 of the Convention, in so far as they relate to the acquisition of land in full ownership, shall not apply to :

(a) the Island of Jersey ; or

(b) any of the territories referred to in paragraph (1) of Article 1 of the Convention where, under the law in force on the date of the signature of the Convention, the acquisition of land in full ownership is restricted to the indigenous inhabitants.

(5) The provisions of sub-paragraph (a) of paragraph (1) of Article 14 of the Convention shall not come into operation in so far as concerns acts or omissions involving wilful misconduct or gross negligence by consular employees of the United Kingdom serving in Japan who possess Japanese nationality, until three months have elapsed after the Government of Japan

¹ United Nations, *Treaty Series*, Vol. 136, p. 45, Vol. 163, p. 385 ; Vol. 184, p. 358 ; Vol. 199, p. 344 ; Vol. 243, p. 326, and Vol. 260, p. 450.

shall have given notice to this effect to the Government of the United Kingdom.

(6) The provisions of sub-paragraph (b) of paragraph (1) of Article 14 and of paragraph (2) of Article 34 of the Convention shall not come into operation until three months have elapsed after each Contracting Party shall have given notice to this effect to the other.

(7) Notwithstanding the provisions of Article 15 of the Convention, the sending State or one or more natural or juridical persons acting on its behalf shall, in respect of consular premises and residences used exclusively for the purposes specified in paragraph (1) of Article 10 of the Convention, be exempt :

- (a) when the United Kingdom is the receiving State, from local rates or similar charges, subject to the exception specified in sub-paragraph (a) of paragraph (1) of Article 15 of the Convention ;
- (b) when Japan is the receiving State, from taxes on the use of electricity or gas, provided that :
 - (i) the said premises or residences are either owned by the United Kingdom or one or more natural or juridical persons acting on its behalf (hereinafter referred to in this paragraph as “ the United Kingdom ”), or are used or held on a lease by the United Kingdom for a period of time not shorter than a year, irrespective of any change as regards occupants ; and
 - (ii) the United Kingdom is party to the contract regarding the use of electricity or gas and is responsible for the payment of charges for such use.

(8) For the purposes of paragraph (1) of Article 17 of the Convention, the expression “ national of the receiving State ” shall, when Japan is the receiving State, be deemed to apply to any person who has been accorded the status of a permanent resident of Japan.

(9) The exemption accorded under paragraph (2) of Article 17 of the Convention

- (a) shall apply to all taxes or similar charges imposed or collected on the ownership, use or operation of any vehicle, vessel or aircraft or of any wireless or television set ;
- (b) when the United Kingdom is the receiving State, shall entitle a consular officer or employee to repayment of tax deducted from any income deriving from a source outside the particular territory concerned and payable to him or collected on his behalf by a banker or other agent within that territory who is required to deduct income tax on payment of the income ;
- (c) when Japan is the receiving State, shall not apply to those taxes which, under the law of Japan, are collected by special collectors.

(10) Nothing in the provisions of Part IV of the Convention relative to consular functions shall be construed so as to oblige the receiving State to recognise a consular officer as entitled to exercise consular functions on behalf of, or otherwise to act on behalf of, or concern himself with, a national of the sending State who has become a political refugee, whether for reasons of race, nationality, political opinion or religion.

(11) With reference to Article 25 of the Convention, the expression "the courts of the sending State" includes, when Japan is the sending State, judges who act pursuant to Articles 179 and 226 of the Japanese Code of Criminal Procedure.

(12) With reference to sub-paragraph (b) of paragraph (4) of Article 33 of the Convention, the expression "any declaration or other document" includes, when the United Kingdom is the sending State, declarations or documents in connexion with, *inter alia* :

- (a) the entry in the register of the sending State of any vessel not registered in that State ;
- (b) the removal from the register of the sending State of any vessel ;
- (c) the transfer from one owner to another of a vessel on the register of the sending State ;
- (d) the registration of any mortgage or charge on a vessel so registered ;
- (e) any change of master in relation to a vessel so registered ;
- (f) the loss of, or any damage sustained by, a vessel so registered.

(13) The sum referred to in paragraph (2) of Article 37 of the Convention shall be £ 100 sterling or ¥100,000 as the case may be, until such time as arrangements to increase such sum are made by means of an exchange of Notes through the diplomatic channel.

(14) 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 Tokyo this fourth day of May, 1964, in the English and Japanese languages, both texts being equally authoritative.

For the United Kingdom of Great Britain
and Northern Ireland :

[L.S.] R. A. BUTLER

For Japan :

[L.S.] Masayoshi OHIRA