

No. 6934

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

**Treaty of Commerce, Establishment and Navigation (with
Protocols and exchange of notes). Signed at London,
on 14 November 1962**

Official texts of Treaty and Protocols: English and Japanese.

Official text of the notes: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 23 September 1963.

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

**Traité de commerce, d'établissement et de navigation (avec
Protocoles et échange de notes). Signé à Londres, le
14 novembre 1962**

Textes officiels du Traité et des Protocoles: anglais et japonais.

Texte officiel des notes: anglais.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 23 septembre 1963.

No. 6934. TREATY¹ OF COMMERCE, ESTABLISHMENT AND NAVIGATION BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND JAPAN. SIGNED AT LONDON, ON 14 NOVEMBER 1962

The United Kingdom of Great Britain and Northern Ireland and Japan ;

Animated by the desire to maintain and strengthen the amicable relations existing between their respective countries ;

Desiring to facilitate and extend still further their mutual relations of trade and commerce ; and

Desiring to provide for the continued enjoyment of fair and equitable treatment by their respective nationals and companies ;

Have resolved to conclude a Treaty of Commerce, Establishment and Navigation 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 the Earl of Home, K.T., Her Majesty's Principal Secretary of State for Foreign Affairs ;

The Right Honourable Frederick James Erroll, M.P., President of the Board of Trade ;

Japan :

His Excellency Mr. Katsumi Ohno, Ambassador Extraordinary and Plenipotentiary of Japan in London ;

who, having communicated their respective full powers, found in good and due form, have agreed as follows :

Article 1

The territories of the Contracting Parties to which the present Treaty applies are

- (a) on the part of the United Kingdom, the United Kingdom of Great Britain and Northern Ireland, and any territory to which the present Treaty has been extended in accordance with the provisions of Article 32 ; and
- (b) on the part of Japan, the territory of Japan.

¹ Came into force on 4 May 1963, the thirtieth day after the exchange of the instruments of ratification which took place at Tokyo on 4 April 1963, in accordance with article 33 (1).

Article 2

In the present Treaty—

- (1) the term “territory” means, in relation to a Contracting Party, any territory of that Contracting Party to which the present Treaty applies ;
- (2) the term “nationals” :
 - (a) means physical persons ;
 - (b) in relation to the United Kingdom means—
all citizens of the United Kingdom and Colonies, all citizens of any territory for the international relations of which the United Kingdom is responsible and all British protected persons ; except in each case those who belong to any territory to which the present Treaty may be extended under the provisions of Article 32 but has not been so extended ; and
 - (c) in relation to Japan means—
all nationals of Japan ;
- (3) the term “vessels” :
 - (a) in relation to the United Kingdom means all ships registered at a port in any territory of that Contracting Party to which the present Treaty applies ; and
 - (b) in relation to Japan means all ships carrying the papers required by the law of Japan in proof of Japanese nationality ;
- (4) the term “companies” :
 - (a) means all legal persons except physical persons ;
 - (b) in relation to a Contracting Party means all companies which derive their status as such from the law in force in any territory of that Contracting Party to which the present Treaty applies ; and
 - (c) in relation to a country means all companies which derive their status as such from the law in force in that country.

Article 3

(1) Nationals of one Contracting Party shall be accorded, with respect to entry into, residence in and departure from any territory of the other treatment not less favourable than that accorded to the nationals of any other foreign country.

(2) The nationals of one Contracting Party who are lawfully present within any territory of the other shall be free to travel anywhere within that territory and shall not be required, for this purpose, to obtain travel documents or permits. Nothing in this paragraph shall, however, be construed so as to prevent a Contracting Party from restricting entry into any place or area within the territory of that Contracting Party to authorised persons for reasons of national security, provided that in such

cases the nationals of the other Contracting Party shall be accorded treatment not less favourable than that accorded to the nationals of the former Contracting Party or of any other foreign country.

(3) Any conditions as to the duration of his residence or as to his employment, profession, business or occupation which a national of one Contracting Party who is permitted to reside in any territory of the other is required to observe during the period of his residence in that territory shall be imposed at the time of the grant to him of permission to enter or to reside, shall be made known to him at the time when they are imposed and shall not thereafter be varied so as to make them more restrictive.

(4) Subject to any conditions imposed consistently with the provisions of paragraphs (1) and (3) of this Article, the nationals of one Contracting Party in any territory of the other shall be permitted to engage there in every lawful employment, profession, business or occupation on terms not less favourable than the nationals of any other foreign country.

Article 4

The nationals of one Contracting Party in any territory of the other shall be exempted from all compulsory service whatsoever in the armed forces, civil defence services or police forces ; from all forms of compulsory labour ; and from the compulsory performances of all judicial, administrative and municipal functions whatever, other than those imposed by the laws relating to juries. They shall also be exempted from all contributions, whether in money or in kind, imposed as an equivalent for such service or for the performance of such functions.

Article 5

(1) The nationals of one Contracting Party shall in any territory of the other be accorded liberty of conscience and freedom of worship. In the exercise of these rights they may conduct religious services provided that these services are not contrary to public morals or public order. They shall be at liberty to erect and to maintain buildings for religious purposes provided that such buildings conform to the law applicable generally to buildings of like nature. Such buildings shall be respected and shall not be entered or searched except by due process of law.

(2) The nationals of one Contracting Party shall in any territory of the other also be permitted to bury or cremate their dead according to their religious customs in suitable and convenient places established or maintained for the purpose, subject to the general law relating to the registration of deaths, to burials and cremations, and subject to any non-discriminatory sanitary or medical requirements laid down by the authorities of that territory.

Article 6

(1) The companies of one Contracting Party shall in any territory of the other be accorded treatment not less favourable than that accorded to the companies of any other foreign country in all matters relative to the carrying on of all kinds of business, including finance, commerce, industry, banking, insurance, shipping and transport, as well as in all matters relative to the establishment and maintenance for such purpose of branches, agencies, offices, factories and other establishments appropriate to the conduct of their business.

(2) Neither Contracting Party shall in any territory enforce, as a condition for the operation of any company of the other, any requirements as to the nationality of the directors, administrative personnel, technicians, professional consultants, auditors or shareholders of that company more restrictive than requirements applied to the companies of any other foreign country.

Article 7

(1) The nationals and companies of one Contracting Party shall enjoy in any territory of the other constant and complete protection and security for their persons and property.

(2) Nationals of one Contracting Party taken into the custody of the authorities in any territory of the other, whether in connection with criminal proceedings or otherwise, shall be informed without undue delay of the grounds on which they are so taken. While they are detained in such custody they shall receive reasonable and humane treatment and their property shall not be disposed of except by due process of law.

(3) Nationals and companies of one Contracting Party accused in any territory of the other of crime shall enjoy, on the same conditions and to the same extent as nationals and companies of the latter Contracting Party or of any other foreign country, all rights and privileges in connection with their trials permissible under the law of that territory. They shall be entitled to a public trial without undue delay. This paragraph shall not, however, prohibit the exclusion of the public from all or any part of any trial in the interests of national security or of public safety, order or morals or for the protection of children and young persons.

(4) The nationals and companies of one Contracting Party shall have access to the courts of justice, tribunals and administrative authorities in any territory of the other for the declaration, prosecution or defence of their rights, on terms not less favourable than those enjoyed by the nationals and companies of the latter Contracting Party or of any other foreign country. In any event proceedings to which nationals or companies of one Contracting Party are parties in any territory of the other shall be heard and determined without undue delay.