

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.