

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

**Consular Convention (with schedule and Protocols of Signature). Signed at Madrid, on 30 May 1961**

**Exchange of notes constituting an agreement concerning the estates of deceased merchant seamen referred to in article 51 (2) of the above-mentioned Convention. Madrid, 8 April 1963**

*Official texts: English and Spanish.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on 20 May 1966.*

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

**Convention consulaire (avec annexe et Protocoles de signature). Signée à Madrid, le 30 mai 1961**

**Échange de notes constituant un accord sur les successions des gens de mer décédés mentionnées à l'article 51, paragraphe 2, de la Convention susmentionnée. Madrid, 8 avril 1963**

*Textes officiels anglais et espagnol.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 20 mai 1966.*

No. 8198. CONSULAR CONVENTION<sup>1</sup> BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND SPAIN. SIGNED AT MADRID, ON 30 MAY 1961

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Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, and His Excellency the Head of the Spanish State

Being desirous of regulating the rights, privileges and immunities of the consular officers of each High Contracting Party in the territories of the other and of thus facilitating the protection of their respective subjects and national interests;

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

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth (hereinafter referred to as " Her Britannic Majesty "):

For the United Kingdom of Great Britain and Northern Ireland :

The Right Honourable the Earl of Home, P.C., Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

His Excellency the Head of the Spanish State :

For Spain :

Excmo. Señor Don Fernando María Castiella y Maíz, 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 applies

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<sup>1</sup> Came into force on 12 April 1963, the thirty-first day after the exchange of the instruments of ratification which took place at London on 12 March 1963, in accordance with article 56 (1), with the exception of article 17 and of paragraph (2) of article 47 (see footnote 1, p. 236 of this volume).

- (1) on the part of Her Britannic Majesty, to the United Kingdom of Great Britain and Northern Ireland and to all territories for whose international relations Her Majesty's Government in the United Kingdom are responsible;
- (2) on the part of His Excellency the Head of the Spanish State, to all the national territory of Spain.

### *Article 2*

For the purposes of this Convention

(1) (a) the term "sending State" means, according to the context, the High Contracting Party by whom a consular officer is appointed, or all the territories of that Party to which the Convention applies;

(b) the term "receiving State" means, according to the context, the High Contracting Party within whose territories a consular officer exercises his functions as such, or all the territories of that Party to which the Convention applies;

(c) the term "territory" means any part of the territories of the receiving State in which the whole or part of the district of a consular officer is situated and which has been notified as constituting a territorial unit for the purposes of all or some of the Articles of the Convention, in conformity with the provisions of Article 54;<sup>1</sup>

(d) the term "national" means,

(i) in relation to Her Britannic Majesty, all British subjects and British protected persons belonging to any of the categories specified in the Schedule to the Convention, together with, where the context permits, any juridical entity duly created under the law of any of the territories referred to in paragraph (1) of Article 1;

(ii) in relation to the Head of the Spanish State, all Spanish subjects and, where the context permits, any juridical person duly created under the law of Spain;

(e) the term "vessel" means, for the purposes of Part VII of the Convention,

(i) in relation to Her Britannic Majesty, any ship or craft (not being a ship of war) registered at a port in any of the territories referred to in paragraph (1) of Article 1;

<sup>1</sup> See footnote 1, p. 230 of this volume.

(ii) in relation to the Head of the Spanish State, any ship or craft (not being a ship of war) registered in Spain;

(f) (i) the term “consular officer” means any person who, having been duly appointed as such by the sending State, holds from the appropriate authorities of the receiving State a valid *exequatur* or other equivalent authorisation (including a provisional authorisation) to act in this capacity;

(ii) the term applies alike to consuls-general, consuls, vice-consuls and consular agents;

(iii) a consular officer may be a career officer (*consul missus*) or an honorary officer (*consul electus*); he may not, however, be regarded as a career officer unless he fulfils the conditions specified in paragraph (2) of this Article;

(g) the term “consular employee” means any person who, not being a consular officer, is employed in a subordinate capacity in the work of a consulate, provided that his name has been duly communicated in accordance with the provisions of Article 5 to the appropriate authorities of the receiving State. The term shall not, however, apply to any driver or any person employed solely on domestic duties at or in the upkeep of the consular premises;

(h) the term “consular official” means a consular employee who fulfils the conditions specified in paragraph (2) of this Article;

(i) the term “consular office” means any building or part of a building which is occupied exclusively for the purposes of the official business of a consular officer;

(j) the term “consular archives” means the official correspondence, documents and office books, together with any furniture intended exclusively for their protection and preservation;

(k) the term “grave offence” means, for the purposes of Article 17 and paragraph (2) of Article 47,

(i) in relation to Her Britannic Majesty, an offence for which a maximum sentence of imprisonment for not less than five years, or a more severe sentence, may be awarded;

(ii) in relation to the Head of the Spanish State, an offence for which a penalty greater than sentence of six years’ privation of liberty may be awarded.

(2) The conditions referred to in sub-paragraph (f) (iii) and (h) of paragraph (1) are that the consular officer or consular employee concerned shall :

(i) be a national of the sending State;

- (ii) not be permitted to engage in private occupation for gain in the receiving State;
- (iii) be a permanent employee of the sending State or, if not a permanent employee of that State, not have been ordinarily resident in the territory at the time of taking up his appointment;
- (iv) be in receipt of regular emoluments from the sending State.

## PART II

### APPOINTMENTS AND DISTRICT

#### *Article 3*

(1) The sending State may establish and maintain consulates in the receiving State at any place where any third State possesses a consulate and at any other place where the receiving State so agrees.

(2) The sending State may

- (a) determine whether a consulate shall be a consulate-general, consulate, vice-consulate or consular agency;
- (b) subject to paragraph (3) of this Article, prescribe the limits of each of its consular districts.

(3) The receiving State may object to the inclusion within a consular district of any area

- (a) which forms part of the territory of a third State;
  - (b) which does not form part of a consular district of a third State;
  - (c) which is not open to the official commercial representatives of a third State.
- Any such objection shall be made through the diplomatic channel.

(4) The sending State shall be at liberty to allocate to each of its consular posts the number of consular officers and employees necessary for the purposes of the work of that post.

#### *Article 4*

(1) (a) The diplomatic mission of the sending State shall notify the Foreign Office or the Ministry of Foreign Affairs, as the case may be, of the appointment of a consular officer to a consulate, and shall transmit his commission or other document of appointment.

(b) The commission or other document shall specify the full name and rank of the officer concerned and the limits of the consular district in which he is to perform his duties. The diplomatic mission shall state whether he is a career or an honorary officer.