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CHINA



Treaty Series No. 14 (1985)

Agreement

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the People's Republic of China
on the Establishment of a British
Consulate-General at Shanghai and a
Chinese Consulate-General at Manchester

Peking (Beijing), 17 April 1984

[The Agreement entered into force on 14 January 1985]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
April 1985*

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

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

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

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

ARTICLE 1

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

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

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

ARTICLE 2

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

ARTICLE 3

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

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

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

ARTICLE 4

(1) Unless otherwise agreed by the Contracting Governments, the number of members of the consular post shall not exceed the limit of 30 persons, of which that of consular officers shall not exceed the limit of 10 persons, and that of consular employees and members of the service staff shall not exceed the limit of 20 persons.

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

ARTICLE 5

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

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

ARTICLE 6

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

ARTICLE 7

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

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

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

- (a) relating to private immovable property situated in the receiving State, unless the member of the consular post holds it on behalf of the sending State for the purposes of the consular post;
- (b) relating to succession in which the member of the consular post is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
- (c) relating to any professional or commercial activity exercised by the member of the consular post in the receiving State outside his official functions;

(d) arising out of a contract concluded by the member of the consular post in which he did not contract, expressly or impliedly, on behalf of the sending State;

(e) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

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

(5) Members of the consular post and members of their families may be called upon to attend as witnesses in the course of judicial or administrative proceedings. If a consular officer or a member of his family should decline to give evidence, no coercive measure or penalty shall be applied to that person. Consular employees and members of their families, as well as members of the service staff and members of their families, may not decline to give evidence except as provided in paragraph (6) of this Article.

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

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

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

ARTICLE 8

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

(2) If a national of the sending State is arrested, committed to prison or detained in any other manner in the consular district, the competent authorities of the receiving State shall notify the consular post of the sending State to that effect as soon as possible and at the latest within seven days from the time at which the personal freedom of that national is restricted. A visit to that national as requested by consular officers shall

be arranged by the competent authorities of the receiving State two days after the consular post is notified of the restriction of the personal freedom of that national. Subsequent visits shall be permitted at intervals not exceeding one month.

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

ARTICLE 9

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

ARTICLE 10

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

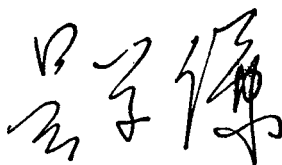
ARTICLE 11

Each Contracting Government shall notify the other in writing of the completion of the procedures required by its respective national laws. This Agreement shall enter into force on the date of the later of those notifications⁽²⁾.

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

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

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



[WU XUEQIAN]

(1) Treaty Series No. 14 (1973), Cmnd. 5219.

(2) The Agreement entered into force on 14 January 1985.

中华人民共和国政府和大不列颠及 北爱尔兰联合王国政府关于在 曼彻斯特设立中国总领事馆和在 上海设立英国总领事馆的协议

中华人民共和国政府和大不列颠及北爱尔兰联合王国政府本着发展两国之间友好关系和加强两国之间领事关系的共同愿望，就互设总领事馆事宜达成协议如下：

第 一 条

一、中华人民共和国政府同意联合王国政府在上海市设立总领事馆，其领区范围为上海直辖市、江苏省和浙江省。

二、联合王国政府同意中华人民共和国政府在曼彻斯特设立总领事馆，其领区范围为大曼彻斯特郡、默西赛德郡、兰开夏郡、泰恩和威尔郡、北约克郡、南约克郡、西约克郡、达勒姆郡和德比郡。

三、双方政府开设上述总领事馆的日期，由双方协议

决定。

第 二 条

缔约双方政府将根据各自国家的有关法律和规章，通过友好协商为对方领馆的设立提供必要的协助，包括协助获得领馆馆舍及领馆人员的住宅。

第 三 条

一、领馆馆舍不得侵犯。接受国当局未获领馆馆长、派遣国使馆馆长，或以上两人中一人指定的人的同意，不得进入领馆馆舍。

二、接受国负有特殊责任采取一切适当措施保护领馆馆舍免受侵入或损坏，并防止扰乱领馆的安宁或损害其尊严。

三、本条第一款的规定，也适用于领事官员的住宅。

第 四 条

一、除非缔约双方政府另有协议，领馆成员人数不得超过三十人，其中领事官员最多十人，领馆工作人员和服务人员最多二十人。

二、领事官员应为派遣国国民，且不得是接受国的国民或永久居民。

第 五 条

一、接受国应采取一切必要措施为派遣国领事官员执行领事职务提供充分便利。

二、经接受国同意，领事官员必要时可去其领区范围以外的地区执行领事职务。对此，接受国将提供必要协助。

第 六 条

接受国应给予领事官员应有的尊重，并应采取一切适当措施，以防止其人身、自由或尊严受到任何侵犯。

第 七 条

一、领馆成员及其家庭成员免受接受国的刑事管辖，并免受逮捕候审或羁押候审。

二、领馆成员执行领事职务的行为免受接受国的民事和行政管辖。

三、惟本条第二款之规定不适用于下列民事诉讼：

(一)有关接受国国内的私人不动产的诉讼，除非领馆成员系代表派遣国为领馆之用而拥有该不动产者；

(二)有关领馆成员以私人身份而不代表派遣国作为遗嘱执行人、遗产管理人、继承人或受遗赠人的继承事件的诉讼；

(三)有关领馆成员在其公务范围外在接受国进行的任何专业的或商业的活动的诉讼；

(四)因领馆成员并未明示或默示代表派遣国订立的契约所引起的诉讼；

(五)有关第三者因车辆、船舶或飞机在接受国内的意外事故所造成的损害的诉讼。

四、对本条所提到的任何人不得采取执行措施，除非属本条第三款(一)项、(二)项和(三)项的案件，即使采取措施也不得损害其人身和住宅的不可侵犯性。

五、领馆成员及其家庭成员得被请在司法或行政程序中到场作证。如领事官员及其家庭成员拒绝作证，不得对其施行强制措施或处罚。除本条第六款所述事项外，领馆工作人员及其家庭成员或服务人员及其家庭成员不得拒绝作证。

六、领馆成员没有义务就其执行公务所涉事项作证，

或出示官方信件或文件。领馆成员并有权拒绝作为派遣国法律的鉴定人而作证。

七、接受国当局在接受领馆成员证词时应采取一切适当措施避免妨碍其执行领事职务。应领馆馆长的请求，此中证词在可能情形下得在领馆或有关人员的住宅口头或书面提出。

八、本人为接受国国民或永久居民的领馆成员及其家庭成员以及领馆成员的家庭成员本人为接受国国民或接受国永久居民者，除享受本条第六款规定的豁免外，不应享受本条规定的权利、便利和豁免。

第 八 条

一、领事官员有权在其领区内与其本国国民联系和会见，接受国不得以任何形式限制派遣国国民与领馆联系或进入领馆。

二、在其领区内遇有派遣国国民被捕、被监禁或以任何其它形式被拘留，接受国有关当局应尽可能快地通知，最迟于该国民的个人自由受到限制之时起七天内通知派遣国领馆。领事官员要求探视上述国民，接受国有关当局应于通知领馆该国民的个人自由受到限制之日起二天后安排

视，并允许以后按不超过一个月的间隔重复探视。

三、本条所述的权利应在接受国法律和规章范围内执行。然而这些法律和规章务须使上述权利之目的得以充分实现。

第 九 条

本协议未提及的领事事宜将由缔约双方政府按照一九六三年四月二十四日《维也纳领事关系公约》的有关规定，通过友好协商，本着互相谅解和合作的精神进行解决。

第 十 条

本协议第四条第二款、第五条、第八条和第九条也适用于两国外交使团行使领事职能。

第 十 一 条

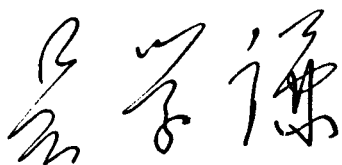
本协议应在缔约双方政府完成各自国家的法律程序后，以书面相互通知，并自后一通知发出之日起生效。

本协议于一九八四年四月廿七日在北京签订，一式

份，每份均以中文和英文写成，两种文本具有同等效

中华人民共和国
政 府
代 表

大不列颠及北爱尔兰
联合王国政府
代 表



[WU XUEQIAN]



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