



Treaty Series No. 23 (2014)

Exchange of Notes

between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America amending the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America for Financing Certain Programmes of Educational and Cultural Exchanges signed at London on 10th May 1965, as amended on 16th February 1967, 30th June 1971 and 11th September 1992 (“the Agreement”)

London, 6 August 2014 and 22 August 2014

[The Exchange of Notes entered into force on 22 August 2014]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
October 2014*



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EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA AMENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR FINANCING CERTAIN PROGRAMMES OF EDUCATIONAL AND CULTURAL EXCHANGES SIGNED AT LONDON ON 10TH MAY 1965, AS AMENDED ON 16TH FEBRUARY 1967, 30TH JUNE 1971 AND 11TH SEPTEMBER 1992 (“THE AGREEMENT”)

No. 1

The Foreign and Commonwealth Office to the Embassy of the United States of America in London

Note Number: 006/2014

The Foreign and Commonwealth Office presents its compliments to the Embassy of the United States of America in London and has the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America for Financing Certain Programmes of Educational and Cultural Exchange signed at London on the 10th of May 1965, as amended on 16th February 1967, 30th June 1971 and 11th September 1992 (“the Agreement”).

The Foreign and Commonwealth Office has the honour to propose that, in accordance with Article 15 of the Agreement, a number of provisions of the Agreement be amended to provide for the United States-United Kingdom Educational Commission established under the Agreement to be managed by a company limited by guarantee and established under English law as a registered company and called “the U.S.-UK Fulbright Commission” (“Fulbright Commission”). The Articles of Association of the Fulbright Commission provide that there shall be two (2) Members and up to fourteen (14) Directors all of whom shall be nationals of the UK or citizens of the US and up to seven (7) of the latter of whom shall be nationals of the United Kingdom and up to seven (7) of whom shall be citizens of the United States of America.

The two Members of the Fulbright Commission, with the power under English company law to appoint and dismiss the Directors, are the Principal Officer in charge of the Diplomatic Mission of the United States to the United Kingdom and the Secretary of State for Business, Innovation and Skills as named in the current Article 8(b) of the Agreement. The other provisions of Articles 7 and 8 of the Agreement are reflected in the Articles of Association of the Fulbright Commission, such that the Fulbright Commission shall be governed in the same

manner as was the United States-United Kingdom Educational Commission previously.

Whereas the Fulbright Commission now exists, we agree that we are amending the Agreement to reflect that the United States-United Kingdom Educational Commission shall henceforth be managed by the Fulbright Commission, and the Directors of the Fulbright Commission, who, initially, shall be the current Commissioners, are protected by limited liability. The United States-United Kingdom Educational Commission, established under the Agreement between the Governments of the United Kingdom and the United States of America, shall remain in place. The Fulbright Commission shall be the sole Commissioner.

There shall be no fundamental reorganisation of the United States-United Kingdom Educational Commission. Staff shall continue to be employed by the United States-United Kingdom Educational Commission, which shall be managed by the Fulbright Commission. No pension fund liability shall be triggered, since staff shall not have transferred employers.

Additional amendments would address changes in various titles and definitions.

The Foreign and Commonwealth Office therefore has the honour to propose that the following amendments be made to the Agreement:

1. Article 1(a) of the Agreement be deleted and replaced with the following:
“There shall be established a commission to be known as the United States-United Kingdom Educational Commission (hereinafter referred to as “the Commission”) to replace the United States Educational Commission in the United Kingdom, which was established in accordance with the Agreement of 1948. The Commission shall be recognised by the Government of the United Kingdom and the Government of the United States as a not-for-profit organization existing to facilitate administration of educational and cultural programmes and activities in furtherance of the objectives of the present Agreement, whether financed by funds made available to the Commission by the two Governments for such purpose or from other sources.”
2. Article 7 be deleted and replaced with the following: *“The Commission shall be managed by a company limited by guarantee established under English Law, registered company number 8900668 and called ‘The U.S.-UK Fulbright Commission’. The composition, membership and authorities of the company, which shall serve as the Commission’s sole commissioner, are set forth in its Articles of Association.”*
3. Articles 8, 9 and 10 be deleted and in each case replaced with the following:
“This Article has been left intentionally blank.”
4. Article 14(b) be deleted and replaced with the following:
“The term ‘Secretary of State for Business, Innovation and Skills’, wherever used in this Agreement, shall be understood to mean the Secretary

of State for Business, Innovation and Skills of the Government of the United Kingdom or other such title as he or she may hold, or other such officer or employee of the Government of the United Kingdom designated by him or her to act on his or her behalf.”

5. Article 14(d) be deleted and replaced with the following:

“(d) The term ‘nationals of the United Kingdom’ shall mean:

- (i) British citizens, British overseas territories citizens, British Overseas citizens or British Nationals (Overseas),*
- (ii) British subjects under the British Nationality Act 1981, or*
- (iii) British protected persons, within the meaning of that Act.*

provided that in all cases they are ordinarily resident in the United Kingdom or in a territory to which the present Agreement has been extended in accordance with the provisions of Article 17.”

6. That “*Secretary of State for Education and Science*” be deleted throughout the Agreement and replaced with “*Secretary of State for Business, Innovation and Skills.*”
7. That “*Board of Foreign Scholarships*” be deleted throughout the Agreement and replaced with “*J. William Fulbright Foreign Scholarship Board.*”

If the foregoing proposals are acceptable to the Government of the United States of America, the Foreign and Commonwealth Office has the honour to propose that this Note and the Embassy’s reply to that effect shall constitute an agreement between our two Governments which shall enter into force on the date of the Embassy’s reply.

The Foreign and Commonwealth Office avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its highest consideration.

6 August 2014

No. 2

Embassy of the United States of America in London to the Foreign and Commonwealth Office

No 030

The Embassy of the United States of America in London presents its compliments to the Foreign and Commonwealth Office and has the honour to refer to its Diplomatic Note Number 006/2014 of 6th August proposing to amend the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Financing Certain Programmes of Educational and Cultural Exchange signed at London on the 10th of May 1965, as amended on 16th February 1967, 30th June 1971 and 11th September 1992 (“the Agreement”) which reads as follows:

[As in Note No. 1]

The Embassy of the United States of America confirms that the foregoing proposals are acceptable to the Government of the United States of America and this Note of reply and Note no 006/2014, dated 6 August 2014 from the Foreign and Commonwealth Office shall constitute an agreement between our two Governments amending the Agreement which shall enter into force on the date of this reply Note.

The Embassy of the United States of America avails itself of this opportunity to renew to the Foreign and Commonwealth Office the assurance of its highest consideration.

22 August 2014

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