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## CONVENTION BETWEEN THE UNITED KINGDOM AND FRANCE RESPECTING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS.

Signed at London, February 2, 1922.  
(Ratifications exchanged at London, May 2, 1922.)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the French Republic, being desirous to facilitate the conduct of legal proceedings between persons resident in their respective territories, have decided to conclude a Convention for this purpose and have accordingly nominated as their Plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; the Most Honourable the Marquess Curzon of Kedleston, K. G., His Majesty's Principal Secretary of State for Foreign Affairs;

The President of the French Republic; His Excellency Count de Saint-Aulaire, Ambassador Extraordinary and Plenipotentiary of the French Republic in London;

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

### Article 1.

This Convention applied only to civil and commercial matters.

Transmission of Judicial and Extra-judicial Documents.

### Article 2.

In cases where the law of one of the High Contracting Parties permits documents to be served in the territory of the other, such service may be effected in either of the following ways indicated in Articles 3 and 4.

### Article 3.

(a) The request for service is addressed:

In France, by the British Consul to the "Procureur de la République" who whose jurisdiction the recipient of the document is;

In England, by the Consul-General of France in London to the Senior Master of the Supreme Court of Judicature in England.

(b) The request is drawn up in the language of the authority applied to. It contains the name of the authority from whom the document enclosed emanates, the names and descriptions of the parties, and the address of the recipient. It is accompanied by the original and two copies of the document in question in the language of the State making the request, and by a translation certified by

the consular authority of that State, and a copy of such translation.

(c) The service is effected by the delivery of the original or a copy of the document, as indicated in the request, and the copy of the translation, to the recipient in person, in England, by a process server; in France, by a "huissier" appointed by the "Procureur de la République".

(d) The judicial authority applied to transmits to the consular authority making the request a certificate establishing the fact and date of the service in person, or indicating the reasons for which it has not been possible to effect it.

(e) When the document transmitted to the "Procureur de la République" is intended for a person resident in another jurisdiction, this magistrate will immediately notify the consular authority making the request, and, will, of his own motion, transmit the document to the "Procureur de la République" who is competent.

(f) No State fees of any nature whatever shall be charged in respect of the service. Nevertheless, the State making the request must repay to the State applied to any charges which are payable under the local law to the persons employed to effect service. These charges are calculated in accordance with the tariff in force in the State applied to. Repayment of these charges is claimed by the judicial authority applied to from the consular authority making the request when transmitting the certificate provided for in paragraph (d).

(g) The execution of a request for service can only be refused if the State in whose territory it is to be effected considers it such as to compromise its sovereignty or safety.

(h) Any difficulties which may arise in respect of the request shall be settled through the diplomatic channel.

### Article 4.

The service of judicial or extra-judicial documents may also be made directly and without the application of any compulsion through the medium and under the responsibility of the consular authority of each of the High Contracting Powers in the territory of the other.

Commissions rogatoires.

### Article 5.

Evidence which is required for use in one of the contracting countries is taken in the territory of the other, at the request of the party interested, in one of the ways indicated in Articles 6, 7 and (where applicable) 8.

### Article 6.

(a) The competent judicial authority of one of the parties addresses itself by means of a "commission rogatoire" to the competent judicial authority of the other State, requesting it to take the evidence of witnesses within its jurisdiction in legal form.

(b) The "commission rogatoire" is transmitted—

In England, by the Consul-General of France in London to the Senior Master of the Supreme Court of Judicature in England;

In France, by the British Consul to the "Procureur de la République" within whose jurisdiction the "commission rogatoire" is to be executed.

(c) The "commission rogatoire" is drawn up in the language of the authority making the request and accompanied by a translation in the language of the authority applied to.

(d) The judicial authority to whom the "commission rogatoire" is addressed executes it by the use of the same compulsory measures as would be applied in the case of a commission emanating from the authorities of the State applied to or of a request to that effect made by an interested party in the territory of that State.

(e) The authority making the request is, if it so desires, informed of the date and place where the proceedings asked for will take place, in order that the interested party may be able to be present either in person or by his representative.

(f) The execution of a "commission rogatoire" can only be refused—

1. If the authenticity of the document is not established;

2. If the State within whose territory the execution was to have taken place considers it such as to affect its sovereignty or safety.

(g) In case the authority applied to is without jurisdiction the "commission rogatoire" is forwarded without any further request to the competent authority of the same State, in accordance with the rules laid down by the law of the latter.

(h) In every instance in which the "commission rogatoire" is not executed by the authority applied to, the latter at once informs the authority making the request, stating the grounds on which the execution of the "commission rogatoire" has been refused, and in the event of the authority being without jurisdiction, the authority to whom the commission has been forwarded.

(i) The judicial authority proceeding to the execution of a "commission rogatoire" applies, so far as the procedure to be followed is concerned, the law of its own country.

Nevertheless, an application by the authority making the request that some special procedure may be followed shall be acceded to, provided such procedure be not contrary to the law of the State applied to.

(j) No State fees of any nature shall be levied in respect of the execution of the "commission rogatoire".

Nevertheless, the State making the request repays to the State applied to the charges and expenses payable to wit-