

BELGIUM



Treaty Series No. 30 (1973)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Kingdom of Belgium
providing for the extension to Hong Kong
of the Convention for the Reciprocal
Enforcement of Judgments signed at
Brussels on 2 May 1934

(with Notification of Extension)

Brussels, 13 October/24 November and 28 November 1972

[The extension took effect on 28 December 1972]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
March 1973*

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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 KINGDOM OF BELGIUM
PROVIDING FOR THE EXTENSION TO HONG KONG OF
THE CONVENTION FOR THE RECIPROCAL ENFORCEMENT OF
JUDGMENTS SIGNED AT BRUSSELS ON 2 MAY 1934

No. 1

*Her Majesty's Ambassador at Brussels to the Minister for Foreign Affairs
of Belgium*

*British Embassy,
Brussels.*

Your Excellency,

13 October, 1972.

I have the honour to refer to the Convention between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Belgium for the Reciprocal Enforcement of Judgments, signed at Brussels on 2 May 1934.⁽¹⁾

On instructions from Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, I have to inform you that the United Kingdom wish to extend the operation of the aforesaid Convention to Hong Kong under Article 11. Paragraph (2) of that Article provides that, before this can be done, an agreement must be concluded between the High Contracting Parties as to the courts of the territory concerned, which shall be deemed to be "superior courts" for the purposes of the Convention, and the courts to which application for the registration of any judgment shall be made.

I therefore have the honour to propose that, for the purposes of the Convention, the following courts, that is to say:

- (a) the Supreme Court of Hong Kong,
- (b) the Full Court of Hong Kong, and
- (c) Her Majesty in Council determining appeals from the Full Court or the Supreme Court of Hong Kong,

shall be deemed to be "superior courts" and that the Supreme Court of Hong Kong shall be the court to which application for the registration of any judgment shall be made. I would explain that in certain cases appeals lie from the Full Court and the Supreme Court of Hong Kong to Her Majesty in Council, who exercises this appellate jurisdiction on the advice of the Judicial Committee of that Council.

If the foregoing proposal is acceptable to the Kingdom of Belgium, I have the honour to suggest that the present Note and Your Excellency's reply to that effect shall constitute the agreement provided for in Article 11 (2) of the Convention in so far as the territory of Hong Kong is concerned.

(1) Treaty Series No. 31 (1936), Cmd. 5321.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

JOHN BEITH

No. 2

The Minister for Foreign Affairs of Belgium to Her Majesty's Ambassador at Brussels

*Ministère des Affaires Etrangères et
du Commerce Extérieur*

24.11.1972

Monsieur l'Ambassadeur,

J'ai l'honneur d'accuser réception de l'Office de Votre Excellence du 13 octobre 1972, dont la teneur suit:

“ Monsieur le Ministre,

J'ai l'honneur de me référer à la Convention entre le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et le Royaume de Belgique pour l'exécution réciproque des jugements, signée à Bruxelles le 2 mai 1934.

Conformément aux instructions du Principal Secrétaire d'Etat de Sa Majesté aux Affaires Etrangères et du Commonwealth, je dois vous informer qu'en vertu de l'article 11 de la susdite Convention, le Royaume-Uni souhaite étendre à Hong-Kong l'application de celle-ci. Aux termes du paragraphe (2) de cet article, avant de pouvoir procéder à pareille extension, un accord devra intervenir entre les Hautes Parties contractantes au sujet des tribunaux du territoire intéressé qui seront considérés comme “tribunaux supérieurs” aux fins de ladite Convention et des tribunaux auxquels sera adressée une demande d'enregistrement.

Par conséquent, j'ai l'honneur de proposer qu'aux fins de cette Convention, les tribunaux suivants:

- (a) “The Supreme Court of Hong Kong” (la Cour Suprême de Hong-Kong),
- (b) “the Full Court of Hong Kong”,
- (c) “Her Majesty in Council determining appeals from the Full Court or the Supreme Court of Hong Kong” (Sa Majesté, siégeant en Conseil privé, statuant sur les appels de jugements rendus par la “Full Court” ou la Supreme Court of Hong Kong” (Cour Suprême de Hong-Kong)),

soient considérés comme “tribunaux supérieurs” et que la “Supreme Court of Hong Kong” (Cour Suprême de Hong-Kong) sera le tribunal auquel sera adressée une demande d'enregistrement.

Je voudrais préciser que, dans certaines causes, les appels de jugements susceptibles d'appel rendus par la “Full Court” et la “Supreme Court of Hong Kong” (Cour Suprême de Hong-Kong) ressortissent à “Her Majesty in Council” (Sa Majesté, siégeant en Conseil privé), qui exerce cette compétence de tribunal d'appel, sur l'avis de son “Judicial Committee” (Comité contentieux).

Si le Royaume de Belgique accepte la proposition qui précède, j'ai l'honneur de proposer que la présente note et la réponse de Votre Excellence à cet effet constitueront l'accord prévu à l'article 11 (2) de la Convention, en ce qui concerne le territoire de Hong Kong".

Les propositions ci-dessus rencontrant l'agrément du Gouvernement belge, l'Office de Votre Excellence et la présente réponse constituent l'accord prévu par l'article 11 (2) de la Convention en ce qui concerne le territoire de Hong-Kong.

Je saisis cette occasion, Monsieur l'Ambassadeur, de renouveler à Votre Excellence l'assurance de ma très haute considération.

P. HARMEL

[Translation of No. 2]

*Ministry of Foreign Affairs
and Overseas Trade*

Monsieur l'Ambassadeur,

24.11.1972

I have the honour to acknowledge receipt of Your Excellency's Note of 13 October 1972, which reads as follows:

[As in No. 1]

The foregoing proposals being acceptable to the Belgian Government, Your Excellency's Note and this reply shall constitute the agreement provided for in Article 11 (2) of the Convention in so far as the territory of Hong Kong is concerned.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

P. HARMEL

No. 3

*Her Majesty's Ambassador at Brussels to the Minister for Foreign Affairs
of Belgium*

*British Embassy,
Brussels.*

Your Excellency,

28 November, 1972.

I have the honour to refer to the exchange of Notes of 13 October 1972 and 24 November 1972 between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Belgium concerning the proposed extension to Hong Kong of the Convention for the Reciprocal Enforcement of Judgments, signed at Brussels on 2 May 1934.

In pursuance of paragraph (1) of Article 11 of the Convention, I hereby notify you of the extension of the Convention to Hong Kong. In accordance with paragraph (3) of that Article, this extension shall come into force one month from the date of this Note, that is to say on 28 December 1972.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

JOHN BEITH