

ITALY



Treaty Series No. 92 (1976) ✓

OKS
Notice under
1974

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Italian Republic
concerning the extension to Jersey, the Bailiwick of
Guernsey and the Isle of Man of the Convention
providing for the Reciprocal Recognition and
Enforcement of Judgments in Civil and Commercial
Matters signed at Rome on 7 February 1964 as
amended by the Protocol signed at Rome on
14 July 1970
(with notification of Extension)

Rome, 12 April 1976

[The extension took effect on 13 July 1976]

Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 1976

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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 ITALIAN REPUBLIC CONCERNING
THE EXTENSION TO JERSEY, THE BAILIWICK OF GUERNSEY
AND THE ISLE OF MAN OF THE CONVENTION PROVIDING
FOR THE RECIPROCAL RECOGNITION AND ENFORCEMENT
OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS
SIGNED AT ROME ON 7 FEBRUARY 1964 AS AMENDED BY
THE PROTOCOL SIGNED AT ROME ON 14 JULY 1970**

No. 1

*Her Majesty's Ambassador at Rome to the
Minister for Foreign Affairs of Italy*

*British Embassy,
Rome.*

Your Excellency,

12 April, 1976.

I have the honour to refer to the Convention between the United Kingdom of Great Britain and Northern Ireland and the Republic of Italy for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters, signed at Rome on 7 February 1964, as amended by the Protocol signed at Rome on 14 July 1970⁽¹⁾ (hereinafter referred to as "the Convention"). On instructions from Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, I have to inform Your Excellency that the Government of the United Kingdom wish to extend the operation of the Convention to Jersey, the Bailiwick of Guernsey and the Isle of Man under paragraph (1) of Article X. Paragraph (2) of that Article provides that, before this may be done, an agreement shall be concluded as to the judgments of the courts of the territories concerned to which the Convention shall apply and the courts to which application for registration of any judgment shall be made.

I therefore have the honour to propose that, for the purposes of the Convention:

- (a) the judgments to which the Convention shall apply shall be those of the following courts:
- (i) in relation to Jersey, the Royal Court and the Court of Appeal of Jersey;
 - (ii) in relation to the Bailiwick of Guernsey, the Court of Appeal of Guernsey and the Royal Court sitting as an Ordinary Court or as a Full Court; and
 - (iii) in relation to the Isle of Man, Her Majesty's High Court of Justice of the Isle of Man; and

(1) Treaty Series No. 5 (1974), Cmnd. 5512.

- (b) the following courts shall be courts to which application for registration of any judgment shall be made:
- (i) in relation to Jersey, the Royal Court;
 - (ii) in relation to the Bailiwick of Guernsey, the Royal Court; and
 - (iii) in relation to the Isle of Man, Her Majesty's High Court of Justice of the Isle of Man.

If the foregoing is acceptable to the Government of the Italian Republic, I have the honour further to propose that the present Note together with Your Excellency's reply to that effect shall constitute the agreement provided for in Article X (2) of the Convention in so far as Jersey, the Bailiwick of Guernsey and the Isle of Man are concerned.

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

GUY MILLARD

No. 2

*The Minister for Foreign Affairs of Italy to
Her Majesty's Ambassador at Rome*

Eccellenza,

Roma, 12 aprile 1976.

ho l'onore di accusare ricevuta della Nota di Vostra Eccellenza del 12 aprile 1976 la cui traduzione è concepita come segue:

“Ho l'onore di far riferimento alla Convenzione fra il Regno Unito di Gran Bretagna ed Irlanda del Nord e la Repubblica Italiana per il reciproco riconoscimento e l'esecuzione delle sentenze in materia civile e commerciale firmato a Roma il 7 febbraio 1964, emendata dal Protocollo firmato a Roma il 14 luglio 1970 (qui di seguito chiamata “La Convenzione”). D'ordine del Segretario di Stato per gli Affari Esteri e del Commonwealth di Sua Maestà, ho l'onore d'informare Vostra Eccellenza che il Governo del Regno Unito desidera estendere l'applicazione della Convenzione a Jersey, al Distretto Giudiziario di Guernsey e all'Isola di Man in base al paragrafo (1) dell'Art. X. Il paragrafo (2) del predetto Articolo stabilisce che prima che ciò possa avvenire, dev'essere concluso un Accordo circa le sentenze delle Corti dei territori in questione alle quali si applicherà la Convenzione e circa le Corti che devono essere adite per la registrazione delle sentenze.

Ho pertanto l'onore di proporre che ai fini della Convenzione:

- (a) Le sentenze a cui si applicherà la Convenzione saranno quelle delle seguenti Corti:
- (i) in relazione a Jersey, la Corte Reale e la Corte di Appello di Jersey;
 - (ii) in relazione al Distretto Giudiziario di Guernsey, la Corte di Appello di Guernsey e la Corte Reale riunita come Corte Ordinaria o come Corte Plenaria; e

- (iii) in relazione all'Isola di Man, l'Alta Corte di Giustizia di Sua Maestà dell'Isola di Man; e
- (b) le seguenti Corti saranno quelle che devono essere adite per la registrazione delle sentenze:
 - (i) in relazione a Jersey, la Corte Reale;
 - (ii) in relazione al Distretto Giudiziario di Guernsey, la Corte Reale; e
 - (iii) in relazione all'Isola di Man, l'Alta Corte di Giustizia di Sua Maestà dell'Isola di Man.

Se quanto precede fosse accettabile al Governo della Repubblica Italiana, ho inoltre l'onore di proporre che la presente Nota insieme alla risposta di Vostra Eccellenza in tal senso costituiscano l'accordo previsto dallo Art. X (2) della Convenzione per quanto riguarda Jersey, il Distretto Giudiziario di Guernsey e l'Isola di Man.

Colgo l'occasione per rinnovarle, Eccellenza, le espressioni della mia più alta considerazione."

In risposta ho l'onore d'informare Vostra Eccellenza che le proposte di cui sopra sono accettabili al Governo della Repubblica Italiana, che pertanto è d'accordo che la Sua Nota e la presente risposta costituiscano l'accordo previsto dall'Art. X (2) della Convenzione per quanto riguarda Jersey, il Distretto Giudiziario di Guernsey e l'Isola di Man.

Colgo l'occasione per rinnovarle, Eccellenza, le espressioni della mia più alta considerazione.

MARIANO RUMOR

Translation of No. 2

Rome,

Your Excellency,

12 April, 1976.

I have the honour to acknowledge receipt of Your Excellency's Note of 12 April, 1976, which in translation reads as follows:

[As in No. 1]

In reply I have the honour to inform Your Excellency that the foregoing proposals are acceptable to the Government of the Italian Republic, who therefore agree that your Note and the present reply shall constitute the agreement provided for in Article X (2) of the Convention in so far as Jersey, the Bailiwick of Guernsey and the Isle of Man are concerned.

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

MARIANO RUMOR

No. 3

*Her Majesty's Ambassador at Rome to the
Minister of Foreign Affairs of Italy*

*British Embassy,
Rome.*

Your Excellency,

12 April, 1976.

I have the honour to refer to the Exchange of Notes of today's date between the United Kingdom of Great Britain and Northern Ireland and the Republic of Italy concerning the proposed extension to Jersey, the Bailiwick of Guernsey and the Isle of Man of the Convention for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters, signed at Rome on 7 February 1964, as amended by the Protocol signed at Rome on 14 July 1970.

In accordance with the provisions of paragraph (1) of Article X of the Convention I hereby notify Your Excellency, in the name of Her Majesty The Queen, of the extension of the Convention, as amended by the said Protocol, to Jersey, the Bailiwick of Guernsey and the Isle of Man. In accordance with paragraph (3) of that Article the extension shall come into force three months from the date of this Note, that is to say on 13 July 1976.

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

GUY MILLARD

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