



Treaty Series No. 18 (1933)

Convention

between His Majesty, in respect of the United Kingdom,
and His Majesty the King of Denmark and Iceland

regarding

Legal Proceedings in Civil and Commercial Matters

London, November 29, 1932

[Ratifications exchanged at London, May 12, 1933]

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses

Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh 2

York Street, Manchester; 1, St. Andrew's Crescent, Cardiff

15, Donegall Square West, Belfast

or through any Bookseller

1933

Price 3d. Net

Cmd. 4334

CONVENTION BETWEEN HIS MAJESTY, IN RESPECT OF THE UNITED KINGDOM, AND HIS MAJESTY THE KING OF DENMARK AND ICELAND REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS.

London, November 29, 1932.

[*Ratifications exchanged at London, May 12, 1933.*]

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Denmark and Iceland:

Being desirous to render mutual assistance in the conduct of legal proceedings, in their respective territories, in civil and commercial matters which are being dealt with or which it is anticipated may be dealt with by their respective judicial authorities;

Have resolved to conclude a Convention for this purpose and have appointed as their Plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland:

The Right Honourable Sir John Allsebrook Simon, G.C.S.I., K.C.V.O., O.B.E., K.C., M.P., His Principal Secretary of State for Foreign Affairs;

and

His Majesty the King of Denmark and Iceland:

Count Preben Ferdinand Ahlefeldt-Laurvig, His Envoy Extraordinary and Minister Plenipotentiary in London;

Who having communicated their full powers, found in good

Hans Majestæt Kongen af Danmark og Island og Hans Majestæt Kongen af Storbritannien, Irland og de britiske oversøiske Besiddelser, Kejser af Indien,

Har, i det Ønske at yde gensidig processuel Bistand paa deres respektive Omraader i borgerlige Sager og Handelssager, der behandles eller maa forudsættes at ville blive behandlet af deres respektive judicielle Myndigheder,

Besluttet at afslutte en Konvention i dette Øjemed og udnævnt til deres Befuldmægtigede:

Hans Majestæt Kongen af Danmark og Island:

Sin Overordentlige Gesandt og befuldmægtigede Minister i London Greve Preben Ferdinand Ahlefeldt-Laurvig;

og

Hans Majestæt Kongen af Storbritannien, Irland og de britiske oversøiske Besiddelser, Kejser af Indien:

For Storbritannien og Nord-Irland:

The Right Honourable Sir John Allsebrook Simon, G.C.S.I., K.C.V.O., O.B.E., K.C., M.P., Hans Majestæts første Statssekretær for udenrigske Anliggender;

Hvilke, efter at have meddelt hinanden deres Fuldmagter og

and due form, have agreed as follows:—

I.—*Preliminary.*

ARTICLE 1.

(a) This Convention applies only to civil and commercial matters, including non-contentious matters.

(b) In this Convention the words "territory of one (or of the other) High Contracting Party" shall be interpreted as meaning at any time any of the territories of such High Contracting Party to which the Convention at that time applies.

(c) In this Convention the words "subject of one (or of the other) High Contracting Party" shall be deemed, in relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, to mean all subjects of His Majesty wherever domiciled, and shall include all persons under His Majesty's protection.

II.—*Service of Judicial and Extra-Judicial Documents.*

ARTICLE 2.

When judicial or extra-judicial documents drawn up in the territory of one of the High Contracting Parties are required by a judicial authority situated therein to be served on persons, partnerships, companies, societies or other corporations in the territory of the other High Contracting Party, such documents may, with-

[8620]

befundet dem i god og behørig Form, er kommet overens om følgende:

I.—*Indledende Bestemmelser.*

ARTIKEL 1.

Stk. 1. Denne Konvention gælder kun borgerlige Sager og Handelssager, derunder Sager vedrørende frivillig Retsbistand.

Stk. 2. I denne Konvention skal Ordene "den ene (eller den anden) høje kontraherende Parts Omraade" til enhver Tid forstås som omfattende et hvilket som helst af vedkommende høje kontraherende Parts Omraader, for hvilket Konventionen paa det Tidspunkt gælder.

Stk. 3. I denne Konvention skal Ordene "Statsborger i den ene (eller den anden) kontraherende Stat," forsaavidt angaar Hans Majestæt Kongen af Storbritannien, Irland og de britiske oversøiske Besiddelser, Kejser af Indien, betragtes som betydende alle Hans Majestæts Undersaatter uden Hensyn til Bopæl og skal omfatte alle Personer under Hans Majestæts Beskyttelse.

II.—*Forkyndelse af retslige og udenretslige Dokumenter.*

ARTIKEL 2.

Naar retslige eller udenretslige Dokumenter, der er udfærdiget paa en af de høje kontraherende Parters Omraade, af en judicial Myndighed, der har sit Sæde der, ønskes forkyndt for Enkeltpersoner, Interessentskaber, Aktieselskaber, Foreninger eller andre Sammenslutninger, der befinder sig paa den anden høje kontra-

B 2

out prejudice to the provisions of Article 5, be served on the recipient, in either of the ways provided in Articles 3 and 4.

herende Parts Omraade, kan saadanne Dokumenter, uden at Bestemmelserne i Artikel 5 herved berøres, forkyndes for Modtageren af Aktstykket paa en af de i Artiklerne 3 og 4 angivne Maader.

ARTICLE 3.

(a) A request for service shall be addressed by a Consular Officer of the High Contracting Party from whose territory the documents to be served emanate, to the competent authority of the country where the documents are to be served, requesting such authority to cause the documents to be served. The request shall be sent by such Consular Officer to such authority.

(b) The request for service shall be drawn up in the language of the country where service is to be effected.

The request for service shall state the full names and descriptions of the parties, the full names and address and description of the recipient, and the nature of the document to be served, and shall enclose the documents to be served in duplicate.

(c) The document to be served shall either be drawn up in the language of the country in which it is to be served, or be accompanied by a translation in such language. Such translation shall be certified as correct by a Consular Officer of the High Contracting Party from whose territory the document emanates.

(d) Requests for service shall be addressed and sent—

In England, to the Senior

ARTIKEL 3.

Stk. 1. Begæring om Forkyndelse skal af en Konsularembetsmand for den kontraherende Stat, fra hvis Omraade de Dokumenter, der skal forkyndes, hidrører, stiles til den kompetente Myndighed i det Land, hvor Dokumenterne skal forkyndes, med Anmodning til nævnte Myndighed om at foranledige Dokumenternes Forkyndelse. Begæringen skal afsendes af nævnte Konsularembetsmand til nævnte Myndighed.

Stk. 2. Begæringen om Forkyndelse skal være affattet i det Lands Sprog, hvor Forkyndelse skal foretages. Begæringen om Forkyndelse skal angive Parternes fulde Navn og Stilling, Modtagerens fulde Navn, Stilling og Bopæl, samt Arten af det Dokument, der skal forkyndes, og skal, i dobbelt Udfærdigelse, ledsages af ethvert Dokument, der skal forkyndes.

Stk. 3. Det Dokument, der skal forkyndes, skal enten være affattet i det Lands Sprog, hvor det skal forkyndes, eller være ledsaget af en Oversættelse til dette Sprog. Rigtigheden af Oversættelsen skal være bekræftet af en Konsularembetsmand for den kontraherende Stat, fra hvis Omraade Dokumentet hidrører.

Stk. 4. Begæring om Forkyndelse skal stiles og sendes—

i Danmark: til Retten paa det

Master of the Supreme Court of Judicature.

In Denmark, to the Court in whose district the person to be served is resident or sojourning, and where such person is resident or sojourning in Copenhagen, to the Copenhagen Town Court.

If the authority to whom a request for service has been sent is not competent to execute it, such authority shall of his own motion transmit the document to the competent authority of his own country.

(e) Service shall be effected by the competent authority of the country where the document is to be served, who shall serve the document in the manner prescribed by the municipal law of such country for the service of similar documents, except that, if a wish for some special manner of service is expressed in the request for service, such manner of service shall be followed in so far as it is not incompatible with the law of that country.

(f) The execution of the request for service duly made in accordance with the preceding provisions of this Article shall not be refused unless (1) the authenticity of the request for service is not established, or (2) the High Contracting Party in whose territory it is to be effected considers that his sovereignty or safety would be compromised thereby.

(g) The authority by whom the request for service is executed shall furnish a certificate proving the service or explaining the reason which has prevented such

Sted, hvor Modtageren bor eller opholder sig, for Københavns Vedkommende til Københavns Byret; i England: til Senior Master i Højesteret.

Hvis den Myndighed, til hvilken en Begæring om Forkyndelse er sendt, ikke er kompetent til at foretage Forkyndelsen, skal denne Myndighed af sig selv fremsende Dokumentet til den kompetente Myndighed i Landet.

Stk. 5. Forkyndelsen skal foretages af den dertil kompetente Myndighed i det Land, hvor Dokumentet skal forkyndes, og denne Myndighed skal forkynde Dokumentet paa den for Forkyndelse af saadanne Dokumenter ved det paagældende Lands Love foreskrevne Maade, dog at man, saafremt der i Begæringen om Forkyndelse udtales Ønsket om en særlig Forkyndelsesmaade, skal foretage Forkyndelsen paa denne Maade, for saa vidt den ikke er uforenelig med det paagældende Lands Love.

Stk. 6. Er Begæring om Forkyndelse rigtig fremsat efter de foregaaende Bestemmelser i denne Artikel, skal Forkyndelse ikke kunne nægtes foretaget, medmindre: (1) Ægtheden af Begæringen om Forkyndelse ikke er godtgjort, eller (2) den høje kontraherende Part, paa hvis Omraade Forkyndelse skal foretages, skønner, at dens Suverænitet eller Sikkerhed vilde blive udsat for Fare derved.

Stk. 7. Den Myndighed, overfor hvilken der er fremsat Begæring om Forkyndelse, skal udstede en Attest, som viser, at Forkyndelse er foretaget, eller angiver

service, and setting forth the fact, the manner and the date of such service or attempted service, and shall send the said certificate to the Consular Officer by whom the request for service was made. The certificate of service or of attempted service shall be placed on one of the duplicates or attached thereto.

ARTICLE 4.

(a) Unless the recipient is a subject of the High Contracting Party in whose territory the document is to be served, service may be effected without any request to or intervention of the authorities of the country where it is effected—

(1) By a Consular Officer of the High Contracting Party from whose territory the document emanates.

(2) By an agent appointed for the purpose either by the judicial authority by whom service of the document is required or by the party on whose application the document was issued.

(b) All documents served in the manner provided in the preceding paragraph shall, unless the recipient is a subject of the High Contracting Party from whose territory the document to be served emanates, either be drawn up in the language of the country in which service is to be effected or accompanied by a translation into such language certified as correct as prescribed in Article 3 (c).

Grunden til, at Forkyndelse ikke har kunnet foretages, samt Maaden og Datoen for Forkyndelsen eller Forsøget paa Forkyndelse, og skal sende nævnte Attest til den Konsularembudsmand, af hvem Begæringen om Forkyndelse er fremsat. Attesten om Forkyndelsen eller Forsøg paa Forkyndelse skal paategnes eller vedhæftes det ene Eksemplar af den Udfærdigelse, som er forkyndt eller forsøgt forkyndt.

ARTIKEL 4.

Stk. 1. Saafremt Modtageren af Aktstykket ikke er Statsborger i den kontraherende Stat, paa hvis Omraade Dokumentet skal forkyndes, kan Forkyndelse foretages uden nogen Anmodning til eller Mellekomst af Myndighederne i det Land, hvor den foretages:

(1) af en Konsularembudsmand for den kontraherende Stat, fra hvis Omraade Dokumentet hidrører;

(2) af en Befuldmægtiget, der beskikkes hertil enten af den judicielle Myndighed, af hvilken Forkyndelse af Dokumentet begæres, eller af den Part, paa hvis Anmodning Dokumentet er udfærdiget.

Stk. 2. Alle Dokumenter, der er forkyndt paa den i det foregaaende Stykke foreskrevne Maade, skal, medmindre Modtageren af Aktstykket er Statsborger i den kontraherende Stat, fra hvis Omraade det Dokument, der skal forkyndes, hidrører, enten være affattet i det Lands Sprog, hvor Forkyndelse skal foretages, eller være ledsaget af en Oversættelse til dette Sprog, hvis Rigtighed skal være bekræftet som foreskrevet i Artikel 3, 3. Stk.

ARTICLE 5.

Nothing in this Convention shall render illegal or inadmissible the service in the territory of one High Contracting Party of documents drawn up in the territory of the other High Contracting Party by any one of the following methods of service in any case where such method is recognised as valid by the law of the country from which the documents emanate:—

(a) By the competent officials or officers of the country where they are to be served acting directly at the request of the parties concerned in cases where such officials or officers are not prohibited from so acting by the law of that country;

(b) Through postal channels; or

(c) By any other mode of service which is not illegal under the law existing at the time of service in the country where it is to be effected.

ARTICLE 6.

(a) In any case where documents have been served in accordance with the provisions of Article 3, the High Contracting Party, by whose Consular Officer the request for service is addressed, shall pay to the other High Contracting Party any charges and expenses which are payable under the law of the country where the service is effected to the persons employed to effect service, and any charges and expenses incurred in effecting

ARTIKEL 5.

Bestemmelserne i denne Konvention skal ikke være til Hinder for, at Dokumenter, der er affattet paa en af de høje kontraherende Parters Omraade, lovligt og gyldigt kan forkyndes paa den anden høje kontraherende Parts Omraade paa en af de følgende Forkyndelsesmaader i alle Tilfælde, hvor saadan Forkyndelsesmaade er anerkendt gyldig efter Lovgivningen i det Land, fra hvilket Dokumenterne hidrører:—

(a) ved de dertil kompetente Embeds- eller Bestillingsmænd i det Land, hvor Dokumenterne skal forkyndes, direkte efter Anmodning af Parterne i alle Sager, hvor det ikke ifølge Landets Lovgivning er forbudt saadanne Embeds- eller Bestillingsmænd at foretage Forkyndelse paa saadan Vis;

(b) gennem Postvæsenet; eller

(c) ved enhver anden Forkyndelsesmaade, der ikke strider mod den til enhver Tid gældende Lovgivning i det Land, hvor Forkyndelse skal foretages.

ARTIKEL 6.

Stk. 1. I alle Tilfælde, hvor Dokumenter er forkyndt i Overensstemmelse med Forskrifterne i Artikel 3, skal den høje kontraherende Part, af hvis Konsularembetsmand Begæringen om Forkyndelse er fremsendt, betale den anden høje kontraherende Part alle Omkostninger og Udgifter, der ifølge Lovgivningen i det Land, hvor Forkyndelsen er foretaget, skal erlægges til de Personer, der anvendes til at foretage Forkyndelsen, og alle ved en særlig

service in a special manner. These charges and expenses shall not exceed such as are usually allowed in the courts of that country.

(b) Repayment of these charges and expenses shall be claimed by the competent authority by whom the service has been effected from the Consular Officer by whom the request was addressed when sending to him the certificate provided for in Article 3 (g).

(c) Except as provided above, no fees of any description shall be payable by one High Contracting Party to the other in respect of the service of any documents.

III.—*Taking of Evidence.*

ARTICLE 7.

When a judicial authority in the territory of one of the High Contracting Parties requires that evidence should be taken in the territory of the other High Contracting Party, such evidence may be taken in either of the ways prescribed in Articles 8 or 9.

ARTICLE 8.

(a) The judicial authority by whom the evidence is required may, in accordance with the provisions of its law, address itself by means of "Letters of Request" to the competent authority of the country where the evidence is to be taken, requesting such authority to take the evidence.

(b) The "Letter of Request" shall be drawn up in the language

Forkyndelsesmaade paaløbende Omkostninger og Udgifter. Disse Omkostninger maa ikke andrage mere end de, der sædvanlig beregnes ved det paagældende Lands Domstole.

Stk. 2. Refusion af disse Omkostninger og Udgifter skal af den kompetente Myndighed, af hvilken Forkyndelsen er foretaget, samtidig med Indsendelsen af den i Artikel 3, 7. Stk. nævnte Attest afkræves den Konsularembetsmand, af hvem Begæringen er fremsendt.

Stk. 3. Udover hvad der foran er bestemt, skal intet Gebyr af nogen Art betales af den ene høje kontraherende Part til den anden i Forbindelse med Forkyndelse af noget Dokument.

III.—*Optagelse af Bevis.*

ARTIKEL 7.

Naar en judiciel Myndighed paa en af de høje kontraherende Parters Omraade begærer Bevis optaget paa den anden høje kontraherende Parts Omraade, kan saadant Bevis optages paa en af de i Artiklerne 8 og 9 foreskrevne Maader.

ARTIKEL 8.

Stk. 1. Den judicielle Myndighed, der begærer Bevis optaget, kan i Overensstemmelse med den i dens eget Land gældende Lovgivning ved en Retsanmodning henvende sig til den kompetente Myndighed i det Land, hvor Beviset skal optages, med Anmodning til nævnte Myndighed om at optage Beviset.

Stk. 2. Retsanmodningen skal være affattet i det Lands Sprog,

of the country where the evidence is to be taken, or be accompanied by a translation in such language. Such translation shall be certified as correct by a Consular Officer of the High Contracting Party from whose judicial authority the request emanates. The "Letters of Request" shall state the nature of the proceedings for which the evidence is required, the full names and descriptions of the parties thereto, and the full names, addresses and descriptions of the witnesses. They shall also either be accompanied by a list of interrogatories to be put to the witness or witnesses and a translation thereof certified as correct in the manner heretofore provided or shall request the competent authority to allow such questions to be asked *vivâ voce* as the parties or their representatives shall desire to ask.

(c) The "Letters of Request" shall be transmitted—

In England by a Danish Consular Officer to the Senior Master of the Supreme Court of Judicature.

In Denmark by a British Consular Officer to the court in whose district the witness is resident or sojourning, and where such person resides or is sojourning in Copenhagen, to the Ministry of Justice.

In case the authority to whom "Letters of Request" are transmitted is not competent to execute them, the "Letters of Request" shall be forwarded without any further request to the competent authority of his own country.

(d) The competent authority to whom the "Letters of Request" are transmitted or forwarded shall

[8620]

hvor Beviset skal optages, eller være ledsaget af en Oversættelse til det paagældende Sprog. Rigtigheden af denne Oversættelse skal være bekræftet af en Konsulæmbedsmand for den kontraherende Stat, hvis judicielle Myndighed har fremsat Anmodningen. Retsanmodningen skal angive Arten af den Sag, i hvilken Bevis begæres optaget, Parternes fulde Navn og Stilling og Vidneres fulde Navn, Stilling og Bopæl. Den skal derhos enten være ledsaget af en Liste over de Spørgsmaal, der ønskes stillet Vidnet eller Vidnerne, tillige med en Oversættelse af disse Spørgsmaal, hvis Rigtighed er bekræftet paa den ovenfor foreskrevne Maade eller indeholde Anmodning til den kompetente Myndighed om Tilladelse til, at der mundtlig stilles Vidnerne de Spørgsmaal, som Parterne eller deres Befuldmægtigede maatte ønske at stille.

Stk. 3. Retsanmodninger skal fremsendes—

i Danmark: af en britisk Konsulæmbedsmand til Retten paa det Sted, hvor den Person, der skal møde for Retten, bor eller opholder sig, naar dette er udenfor København; for Københavns Vedkommende til Justitsministeriet;

i England: af en dansk Konsulæmbedsmand til Senior Master i Højesteret.

Hvis den Myndighed, til hvilken en Retsanmodning er fremsendt, ikke er kompetent til at efterkomme Anmodningen, skal Retsanmodningen uden videre Begæring oversendes til den kompetente Myndighed i Landet.

Stk. 4. Den kompetente Myndighed, til hvilken en Retsanmodning er sendt eller oversendt, skal

give effect thereto and obtain the evidence required by the use of the same compulsory measures and the same procedure as are employed in the execution of a commission or order emanating from the authorities of his own country, except that if a wish that some special procedure should be followed is expressed in the "Letters of Request" such special procedure should be followed in so far as it is not incompatible with the law of the country where the evidence is to be taken.

(e) The Consular Officer, by whom the "Letters of Request" are transmitted, shall, if he so desires, be informed of the date and place where the proceedings will take place, in order that he may inform the interested party or parties, who shall be permitted to be present in person or to be represented if they so desire.

(f) The execution of the "Letters of Request" can only be refused—

(1) If the authenticity of the "Letters of Request" is not established.

(2) If in the country where the evidence is to be taken the execution of the "Letters of Request" in question does not fall within the functions of the judiciary.

(3) If the High Contracting Party in whose territory the evidence is to be taken considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where the "Letters of Request" are not executed by the authority to whom they are addressed, the latter will at once inform the Consular Officer by whom they were

efterkomme Anmodningen og fremskaffe de ønskede Beviser og dertil benytte de samme Tvangsmidler og den samme Fremgangsmaade, som benyttes ved Udførelsen af en Anmodning eller et Paalæg fra Landets egne Myndigheder, dog at man, saafremt der i Retsanmodningen skulde være udtalt Ønsket om en særlig Fremgangsmaade, da skal følge denne, for saa vidt den ikke er uforenelig med Lovgivningen i det Land, hvor Beviset begæres optaget.

Stk. 5. Den Konsularembudsmand, af hvem Retsanmodningen fremsendes, skal, saafremt han ønsker dette, underrettes om Dag og Sted for Bevisoptagelsen, for at han kan underrette de vedkommende, og disse skal være berettiget til at overvære denne personlig eller ved Befuldmægtiget, saafremt de ønsker dette.

Stk. 6. Udførelsen af Retsanmodninger skal kun kunne nægtes—

(1) saafremt Ægtheden af Retsanmodningen ikke er godtgjort;

(2) saafremt i det Land, hvor Bevis skal optages, Udførelsen af den paagældende Retsanmodning ikke henhører under Domstolenes Kompetence;

(3) saafremt den høje kontraherende Part, paa hvis Omraade Bevis skal optages, skønner, at dens Suverænitet eller Sikkerhed vilde blive udsat for Fare derved.

Stk. 7. I alle Tilfælde, hvor en Retsanmodning ikke udføres af den Myndighed, til hvilken den er rettet, skal denne straks give den Konsularembudsmand, af hvem den er fremsendt, Meddelelse

transmitted, stating the grounds on which the execution of the "Letters of Request" has been refused, or the judicial authority to whom they have been forwarded.

ARTICLE 9.

(a) The evidence may also be taken, without any request to or the intervention of the authorities of the country in which it is to be taken by a person in that country directly appointed for the purpose by the court by whom the evidence is required. A Consular Officer of the High Contracting Party whose court requires the evidence or any other suitable person may be so appointed.

(b) A person so appointed to take evidence may request the individuals named by the court appointing him to appear before him and give evidence or to produce any document. He may take all kinds of evidence which are not contrary to the law of the country where the evidence is being taken and shall have power to administer an oath, but he shall have no compulsory powers.

(c) Requests to appear issued by such person shall, unless the recipient is a subject of the High Contracting Party for whose judicial authority the evidence is required, be drawn up in the language of the country where the evidence is to be taken, or be accompanied by a translation into such language.

(d) The evidence may be taken in accordance with the procedure recognised by the law of the country for whose judicial autho-

herom med Angivelse af Grundene til, at Udførelsen af Retsanmodningen er nægtet, eller Angivelse af den judicielle Myndighed, til hvilken den er oversendt.

ARTIKEL 9.

Stk. 1. Bevis kan ogsaa optages—uden nogen Anmodning til eller Mellemløbet af Myndighederne i det Land, i hvilket det skal optages—af en Person i nævnte Land, der direkte er beskikket hertil af den Domstol, af hvilken Beviset begæres optaget. En Konsularembudsmand for den kontraherende Stat, hvis Domstol begærer Beviset optaget, eller anden dertil egnet Person kan beskikkes hertil.

Stk. 2. Den, der saaledes beskikkes til at optage Bevis, kan tilsige de Personer, der opgives ham af den Domstol, der har beskikket ham, til at give Møde for sig og afgive Forklaring eller fremlægge Dokumenter. Han har Ret til at optage enhver Art Bevis, der ikke strider mod Lovgivningen i det Land, hvor Beviset skal optages, og skal have Ret til at modtage Edsaffæggelse, men ikke til at anvende Tvangsmidler.

Stk. 3. Tilsigelser om at give Møde, udstedt af en paa nævnte Maade beskikket Person, skal, medmindre den tilsagte er Statsborger i den kontraherende Stat, til Brug for hvis judicielle Myndighed Beviset begæres optaget, affattes i det Lands Sprog, hvor Beviset skal optages, eller være ledsaget af en Oversættelse til dette Sprog.

Stk. 4. Beviset kan optages i Overensstemmelse med den Fremgangsmaade, der anerkendes af Lovgivningen i det Land, til Brug

rity the evidence is required, and the parties will have the right to be present or to be represented by barristers or solicitors of that country or by any persons competent to appear before the court of either of the countries concerned.

(e) The procedure provided for in this Article is purely voluntary and any individual requested to appear is free to refuse to comply with any such request or to give any evidence or produce any document. Any such refusal shall not render such individual liable to any penalty or prejudice in relation to the proceedings for which the evidence is required.

ARTICLE 10.

The fact that an attempt to take evidence by the method laid down in Article 9 has failed owing to the refusal of any witness to appear, to give evidence, or to produce documents does not preclude a request being subsequently made in accordance with Article 8.

ARTICLE 11.

(a) Where evidence is taken in the manner provided in Article 8 the High Contracting Party by whose judicial authority the "Letters of Request" are addressed, shall repay to the other High Contracting Party any expenses incurred by the competent authority of the latter in the execution of the request in respect of any charges and expenses pay-

for hvis judicielle Myndighed Beviset begæres optaget, og Parterne skal have Ret til at give Møde eller at lade sig repræsentere ved Advokater eller Sagsførere fra det paagældende Land eller ved andre Personer, der er berettiget til at give Møde i Retten i noget af de paagældende Lande.

Stk. 5. Den i denne Artikel bestemte Fremgangsmaade er ganske frivillig, og det staar enhver tilsagt frit for at vægre sig ved at efterkomme saadan Anmodning eller at afgive nogen Vidneforklaring eller at fremlægge noget Dokument. Den, der fremsætter saadan Vægning, skal derved ikke ifalde Straf eller lide anden Skade i Forbindelse med den Retssag, for hvilken Beviset begæres optaget.

ARTIKEL 10.

Den Omstændighed, at et Forsøg paa at optage Bevis paa den i Artikel 9 nævnte Maade ikke er lykkedes som Følge af et Vidnes Vægning ved at give Møde, afgive Forklaring eller fremlægge Dokumenter, er ikke til Hinder for, at en Retsanmodning senere kan fremsættes i Overensstemmelse med Artikel 8.

ARTIKEL 11.

Stk. 1. I de Tilfælde, hvor Bevis optages paa den i Artikel 8 bestemte Maade, skal den høje kontraherende Part, af hvis judicielle Myndighed Retsanmodningen er fremsendt, refundere den anden høje kontraherende Part alle Omkostninger, som sidstnævntes kompetente Myndighed maatte have haft ved Udførelsen af Anmodningen, forsaavidt an-

able to witnesses, experts, interpreters, or translators, the costs of obtaining the attendance of witnesses who have not appeared voluntarily, and the charges and expenses payable to any person whom such authority may have deputed to act in cases where the law of his own country permits this to be done, and any charges and expenses incurred by reason of a special procedure being requested and followed. These expenses shall not exceed such as are usually allowed in similar cases in the courts of the country where the evidence has been taken.

(b) The repayment of these expenses shall be claimed by the competent authority by whom the "Letters of Request" have been executed from the Consular Officer by whom they were transmitted when sending to him the documents establishing their execution.

(c) Except as above provided no fees of any description shall be payable by one High Contracting Party to the other in respect of the taking of evidence.

IV.—*Judicial Assistance for Poor Persons, Imprisonment for Debt and Security for Costs.*

ARTICLE 12.

The subjects of one High Contracting Party shall enjoy in the territory of the other High Contracting Party a perfect equality

gaar Udgifter og Omkostninger til Vidner, Skøns mænd, Tolke eller Translatører, Omkostninger ved at faa de Vidner til at møde, der ikke godvillig har givet Møde, og Omkostninger og Udgifter til alle, hvem nævnte Embedsmand maatte have bemyndiget til at møde for sig i de Sager, hvor hans eget Lands Lovgivning tillader saadant, og alle Omkostninger og Udgifter, der maatte være opstaaet som Følge af Anmodning om en særlig Fremgangsmaade og af, at denne er fulgt. Disse Omkostninger maa ikke andrage mere end de, der sædvanlig beregnes i lignende Sager ved Domstolene i det Land, hvor Beviset er blevet optaget.

Stk. 2. Refusion af disse Omkostninger skal af den kompetente Myndighed, af hvilken Retsanmodningen er efterkommet, samtidig med Fremsendelsen af de Dokumenter, af hvilke det fremgaar, at Anmodningen er udført, afkræves den Konsularembetsmand, fra hvem Anmodningen er modtaget.

Stk. 3. Udover hvad der foran er bestemt, skal intet Gebyr af nogen Art betales af den ene høje kontraherende Part til den anden i Forbindelse med Optagelse af Bevis.

IV.—*Retshjælp til ubemidlede, Gælds fængsel og Sikkerhedsstillelse for Omkostninger.*

ARTIKEL 12.

Statsborgere i den ene kontraherende Stat skal paa den anden kontraherende Stats Omraade nyde fuld Lighed med sidstnævnt.

of treatment with subjects of that High Contracting Party as regards free judicial assistance for poor persons and imprisonment for debt; and provided that they are resident in any such territory, shall not be compelled to give security for costs in any case where a subject of such other High Contracting Party would not be so compelled.

tes Statsborgere med Hensyn til gratis Retshjælp til ubemidlede og Fængsling for Gæld, og skal ikke, naar de er fast bosiddende paa nævnte Omraade, være forpligtet til at stille Sikkerhed for Omkostninger i nogen Sag, hvor en Statsborger i den anden kontraherende Stat ikke skulde stille saadan Sikkerhed.

V.—*General Provisions.*

ARTICLE 13.

Any difficulties which may arise in connexion with the operation of this Convention shall be settled through the Diplomatic channel.

ARTICLE 14.

The present Convention, of which the English and Danish texts are equally authentic, shall be subject to ratification. Ratifications shall be exchanged in London. The Convention shall come into force one month after the date on which ratifications are exchanged and shall remain in force for three years after the date of its coming into force. If neither of the High Contracting Parties shall have given notice through the diplomatic channel to the other not less than six months before the expiration of the said period of three years of his intention to terminate the Convention, it shall remain in force until the expiration of six months from the day on which either of the High Contracting Parties shall have given notice to terminate it.

V.—*Almindelige Bestemmelser.*

ARTIKEL 13.

Alle Vanskeligheder, der maatte opstaa i Forbindelse med Anvendelsen af denne Konvention, skal udjævnes ad diplomatisk Vej.

ARTIKEL 14.

Nærværende Konvention, hvis engelske og danske Tekst er i lige Grad autentiske, skal ratificeres. Ratifikationerne skal udveksles i London. Konventionen skal træde i Kraft en Maaned efter den Dag, paa hvilken Ratifikationerne er udvekslet, og skal forblive i Kraft tre Aar efter Dagen for dens Ikrafttræden. Saafremt ingen af de høje kontraherende Parter mindst seks Maaneder før Udløbet af nævnte Treaarsperiode ad diplomatisk Vej maatte have opsagt Konventionen, skal den forblive i Kraft indtil Udløbet af seks Maaneder fra den Dag, paa hvilken en af de høje kontraherende Parter maatte opsige den.

ARTICLE 15.

(a) This Convention shall not apply *ipso facto* to Scotland or Northern Ireland, nor to any of His Britannic Majesty's Colonies or Protectorates, nor to any territories under his suzerainty, nor to any mandated areas administered by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, but His Britannic Majesty may at any time, while the Convention is in force, under Article 14, by a notification given through His Minister at Copenhagen, extend the operation of this Convention to any of the above-mentioned territories.

(b) Such notification shall state the authorities in the territory concerned to whom requests for service or for the taking of evidence are to be transmitted, and the language in which communications and translations are to be made. The date of the coming into force of any such extension shall be one month from the date of such notification.

(c) Either of the High Contracting Parties may, at any time after the expiry of three years from the coming into force of an extension of this Convention to any of the territories referred to in paragraph (a) of this Article, terminate such extension on giving six months' notice of termination through the Diplomatic channel.

(d) The termination of the Convention under Article 14 shall, unless otherwise expressly agreed to by both High Contracting Parties, *ipso facto* terminate it in respect of any territories to which

ARTIKEL 15.

Stk. 1. Denne Konvention skal ikke uden videre gælde for Skotland eller Nord-Irland eller nogen af Hans Britiske Majestæts Kolonier eller Protektorater eller for noget Omraade under hans Overhøjhed eller for noget Mandatomraade, der bestyres af Hans Majestæts Regering i det Forenede Kongerige Storbritannien og Nord-Irland, men Hans Britiske Majestæt kan til enhver Tid, saalænge denne Konvention er i Kraft i Henhold til Artikel 14, ved en Notifikation gennem sin Gesandt i København udvide denne Konvention til ogsaa at gælde ethvert af de ovenfor nævnte Omraader.

Stk. 2. Saadan Notifikation skal indeholde Angivelse af de Myndigheder i de paagældende Omraader, til hvilke Begæringer om Forkyndelse eller om Optagelse af Bevis skal fremsendes, og af det Sprog, i hvilket Meddelelser eller Oversættelser skal affattes. Enhver saadan Udvidelse af Konventionens Gyldighed skal træde i Kraft en Maaned efter Modtagelsen af Notifikationen herom.

Stk. 3. Tre Aar efter at en Udvidelse af denne Konvention er traadt i Kraft for noget af de i denne Artikels 1. Stykke nævnte Omraader, kan enhver af de høje kontraherende Parter til enhver Tid bringe en saadan Udvidelse til Ophør ved Opsigelse med seks Maaneders Varsel ad diplomatisk Vej.

Stk. 4. Ophør af denne Konvention i Henhold til Artikel 14 skal, medmindre andet udtrykkelig vedtages af begge de høje kontraherende Parter, af sig selv bringe denne til Ophør for alle de Om-

it has been extended under paragraph (a) of this Article.

raader, til hvilke den maatte være udvidet i Henhold til 1. Stykke i denne Artikel.

ARTICLE 16.

(a) His Britannic Majesty may at any time, while the present Convention is in force, either under Article 14 or by virtue of any accession under this Article, by a notification given through the Diplomatic channel, accede to the present Convention in respect of any of His self-governing Dominions or India, provided that no notification of accession may be given at any time when His Majesty the King of Denmark and Iceland has given notice of termination in respect of all the territories of His Britannic Majesty to which the Convention applies. The provisions of Article 15 (b) shall be applicable to such notification. Any such accession shall take effect one month after the date of its notification.

(b) After the expiry of three years from the date of the coming into force of any accession under paragraph (a) of this Article, either of the High Contracting Parties may, by giving a six months' notice of termination through the Diplomatic channel, terminate the application of the Convention to any country in respect of which a notification of accession has been given. The termination of the Convention under Article 14 shall not affect its application to any such country.

(c) Any notification of accession under paragraph (a) of this Article may include any dependency or

ARTIKEL 16.

Stk. 1. Hans Britiske Majestæt kan til enhver Tid, saalænge denne Konvention er i Kraft enten i Henhold til Artikel 14 eller som Følge af en Tiltrædelse i Henhold til denne Artikel, ved en Notifikation ad diplomatisk Vej tiltræde nærværende Konvention, for saa vidt angaar ethvert af hans selvstyrende Lande eller Indien, dog at ingen Notifikation om Tiltrædelse kan afgives paa et Tidspunkt, hvor Hans Majestæt Kongen af Danmark og Island har givet Varsel om Ophør, for saa vidt angaar alle de Hans Britiske Majestæt tilhørende Omraader, for hvilke Konventionen gælder. Bestemmelserne i Artikel 15, 2. Stk., skal finde Anvendelse paa saadan Notifikation. En Tiltrædelse som den nævnte skal træde i Kraft en Maaned efter Dagen for dens Notifikation.

Stk. 2. Efter Udløbet af tre Aar fra den Dag, da en Tiltrædelse i Henhold til 1. Stykke i denne Artikel er traadt i Kraft, kan enhver af de høje kontraherende Parter ved Opsigelse med seks Maaneders Varsel ad diplomatisk Vej bringe Konventionens Anvendelse til Ophør i ethvert Land, med Hensyn til hvilket en Notifikation om Tiltrædelse har været afgivet. Ophør af Konventionen i Henhold til Artikel 14 skal ikke berøre dens Anvendelse paa noget saadant Land.

Stk. 3. Enhver Notifikation om Tiltrædelse i Henhold til 1. Stykke i denne Artikel kan omfatte et-

mandated area administered by the Government of the country in respect of which such notification of accession is given; and any notice of termination in respect of any such country under paragraph (b) shall apply to any dependency or mandated area which was included in the notification of accession in respect of that country.

hvert Biland eller Mandatom-raade, der bestyres af Regeringen i det Land, med Hensyn til hvilket saadan Notifikation om Tiltraedelse er afgivet; og ethvert Varsel om Ophør for saa vidt angaar et saadant Land i Henhold til 2. Stykke skal være gældende for ethvert Biland eller Mandatom-raade, som var indbefattet i Notifikationen om Tiltraedelse for et saadant Lands Vedkommende.

In witness whereof the undersigned have signed the present Convention, in English and Danish texts, and have affixed thereto their seals.

Til Bekræftelse heraf har de Undertegnede underskrevet nærværende Konvention i det danske og det engelske Sprog og forsynet den med deres Segl.

Done in duplicate at London, this 29th day of November, 1932.

Udfærdiget i to Eksemplarer i London den 29. November, 1932.

(L.S.) JOHN SIMON.

(L.S.) P. F. AHLEFELDT-LAURVIG.