

FRANCE



Treaty Series No. 131 (1975)

## Exchange of Notes

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of the French Republic

concerning the extension to Hong Kong  
of the Convention for the Reciprocal  
Enforcement of Judgments signed at  
Paris on 18 January 1934  
(with Notification of Extension)

Paris, 29 July 1975

[The extension took effect on 29 October 1975]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
October 1975*

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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 FRENCH REPUBLIC CONCERNING  
THE EXTENSION TO HONG KONG OF THE CONVENTION FOR  
THE RECIPROCAL ENFORCEMENT OF JUDGMENTS SIGNED  
AT PARIS ON 18 JANUARY 1934**

No. 1

*Her Majesty's Ambassador at Paris to the Minister for Foreign Affairs  
of France*

*British Embassy,  
Paris.*

29 July, 1975.

Your Excellency,

I have the honour to refer to the Convention between the United Kingdom and France for the Reciprocal Enforcement of Judgments, signed at Paris on 18 January 1934.<sup>(1)</sup>

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 said Convention to Hong Kong under Article 11. Paragraph 2 of that Article provides that, before this may be done, an agreement shall 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 courts to which application for registration of any judgment shall be made.

I therefore have the honour to propose that 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" for the purposes of the Convention and that the Supreme Court of Hong Kong shall be the court to which application for 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 French Republic, 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.

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

E. E. TOMKINS

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(1) Treaty Series No. 18 (1936), Cmd. 5235.

*Le Ministre Plénipotentiaire, Directeur des Conventions Administratives  
et Affaires Consulaires, in the Ministry of Foreign Affairs of France to  
Her Majesty's Ambassador at Paris*

*Ministère des Affaires Étrangères,  
Paris, le 29 juillet 1975*

Monsieur l'Ambassadeur,

J'ai l'honneur d'accuser réception de votre lettre en date du 29 juillet 1975 dont la teneur est la suivante :

"Excellence,

J'ai l'honneur de me référer à la Convention entre le Royaume-Uni et la France pour assurer l'exécution réciproque des jugements, signée le 18 janvier 1934 à Paris.

Je suis chargé, par le Premier Secrétaire d'Etat de Sa Majesté pour les Affaires étrangères et le Commonwealth, de vous faire savoir que le Royaume-Uni souhaite étendre à Hong-Kong l'application de ladite Convention, en vertu de l'article 11. Il est prévu au paragraphe 2 dudit article qu'au préalable un arrangement doit être conclu entre les Hautes Parties contractantes relativement aux tribunaux du territoire concerné qui seront considérés comme "tribunaux supérieurs" aux fins de la Convention et aux tribunaux auxquels seront présentées les demandes d'enregistrement des jugements.

En conséquence, j'ai l'honneur de proposer que les tribunaux suivants :

- a) la Cour Suprême de Hong-Kong,
- b) la "Full Court" de Hong-Kong et
- c) Sa Majesté, siégeant en Conseil privé, statuant sur les appels des arrêts de la "Full Court" ou de la Cour Suprême de Hong-Kong,

soient considérées comme "tribunaux supérieurs" aux fins de la Convention et que la Cour Suprême de Hong-Kong soit le tribunal auquel seront présentées les demandes d'enregistrement des jugements. Je précise que, dans certains cas, les arrêts de la "Full Court" et de la Cour Suprême de Hong-Kong sont susceptibles d'appel devant Sa Majesté siégeant en Conseil privé, qui exerce cette juridiction d'appel sur avis de la Section judiciaire dudit Conseil.

Si la proposition précitée reçoit l'agrément du Gouvernement de la République française, j'ai l'honneur de proposer que la présente lettre et la réponse de Votre Excellence dans ce sens constituent pour ce qui concerne le territoire de Hong-Kong l'arrangement prévu à l'article 11, paragraphe 2, de la Convention."

En réponse, j'ai l'honneur de faire savoir à Votre Excellence que la proposition qui précède recueille l'agrément du Gouvernement français. Dans ces conditions, votre lettre précitée et la présente réponse constituent en ce qui concerne le territoire de Hong-Kong l'arrangement prévu à l'article 11, paragraphe 2, de la Convention pour l'exécution des jugements signée le 18 janvier 1934 entre la France et la Grande-Bretagne.

Je vous prie de croire, Monsieur l'Ambassadeur, à l'assurance de ma très haute considération.

CLAUDE CHAYET

[Translation of No. 2]

*Ministry of Foreign Affairs,  
Paris,*

29 July 1975

Monsieur l'Ambassadeur,

I have the honour to acknowledge receipt of your Note of 29 July 1975, which reads as follows:

[As in No. 1]

In reply I have the honour to inform Your Excellency that the foregoing proposal is acceptable to the French Government. Accordingly, your Note and the present reply shall constitute as far as concerns the territory of Hong Kong the agreement provided for in Article 11, paragraph 2, of the Convention for the Reciprocal Enforcement of Judgments signed on 18 January 1934 between France and Great Britain.

Please accept, Monsieur l'Ambassadeur, the assurance of my highest consideration.

CLAUDE CHAYET

No. 3

*Her Majesty's Ambassador at Paris to the Minister for Foreign Affairs  
of France*

*British Embassy,  
Paris,*

29 July, 1975

Your Excellency,

I have the honour to refer to the Exchange of Notes of 29 July 1975 between the United Kingdom of Great Britain and Northern Ireland and the French Republic concerning the proposed extension to Hong Kong of the Convention for the Reciprocal Enforcement of Judgments signed at Paris on 18 January 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 three months from the date of this Note, that is to say on 29 October 1975.

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

E. E. TOMKINS