

N° 3518.

**BELGIQUE
ET GRANDE-BRETAGNE
ET IRLANDE DU NORD**

Convention additionnelle à la Convention du 21 juin 1922 pour faciliter l'accomplissement des actes de procédure, signée à Bruxelles, le 4 novembre 1932, et échanges de notes y relatifs, Bruxelles, les 19 juillet et 1^{er} août 1934, 12 et 18 septembre 1934.

**BELGIUM
AND GREAT BRITAIN
AND NORTHERN IRELAND**

Supplementary Convention to the Convention of June 21st, 1922, to facilitate the Conduct of Legal Proceedings, signed at Brussels, November 4th, 1932, and Exchange of Notes relating thereto, Brussels, July 19th and August 1st, 1934, September 12th and 18th, 1934.

No. 3518. — CONVENTION¹ BETWEEN GREAT BRITAIN AND NORTHERN IRELAND AND BELGIUM SUPPLEMENTARY TO THE CONVENTION² OF JUNE 21ST, 1922, TO FACILITATE THE CONDUCT OF LEGAL PROCEEDINGS. SIGNED AT BRUSSELS, NOVEMBER 4TH, 1932.

French and English official texts communicated by the Belgian Minister for Foreign Affairs and by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Convention took place October 5th, 1934.

HIS MAJESTY THE KING OF THE BELGIANS
and

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA ;

Being desirous of supplementing the Convention concluded between them for the purpose of facilitating the conduct of legal proceedings which was signed at London on the 21st June, 1922 ;

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

HIS MAJESTY THE KING OF THE BELGIANS :

M. Paul HYMANS, his Minister of Foreign Affairs ; and

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

FOR GREAT BRITAIN AND NORTHERN IRELAND :

His Excellency the Right Honourable Earl GRANVILLE, his Ambassador Extraordinary and Plenipotentiary at Brussels ;

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

I. PRELIMINARY.

Article I.

In this Convention the words :

1. " 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 ;

¹ The exchange of ratifications took place at London, June 18th, 1934.

² Vol. XXIV, page 91 ; Vol. XXXI, page 254 ; Vol. XXXV, page 306 ; Vol. XXXIX, page 175 ; Vol. XLV, page 112 ; Vol. LXXVIII, page 456 ; Vol. LXXXIII, page 387 ; Vol. CIV, page 497 ; Vol. CVII, page 467 ; Vol. CXXII, page 329 ; and Vol. CXLVII, page 319, of this Series.

- (2) " Subject of one (or of the other) High Contracting Party " shall be deemed :
- (a) In relation to His Majesty the King of the Belgians, to mean all subjects of His Majesty and the nationals of the Belgian Congo and of Ruanda-Urundi, and
- (b) 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.

Article 2.

SECURITY FOR COSTS.

The subjects of one High Contracting Party resident in the territory of the other shall not be obliged to give security for costs in any case where the subjects of the latter High Contracting Party would not be so obliged in similar circumstances.

Article 3.

FREE LEGAL ASSISTANCE.

1. The subjects of one High Contracting Party shall in the territory of the other enjoy free legal assistance in the same manner as subjects of the latter High Contracting Party, provided they comply with the requirements of the law of the territory where free legal assistance is applied for.
2. This Article applies to criminal as well as to civil and commercial matters.

Article 4.

IMPRISONMENT FOR DEBT.

The subjects of one High Contracting Party shall not in the territory of the other High Contracting Party be liable to imprisonment as a means of execution for debt or as a conservatory measure in any case where the subjects of the latter would not be so liable.

III. GENERAL PROVISIONS.

Article 5.

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

Article 6.

The present Convention, of which the English and French 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.

Article 7.

1. This Convention applies to England and Wales. It shall not apply *ipso facto* to Scotland or Northern Ireland, nor to any of the Colonies or Protectorates of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, nor to any territories

under His suzerainty, nor to any mandated territories in respect of which the mandate is exercised by His Government in the Kingdom, but His Majesty may at any time, while this Convention is in force under Article 6 by a notification given through His Ambassador at Brussels, extend the operation of the Convention to any of the above-mentioned territories.

2. The date of the coming into force of any such extension shall be one month from the date of such notification.

3. 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 1 of this Article, terminate such extension on giving six months' notice of termination through the diplomatic channel.

4. The termination of the Convention under Article 6 shall, unless otherwise expressly agreed to by both High Contracting Parties, *ipso facto* terminate it in respect of any territories to which it has been extended under paragraph 1 of this Article.

Article 8.

1. This Convention shall not apply *ipso facto* to the Belgian Congo or to the mandated territory of Ruanda-Urundi ; but His Majesty the King of the Belgians may, at any time while this Convention is in force under Article 6, or by virtue of any accession under Article 9, extend the operation of the Convention to either of such territories by a notification given through the diplomatic channel.

2. The provisions of paragraph 2 of Article 7 shall apply to any such notifications.

3. The provisions of paragraphs 3 and 4 of Article 7 shall apply to any territories to which this Convention has been extended under paragraph 1 of this Article.

Article 9.

1. The High Contracting Parties agree that His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, may at any time, while the present Convention is in force, either under Article 6 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 Member of the British Commonwealth of Nations whose Government may desire that such accession should be effected, provided that no notification of accession may be given at any time when His Majesty the King of the Belgians has given notice of termination in respect of all the territories of His Majesty to which the Convention applies. Any such accession shall take effect one month after the date of its notification.

2. After the expiry of three years from the date of the coming into force of any accession under paragraph 1 of this Article, either of the High Contracting Parties may, by giving 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 6 shall not affect its application to any such country.

3. Any notification of accession under paragraph 1 of this Article may include any dependency or mandated territory 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 2 shall apply to any dependency or mandated territory which was included in the notification of accession in respect of that country.

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

Done in duplicate at Brussels the fourth day of November, 1932.

(L. S.) GRANVILLE.

(L. S.) HYMANS.

EXCHANGES OF NOTES

RESPECTING THE EXTENSION TO

1. SOUTHERN RHODESIA
2. SCOTLAND

OF THE PROVISIONS OF THE CONVENTION BETWEEN GREAT BRITAIN AND NORTHERN IRELAND AND BELGIUM, SUPPLEMENTARY TO THE CONVENTION OF JUNE 21ST, 1922, TO FACILITATE THE CONDUCT OF LEGAL PROCEEDINGS, SIGNED AT BRUSSELS, NOVEMBER 4TH, 1932. BRUSSELS, JULY 19TH AND AUGUST 1ST, 1934; SEPTEMBER 12TH AND 18TH, 1934.

Communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain, January 10th, 1935.

ECHANGES DE NOTES

RELATIFS A L'APPLICATION A

1. LA RHODÉSIE DU SUD
2. L'ÉCOSSE

DES DISPOSITIONS DE LA CONVENTION ENTRE LA GRANDE-BRETAGNE ET L'IRLANDE DU NORD ET LA BELGIQUE, ADDITIONNELLE A LA CONVENTION DU 21 JUIN 1922 POUR FACILITER L'ACCOMPLISSEMENT DES ACTES DE PROCÉDURE, SIGNÉE A BRUXELLES, LE 4 NOVEMBRE 1932. BRUXELLES, LES 19 JUILLET ET 1^{ER} AOUT 1934, 12 ET 18 SEPTEMBRE 1934.

Communiqués par le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne, le 10 janvier 1935.

¹ TRADUCTION. — TRANSLATION.

I. SOUTHERN RHODESIA.

I.

BRITISH EMBASSY.

No. 211.
(189/7/34).

BRUSSELS, *July 19th, 1934.*

MONSIEUR LE MINISTRE,

On instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to notify to Your Excellency, in accordance with Article 7 (1) of the Supplementary Convention to facilitate the conduct of legal proceedings in civil and commercial matters, which was signed at Brussels on November 4th, 1932, the extension of the operation of that Convention to Southern Rhodesia.

2. In accordance with Article 7 (2) of the Convention, the extension now notified will come into force one month from the date of this note, that is to say, on August 19th next.

¹ Translated by the Secretariat of the League of Nations, for information.

I. RHODÉSIE DU SUD.

I.

AMBASSADE BRITANNIQUE.

No 211.
(189/7/34).

BRUXELLES, *le 19 juillet 1934.*

MONSIEUR LE MINISTRE,

D'ordre du principal Secrétaire de Sa Majesté aux Affaires étrangères, j'ai l'honneur de porter à la connaissance de Votre Excellence, conformément à l'article 7 (1) de la Convention additionnelle pour faciliter l'accomplissement des actes de procédure en matière civile et commerciale et signée à Bruxelles le 4 novembre 1932, que l'application de cette convention a été étendue à la Rhodésie du Sud.

2. Conformément à l'article 7 (2) de cette convention, l'extension notifiée ci-dessus sortira ses effets un mois après la date de la présente note, c'est-à-dire le 19 août prochain.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

3. In requesting that Your Excellency will be so good as to acknowledge the receipt of this communication, I avail myself of this opportunity, Monsieur le Ministre, to renew to you the assurance of my highest consideration.

Esmond OVEY.

His Excellency
Monsieur Henri Jaspar,
Minister for Foreign Affairs.

II.

MINISTÈRE
DES AFFAIRES ÉTRANGÈRES.

Direction générale C.
3^e Bureau.

N^o 31029 AJ/GB/5.

BRUXELLES, le 1^{er} août 1934.

MONSIEUR L'AMBASSADEUR,

Comme suite à l'office de Votre Excellence, du 19 juillet 1934, N^o 211 (189/7/34), j'ai l'honneur de lui faire connaître que le Gouvernement du Roi marque son accord sur la décision du Gouvernement britannique d'étendre à la Rhodésie du Sud, à partir du 19 août 1934, l'application de la Convention anglo-belge du 4 novembre 1932, concernant la caution « *judicatum solvi* », l'assistance judiciaire et la contrainte par corps.

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

Henri JASPAR.

Son Excellence
le très honorable sir Esmond Ovey,
Ambassadeur de Sa Majesté britannique,
Bruxelles.

2. SCOTLAND.

I.

BRITISH EMBASSY.

No. 270.
(189/11/34).

BRUSSELS, September 12th, 1934.

MONSIEUR LE MINISTRE,

On instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have

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3. En priant Votre Excellence de bien vouloir accuser réception de la présente communication, je saisis cette occasion, Monsieur le Ministre, etc.

Esmond OVEY.

Son Excellence
Monsieur Henri Jaspar,
Ministre des Affaires étrangères.

II.

MINISTRY
OF FOREIGN AFFAIRS.

General Directorate C.
Third Bureau.

No. 31029 AJ/GB/5.

BRUSSELS, August 1st, 1934.

YOUR EXCELLENCY,

In reply to your note dated July 19th, 1934, No. 211 (189/7/34), I have the honour to inform you that the Belgian Government signifies its agreement with the British Government's decision to extend to Southern Rhodesia as from August 19th, 1934, the operation of the Anglo-Belgian Convention of November 4th, 1932, regarding security for costs, free legal assistance and imprisonment for debt.

I have the honour to be, etc.

Henri JASPAR.

His Excellency
The Right Honourable Sir Esmond Ovey,
His Britannic Majesty's Ambassador,
Brussels.

2. ECOSSE.

I.

AMBASSADE BRITANNIQUE.

N^o 270.
(189/11/34).

BRUXELLES, le 12 septembre 1934.

MONSIEUR LE MINISTRE,

D'ordre du principal Secrétaire d'Etat de Sa Majesté aux Affaires étrangères, j'ai l'honneur

the honour to notify to Your Excellency, in accordance with Article 7 (1) of the Supplementary Convention regarding legal proceedings in civil and commercial matters, which was signed at Brussels on November 4th, 1932, the extension of the operation of that Convention to Scotland.

2. In accordance with Article 7 (2) of the Convention, the extension now notified will come into force one month from the date of this note, that is to say, on the twelfth day of October next.

3. In requesting that Your Excellency will be so good as to acknowledge the receipt of this communication, I avail myself of this opportunity, Monsieur le Ministre, to renew to you the assurance of my highest consideration.

Nevile BLAND.

His Excellency
Monsieur Henri Jaspar,
Minister for Foreign Affairs.

II.

MINISTÈRE
DES AFFAIRES ÉTRANGÈRES.

Direction générale C.
3^e Bureau.

N^o 31029 AJ/GB/5.

BRUXELLES, le 18 septembre 1934.

MONSIEUR LE CHARGÉ D'AFFAIRES,

Comme suite à votre lettre du 12 septembre 1934, N^o 270 (189/11/34), j'ai l'honneur de vous faire connaître que le Gouvernement du Roi marque son accord sur la décision du Gouvernement britannique d'étendre à l'Ecosse, à partir du 12 octobre 1934, l'application de la Convention anglo-belge du 4 novembre 1932, concernant la caution « *judicatum solvi* », l'assistance judiciaire et la contrainte par corps.

Veillez agréer, Monsieur le Chargé d'Affaires, l'assurance de ma considération la plus distinguée.

Pour le Ministre :
Le Directeur général,
(Signature illisible).

Monsieur George Nevile Maltby Bland,
Chargé d'Affaires de Grande-Bretagne,
Bruxelles.

de faire connaître à Votre Excellence, conformément à l'article 7 (1) de la Convention additionnelle sur la procédure judiciaire en matière civile et commerciale signée à Bruxelles le 4 novembre 1932, que l'application de cette convention a été étendue à l'Ecosse.

2. Conformément à l'article 7 (2) de cette convention, l'extension notifiée ci-dessus sortira ses effets un mois après la date de la présente note, c'est-à-dire le 12 octobre prochain.

3. En priant Votre Excellence de bien vouloir accuser réception de la présente communication, je saisis cette occasion, Monsieur le Ministre, etc.

Nevile BLAND.

Son Excellence
Monsieur Henri Jaspar,
Ministre des Affaires étrangères.

II.

MINISTRY
OF FOREIGN AFFAIRS.

General Directorate C.
Third Bureau.

No. 31029 AJ/GB/5.

BRUSSELS, September 18th, 1934.

SIR,

In reply to your letter of September 12th, 1934, No. 270 (189/11/34), I have the honour to inform you that the Belgian Government signifies its agreement with the British Government's decision to extend to Scotland as from October 12th, 1934, the operation of the Anglo-Belgian Convention of November 4th, 1932, regarding security for costs, free legal assistance and imprisonment for debt.

I have the honour to be, etc.

For the Minister :
(Signature illegible),
Director General.

George Nevile Maltby Bland, Esq.,
British Chargé d'Affaires,
Brussels.