

(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 6.

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 the manner prescribed in Article 7. The taking of evidence includes the production, identification, and examination of documents.

#### ARTICLE 7.

(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 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 Diplomatic or Consular Officer of the High Contracting Party from whose judicial authority the request emanates, or by a sworn translator of one of the two countries concerned. The "Letters of Request" shall state the nature of the proceedings for which the evidence is required, the full names 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 contain full instructions or information as to the matters in relation to which evidence is required, or alternatively shall request the competent authority to allow such questions to be asked *visa voce* as the parties or their representatives shall desire to ask.

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

In England by a Norwegian Diplomatic or Consular Officer to the Senior Master of the Supreme Court of Judicature.

In Norway by a British Diplomatic or Consular Officer to the Tribunal of First Instance in the jurisdiction of which the evidence is to be taken.

In case the authority to whom "Letters of Request" are transmitted is not competent to execute them, such authority shall forward the "Letters of Request" 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 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 shall 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 Diplomatic or 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 Diplomatic or Consular Officer by whom they were 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 8.

(a) The provisions of Articles 6 or 7 in no way prejudice the right of taking evidence, required by a judicial authority in the territory of one High Contracting Party, in the territory of the other, without any request to or intervention of the authorities of the country where the evidence is taken, by a person qualified to do so according to the law of the country by whose court the evidence is required. Such person may

be a Diplomatic or Consular Officer of the High Contracting Party whose court requires the evidence or any other suitable person directly appointed for the purpose.

(b) It is understood that where the method of taking evidence referred to in the preceding paragraph is employed the procedure must be entirely voluntary and no measures of compulsion can be employed, and the admissibility of evidence so taken remains a matter for the determination of the respective courts of the High Contracting Parties in accordance with their law.

#### ARTICLE 9.

The fact that an attempt to take evidence by the method mentioned in Article 8 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 7.

#### ARTICLE 10.

(a) Where evidence is taken in the manner provided in Article 7 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 payable 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 be 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 Diplomatic or 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 11.

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

### V.—GENERAL PROVISIONS.

#### ARTICLE 12.

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

#### ARTICLE 13.

The present Convention, of which the English and Norwegian 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 14.

(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 territories administered by his 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 13, by a notification given through his Minister at Oslo, 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