

## Article 11.

(a) Where evidence is taken in the manner provided in Article 8 the High Contracting Party, by whose judicial authority the Letter of Request was 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 the country of execution 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 of execution.

(b) The repayment of these expenses shall be claimed by the competent authority by whom the Letter of Request has been executed from the Diplomatic or Consular Officer by whom it was transmitted when sending to him the documents establishing its execution as provided in Article 8 (b).

(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, SECURITY FOR COSTS, AND IMPRISONMENT FOR DEBT.

## Article 12.

(a) The subjects or citizens of one High Contracting Party, resident in the territory of the other High Contracting Party where the proceedings are brought, shall not be compelled to give security for costs or court fees in any case where a subject or citizen of such other High Contracting Party would not be so compelled.

(b) The subjects or citizens of one High Contracting Party, resident outside the territory of the other where the proceedings are brought, shall not be obliged to give security for costs or court fees in any case where they possess in that territory immovable property, or other property of such a nature as not to be readily transferable, sufficient to cover the said costs or fees. It is understood that the expressions "immovable property" and "property not readily transferable" must be interpreted by the respective Courts of the High Contracting Parties in accordance with their own laws.

## Article 13.

The subjects or citizens of one High Contracting Party shall enjoy in the territory of the other High Contracting Party a perfect equality of treatment with subjects or citizens of the latter High Contracting Party as regards free legal assistance for poor persons.

## Article 14.

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

## V.—GENERAL PROVISIONS.

## Article 15.

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

## Article 16.

The present Convention, of which the English and Hungarian 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 17.

(a) This Convention shall not apply *ipso facto* to Scotland, Northern Ireland, the Channel Islands, and the Isle of Man, nor to any of the colonies, overseas territories, 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 United Kingdom, but His Majesty may at any time, while this Convention is in force, under Article 16, by a notification given through His Minister at Budapest, extend the operation of the Convention to any of the above-mentioned territories.

(b) Such notification shall state the authorities in the territory concerned to whom requests for service under Article 4 or Letters of Request under Article 8 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 16 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 (a) of this Article.

## Article 18.

(a) 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 this Convention is in force, either under Article 16 or by virtue of any accession under this Article, by a notification given through the diplomatic channel, accede to this Convention in respect of any other 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 Serene Highness the Regent of the Kingdom of Hungary has given notice of termination in respect of all the territories of His Majesty to which the Convention applies. The provisions of Article 17 (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 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 16 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 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 (b) 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 this Convention, in English and Hungarian texts, and have affixed thereto their seals.

Done in duplicate at Budapest, the 25th day of September, 1935.

[L.S.] PATRICK RAMSAY.

[L.S.] C. DE KANYA.

## NOTE.

Sir P. Ramsay to M. Coloman de Kánya.

British Legation,

Budapest, 25th September, 1935.

M. le MINISTRE,

With reference to Article 9 (d) of the Civil Procedure Convention signed to-day, His Majesty's Government in the United Kingdom recognize that the question of the giving of the notification, provided for in that paragraph, is a matter entirely within the discretion of the Hungarian Government, and that no assurance has been given that it will be possible for them to give this notification.

I avail, &c.

PATRICK RAMSAY.