

## ARTICLE 4.

(a) Service may be effected, without any intervention of the authorities of the country of execution by a Consular Officer acting for the country of origin, in any manner permissible by the law of the country of origin provided that no physical compulsion is used.

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

(c) The fact that an attempt to effect service in accordance with this article has failed does not preclude a request being subsequently made in accordance with Article 3.

## ARTICLE 5.

(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 was addressed, shall repay to the other High Contracting Party any charges and expenses which are payable under the law of the country of execution to the persons employed to effect service, and any charges and expenses incurred in effecting 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 the certificate provided for in Article 3 (h).

(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 on Commission*

## ARTICLE 6.

In Part III of this Convention, the expressions—

(1) "Taking of Evidence" shall be deemed to include the taking of the statements of a plaintiff, defendant, expert or any other person on oath or otherwise; the submission to a plaintiff, defendant, expert or any other person of any oath with regard to any legal proceedings; and the production, identification and examination of documents, samples or other objects.

(2) "Witness" shall be deemed to include any person from whom any evidence, as defined above, is required to be taken.

(3) "Country of origin" shall be deemed to mean the country by whose judicial authority the evidence is required, and the "country of execution" the country in which the evidence is to be taken.

## 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, whatever the nationality of the parties or witnesses may be, in any one of the ways prescribed in Article 8 or 9.

## ARTICLE 8.

(a) The judicial authority of the country of origin may, in accordance with the provisions of the law of his country, address himself by means of a Letter of Request to the competent authority of the country of execution, requesting such authority to take the evidence.