

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 "Letters 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 into such language. Such translation shall be certified as correct by a Diplomatic or Consular Officer of the High Contracting Party by whose judicial authority the request is issued. The "Letters of Request" shall state (i) the nature of the proceedings for which the evidence is required and the full names and descriptions of the parties thereto, and also (ii) *either* the full names, addresses and descriptions of the witnesses to be called *or* the names and addresses of the agents of the party or parties in the country, where the evidence is to be taken, who shall be responsible for informing the competent authority to whom the request is addressed of the names, addresses and descriptions of the witnesses to be called. The "Letters of Request" shall be accompanied by a certified copy of the order or the judgment requiring the evidence to be taken, together with a translation thereof certified in the manner above mentioned. They shall also *either* be accompanied by the interrogatories or oaths to be put to the witnesses (or, as the case may be, a description of the documents, samples or other objects to be produced) and a translation thereof certified as correct in the manner heretofore provided *or* shall request the competent authority to allow such questions to be asked *viva voce* as the parties or their representatives shall desire to ask.

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

In England by the Consul-General of the Netherlands in London to the Senior Master of the Supreme Court of Judicature.

In the Netherlands by a British Consular Officer to the "Officier van Justitie" attached to the "Arrondissements Rechtbank" within whose jurisdiction the witnesses or the majority of the witnesses are resident, or, if the names and addresses of the witnesses are not stated, to the "Officier van Justitie" attached to the "Arrondissements Rechtbank" at The Hague.

In case the authority to whom "Letters of Request" are transmitted is not competent to execute them he shall forward the "Letters of Request" of his own motion 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 issued by 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 Consular Officer, by whom the "Letters of Request" are transmitted, shall, if he so desires, be informed of the date and place where the evidence will be taken, 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 by barristers or solicitors of the country where the evidence is being taken, or by any persons competent to appear before the courts of either of the countries concerned.