

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

In England by a Swedish Consular Officer to the Senior Master of the Supreme Court of Judicature.

In Sweden by a British Consular Officer to the Tribunal of First Instance in the jurisdiction of which the witnesses to be examined are resident.

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 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 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 and 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 to be 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 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.