

- (3) Service by the competent officials or officers of the country where the documents are to be served, acting directly at the request of the party on whose initiative service of the documents is required;
- (4) Service through the post;
- (5) Any other mode of service recognized by the law existing at the time of service in the country from which the documents emanate.

(b) It is understood that the validity and effect of any such service will remain a matter for determination in accordance with the respective laws of the High Contracting Parties.

(c) The High Contracting Parties agree that in principle it is desirable that documents served by any of these methods should, unless the recipient is a subject of the High Contracting Party from whose territory the documents to be served emanate, either be drawn up in the language of the country in which service is to be effected or accompanied by a translation into such language. Nevertheless, in the absence of any legislation in their respective territories making translations obligatory in such cases, the High Contracting Parties do not accept any obligation in this respect.

ARTICLE 5

(a) Except as provided in the following paragraphs of this article, no fees or charges of any description shall be payable by one High Contracting Party to the other in respect of the service of any documents.

(b) 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 is addressed, shall pay to the other High Contracting Party any charges and expenses which are payable under the law of the country where the service is effected 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 be calculated in accordance with the scales in force for nationals in the country where service is effected.

(c) 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 to him the certificate provided for in Article 3 (g).

III.—Taking of Evidence

ARTICLE 6

(a) 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 any one of the ways prescribed in Articles 7 or 8.

(b) It is understood that for the purposes of the present convention (i) the expression "taking of evidence" includes the taking of the statements of a Plaintiff or Defendant, on oath or otherwise, the submission to a Plaintiff, Defendant, Expert or any other person of any oath and the production, examination and identification of documents, samples and other objects with regard to any legal proceedings; (ii) the expression "witnesses" includes any person (whether Plaintiff or Defendant or other person) from whom any evidence, as defined above, is required to be taken.