

From the British Ambassador at Madrid to the Minister of State of Spain

ARTICLE 3

(a) A request for service shall be addressed by a Consular Officer of the High Contracting Party from whose territory the documents to be served emanate, to the competent authority of the country where the documents are to be served, requesting such authority to cause the documents to be served. The request shall be sent by such Consular Officer to such authority.

(b) The request for service shall be drawn up in the language of the country where service is to be effected.

The request for service shall state the full names and descriptions of the parties, the full names, address and description of the recipient, and the nature of the document to be served, and shall enclose the documents (originals or copies) to be served in duplicate.

(c) The document to be served shall either be drawn up in the language of the country in which it is to be served, or be accompanied by a translation in such language in duplicate. Such translation shall be certified as correct by a Consular Officer of the High Contracting Party from whose territory the document emanates.

(d) Requests for service shall be addressed and sent:—

In Spain to the President of the competent Territorial Court;

In England to the Senior Master of the Supreme Court of Judicature.

If the authority to whom a request for service has been sent is not competent to execute it, such authority shall of his own motion transmit the document to the competent authority of his own country.

(e) Service shall be effected by the competent authority of the country where the document is to be served, who shall serve the document in the manner prescribed by the municipal law of such country for the service of similar documents, except that, if a wish for some special manner of service is expressed in the request for service, such manner of service shall be followed in so far as it is not incompatible with the law of that country.

(f) The execution of the request for service duly made in accordance with the preceding provisions of this Article shall not be refused unless (1) the authenticity of the request for service is not established, or (2) the High Contracting Party in whose territory it is to be effected considers that his sovereignty or safety would be compromised thereby.

(g) The authority by whom the request for service is executed shall furnish a certificate proving the service or explaining the reason which has prevented such service, and setting forth the fact, the manner and the date of such service, or attempted service, and shall send the said certificate to the Consular Officer by whom the request for service was made. The certificate of service or of attempted service shall be placed on one of the duplicates or attached thereto.

ARTICLE 4

(a) Service may be effected without any request to or intervention of the authorities of the country where it is effected:—

(1) By a Consular Officer of the High Contracting Party from whose territory the document emanates;

(2) By an agent appointed for the purpose either by the judicial authority by whom service of the document is required or by the party on whose application the document was issued;

but in neither of these cases can any measures of compulsion be employed.