

ARTICLE 7

No fees of any description shall be payable by one State to the other in respect of the Service.

Nevertheless, in the case provided for in Article 3, the State making the request must pay to the State applied to any charges which are payable under the local law to the persons employed to effect service. These charges are calculated in accordance with the tariff in force for nationals of the State applied to. Repayment of these charges is claimed by the judicial authority applied to from the consular authority making the request when transmitting the certificate provided for in Article 3 (e).

III.—*Taking of Evidence*

ARTICLE 8

When a Court in one of the contracting States orders that evidence is to be taken in the territory of the other State, this may be done in either of the ways prescribed in Articles 9 and 11.

ARTICLE 9

(a) The Court may, in accordance with the provisions of its law, address itself by means of a "commission rogatoire" to the competent authority of the other contracting State, requesting it to undertake within its jurisdiction either a judicial inquiry or some other judicial act.

(b) The "commission rogatoire" shall be drawn up in one of the languages of the authority applied to, or accompanied by a translation in one of those languages certified as correct by a diplomatic or consular officer of the State making the request, or by an official or sworn translator of one of the two States. If it is not accompanied by a translation, this may be made by the State applied to.

(c) The "commission rogatoire" shall be transmitted:—

In England, by the Consul-General of Belgium in London to the Senior Master of the Supreme Court of Judicature in England;

In Belgium, by the British Consul to the "Procureur du Roi" within whose jurisdiction the "commission rogatoire" is to be executed.

(d) It shall be incumbent upon the judicial authority to whom the "commission rogatoire" is addressed to give effect to it by the use of the same compulsory measures as in the execution of a commission emanating from the authorities of the State applied to.

(e) The consular authority of the State making the request will, if he so desires, be informed of the date and place where the proceedings will take place, in order that the interested party may be able to be present.

(f) The execution of the "commission rogatoire" can only be refused:

(1) If the authenticity of the document is not established;

(2) If in the State applied to the execution of the "commission rogatoire" does not fall within the functions of the judiciary;

(3) If the State applied to considers it such as to affect its sovereignty or safety.

(g) In case the authority applied to is without jurisdiction, the "commission rogatoire" will be forwarded without any further request to the competent authority of the same State in accordance with the rules laid down by its law.