

ARTICLE 7

Nothing in this Convention shall render illegal or inadmissible in territories of either High Contracting Party any mode of service which is not illegal under the law existing at the time of the service in the country in which it is to be effected.

III.—*Taking of Evidence*

ARTICLE 8

When a judicial authority in any territory (to which this Convention applies) of one of the High Contracting Parties orders that evidence should be taken in any territory (to which this Convention applies) of the other High Contracting Party, such evidence may be taken in any one of the ways prescribed in Articles 9, 11 and 12.

ARTICLE 9

(a) The judicial authority may, in accordance with the provisions of its law, address itself by means of "Letters of Request" to the competent authority of the other High Contracting Party, requesting such authority to take the evidence within its jurisdiction.

(b) The "Letters of Request" shall be drawn up in the language of the authority to whom the request is addressed, or be accompanied by a translation in such language certified as correct by a diplomatic or consular officer of the High Contracting Party making the request, or by an official or sworn translator of one of the two countries concerned.

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

In England by an Italian consular officer to the Senior Master of the Supreme Court of Judicature in England;

In Italy by a British consular officer to the Procuratore Generale presso la Corte d'Appello of the district in which the "Letters of Request" are to be executed.

(d) It shall be incumbent upon the judicial authority to which the "Letters of Request" are addressed to give effect thereto by the use of the same compulsory measures as are employed in the execution of a commission or order emanating from the authorities of its own country.

(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 applied to considers that his sovereignty or safety would be compromised thereby.

(g) In case the authority to whom they are addressed is without jurisdiction, the "Letters of Request" shall be forwarded without any further request to the competent authority of the same country in accordance with the rules laid down by its law.

(h) 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.