

CONVENTION BETWEEN HIS MAJESTY AND THE PRESIDENT OF THE GERMAN REICH REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the President of the German Reich, being desirous to facilitate the conduct of legal proceedings between persons resident in their respective territories, have resolved to conclude a Convention for this purpose and have appointed as their Plenipotentiaries:—

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:—

For Great Britain and Northern Ireland, all British Colonies and Protectorates and territories under His suzerainty and all mandated areas administered by His Government in Great Britain:

The Right Honourable Sir Austen Chamberlain, K.G., M.P.,
His Majesty's Principal Secretary of State for Foreign Affairs;

The President of the German Reich:—

His Excellency Dr. Friedrich Sthamer, Ambassador Extraordinary
and Plenipotentiary of the German Reich in London;

who, having communicated their full powers, found in good and due form, have agreed as follows:—

I.—Preliminary

ARTICLE 1

This Convention applies only to civil and commercial matters including non-contentious matters.

II.—Service of Judicial and Extra-Judicial Documents

ARTICLE 2

When judicial or extra-judicial documents drawn up in the territory (to which this Convention applies) of one of the Contracting Parties are to be served on persons, partnerships, corporations or companies in the territory (to which this Convention applies) of the other, such documents may, without prejudice to the provisions of Articles 6 and 7 hereof, be served on the recipient in either of the ways provided in Articles 3 and 5.

ARTICLE 3

(a) The request for service shall be transmitted:—

In England by a German diplomatic or consular officer to the Senior Master of the Supreme Court of Judicature in England.

In Germany by a British consular officer to the President of the German "Landgericht."

(b) The request, containing the name of the authority from whom the document transmitted emanates, the names and descriptions of the parties, the address of the recipient and the nature of the document in question shall be drawn up in the language of the country in which the documents are to be served. If in a particular case the judicial authority applied to shall express a desire to that effect to the diplomatic or consular officer by whom the request is transmitted, such officer shall furnish a translation of the document to be served.

(c) Service shall be effected by the competent authority of the country applied to. Such authority, except in the cases provided for in paragraph (d) of this article, may limit his action to effecting service by the transmission of the document to the recipient if he is willing to accept it.