

ARTICLE 6

Service of documents may also be effected by post in cases where this method is permitted by the law of the country from which the document emanates, if the recipient is a subject or citizen of the High Contracting Party from whose territory the document emanates.

II.—Taking of Evidence

ARTICLE 7

When a Court in the territory of one High Contracting Party orders that evidence is to be taken in the territory of the other High Contracting Party, this may be done in either of the ways prescribed in Articles 8 and 10.

ARTICLE 8

(a) The Court may, in accordance with the provisions of its law, address itself by means of a letter of request to the competent authority in the territory of the other High Contracting Party, requesting such authority to undertake a judicial enquiry within his jurisdiction.

(b) The letter of request shall be drawn up in the language of the authority applied to, or accompanied by a translation in such language certified as correct by a diplomatic or consular officer of the High Contracting Party from whose Court the request emanates or by an official or sworn translator of one of the countries concerned.

(c) The letter of request shall be transmitted—
In England by the Turkish Consul in London to the Senior Master of the Supreme Court of Judicature in England;
In Turkey by a British consular officer to the Governor of the province in which his consulate is situated for transmission to the appropriate Turkish authorities.

(d) It shall be incumbent upon the judicial authority to whom the letter of request is addressed to give effect to it by the use of the same compulsory measures as in the execution of a commission or order emanating from the authorities of his own country.

(e) The consular officer by whom the letter of request is transmitted shall, if he so desires, be informed of the date and place where the proceedings will take place, in order that the interested parties may be able to be present or to be represented.

(f) The execution of the letter of request can only be refused—

- (1) If the authenticity of the request is not established;
- (2) If in the country to the authorities of which the request is addressed, the execution of the letter of request does not fall within the functions of the judiciary;
- (3) If the High Contracting Party in whose territory the request is to be executed considers it such as to affect his sovereignty or safety.

(g) In case the authority applied to is without jurisdiction, the letter 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 the law of that country.

(h) In every instance where the letter of request is not executed by the authority to whom it is transmitted, the latter will at once inform the consular officer by whom the request is transmitted, stating the grounds on which the execution of the commission has been refused, or the judicial authority to whom the commission has been forwarded.