

A Consular Officer of the High Contracting Party whose judicial authority requires the evidence, or any other suitable person may be so designated.

(b) Where this procedure is adopted the provisions of paragraphs (b), (c), (f) and (g) of Article 8 shall apply, but the following paragraphs shall be substituted for paragraphs (d) and (e) of that Article.

(c) The competent authority to whom the "Letters of Request" are transmitted or forwarded shall give effect thereto and shall appoint the person designated to take the evidence unless such person shall be unwilling so to act. In addition, if necessary, such authority shall make use of such compulsory powers as it possesses under its own law to secure the attendance of and the giving of evidence by the witnesses and the persons to be examined and the production of documents before the person so appointed.

(d) The person thus appointed shall have power to administer an oath, and any person giving false evidence before him shall be liable in the courts of the country where the evidence is taken to the penalties provided by the law of that country for perjury.

(e) The evidence shall be taken in accordance with the law of the country for whose judicial authority the evidence is required, provided such method is not contrary to the law of the country where the evidence is being taken, and the parties shall have the right to be present in person or to be represented by barristers or solicitors or by any other persons who are competent to appear before the courts of either of the countries concerned.

ARTICLE 10

(a) The evidence may also be taken, without any request or the intervention of the authorities of the country in which it is to be taken by a person in that country directly appointed for the purpose by the court by whom the evidence is required. A Consular Officer of the High Contracting Party whose court requires the evidence or any other suitable person may be so appointed.

(b) A person so appointed to take evidence may request the individuals named by the court appointing him to appear before him and give evidence or to produce any document. He may take all kinds of evidence which are not contrary to the law of the country where the evidence is being taken and shall have power to administer an oath, but he shall have no compulsory powers.

(c) Requests to appear issued by such person shall, unless the recipient is the subject of the High Contracting Party for whose judicial authority the evidence is required, be drawn up in the language of the country where the evidence is to be taken, or be accompanied by a translation into such language.

(d) The evidence may be taken in accordance with the procedure recognized by the law of the country for whose judicial authority the evidence is required, and the parties will have the right to be present or to be represented by barristers or solicitors of that country or by any persons competent to appear before the court of either of the countries concerned.

ARTICLE 11

The fact that an attempt to take evidence by the method laid down in Article 10 has failed owing to the refusal of any witness to appear, to give evidence, or to produce documents, does not preclude a request being subsequently made in accordance with Articles 8 or 9.