

NOTIFICATION EFFECTED BY AN

EXCHANGE OF NOTES

(May 1 and 27, 1937)

EXTENDING TO CANADA AS FROM JUNE 1, 1937

THE SUPPLEMENTARY CONVENTION

BETWEEN

HIS MAJESTY

AND

THE KING OF THE BELGIANS

RELATIVE TO

LEGAL PROCEEDINGS IN CIVIL AND
COMMERCIAL MATTERS

Signed at Brussels November 4, 1932



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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NOTIFICATION EFFECTED BY AN EXCHANGE OF NOTES (MAY 1 AND 27, 1937) EXTENDING TO CANADA AS FROM JUNE 1, 1937, THE SUPPLEMENTARY CONVENTION BETWEEN HIS MAJESTY AND THE KING OF THE BELGIANS.

From the British Ambassador at Brussels to the Minister for Foreign Affairs of Belgium

BRITISH EMBASSY,
BRUSSELS, May 1, 1937.

No. 87

(243/2/37).

Monsieur le Ministre,

At the instance of His Majesty's Government in Canada I have the honour to notify to your Excellency, in accordance with Article 9 of the Supplementary Convention regarding legal proceedings in civil and commercial matters, which was signed at Brussels on November 4th, 1932, the accession of His Majesty to that Convention in respect of Canada.

2. In accordance with Article 9 of the Convention, the accession now notified will come into force one month from the date of this note, that is to say, on the 1st June next.

3. In requesting that your Excellency will be so good as to acknowledge the receipt of this communication, I avail myself, etc.,

ESMOND OVEY

(Translation)

From the Minister for Foreign Affairs of Belgium to the British Chargé d'Affaires at Brussels

No. 31029 AJ/GB/5.

BRUSSELS, May 27, 1937.

Sir,
With reference to the Embassy's note No. 87 (243/2/37) of May 1st, 1937, I have the honour to inform you that the King's Government record their agreement with the decision of the British Government to extend to Canada, as from the 1st June next, the application of the Anglo-Belgian Convention of November 4, 1932, relative to security for costs, legal assistance and imprisonment for debt.

I avail myself, etc.,

For the Minister:
The Secretary General,
F. VAN LANGENHOVE

CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM AND HIS MAJESTY THE KING OF THE BELGIANS SUPPLEMENTARY TO THE CONVENTION OF JUNE 21, 1922, TO FACILITATE THE CONDUCT OF LEGAL PROCEEDINGS.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of the Belgians, being desirous of supplementing the Convention concluded between them for the purpose of facilitating the conduct of legal proceedings which was signed at London on the 21st June, 1922;

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:

His Excellency the Right Honourable Earl Granville, his Ambassador Extraordinary and Plenipotentiary at Brussels; and

His Majesty the King of the Belgians:

M. Paul Hymans, his Minister of Foreign Affairs;

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

I.—PRELIMINARY

ARTICLE 1

In this Convention the words:

(1) "territory of one (or of the other) High Contracting Party" shall be interpreted as meaning at any time any of the territories of such High Contracting Party to which the Convention at that time applies;

(2) "subject of one (or of the other) High Contracting Party" shall be deemed—

(a) in relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, to mean all subjects of His Majesty wherever domiciled, and shall include all persons under His Majesty's protection, and

(b) in relation to His Majesty the King of the Belgians to mean all subjects of His Majesty and the nationals of the Belgian Congo and of Ruanda-Urundi.

II

ARTICLE 2

Security for Costs

The subjects of one High Contracting Party resident in the territory of the other shall not be obliged to give security for costs in any case where the subjects of the latter High Contracting Party would not be so obliged in similar circumstances.

ARTICLE 3

Free Legal Assistance

(1) The subjects of one High Contracting Party shall in the territory of the other enjoy free legal assistance in the same manner as subjects of the latter High Contracting Party, provided they comply with the requirements of the law of the territory where free legal assistance is applied for.

(2) This article applies to criminal as well as to civil and commercial matters.

ARTICLE 4

Imprisonment for Debt

The subjects of one High Contracting Party shall not in the territory of the other High Contracting Party be liable to imprisonment as a means of execution for debt or as a conservatory measure in any case where the subjects of the latter would not be so liable.

III.—*General Provisions*

ARTICLE 5

Any difficulties which may arise in connection with the operation of this Convention shall be settled through the diplomatic channel.

ARTICLE 6

The present Convention, of which the English and French texts are equally authentic, shall be subject to ratification. Ratifications shall be exchanged in London. The Convention shall come into force one month after the date on which ratifications are exchanged and shall remain in force for three years after the date of its coming into force. If neither of the High Contracting Parties shall have given notice through the diplomatic channel to the other not less than six months before the expiration of the said period of three years of his intention to terminate the Convention, it shall remain in force until the expiration of six months from the day on which either of the High Contracting Parties shall have given notice to terminate it.

ARTICLE 7

(1) This Convention applies to England and Wales. It shall not apply *ipso facto* to Scotland or Northern Ireland, nor to any of the Colonies or Protectorates of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, nor to any territories under His suzerainty, nor to any mandated territories in respect of which the mandate is exercised by His Government in the United Kingdom, but His Majesty may at any time, while this Convention is in force under article 6 by a notification given through His Ambassador at Brussels, extend the operation of the Convention to any of the above-mentioned territories.

(2) The date of the coming into force of any such extension shall be one month from the date of such notification.

(3) Either of the High Contracting Parties may, at any time after the expiry of three years from the coming into force of an extension of this Convention to any of the territories referred to in paragraph (1) of this article terminate such extension on giving six months' notice of termination through the diplomatic channel.



(4) The termination of the Convention under article 6 shall, unless otherwise expressly agreed to by both High Contracting Parties, *ipso facto* terminate it in respect of any territories to which it has been extended under paragraph (1) of this article.

ARTICLE 8

(1) This Convention shall not apply *ipso facto* to the Belgian Congo or to the mandated territory of Ruanda-Urundi; but His Majesty the King of the Belgians may, at any time while this Convention is in force under article 6, or by virtue of any accession under article 9, extend the operation of the Convention to either of such territories by a notification given through the diplomatic channel.

(2) The provisions of paragraph (2) of article 7 shall apply to any such notifications.

(3) The provisions of paragraphs (3) and (4) of article 7 shall apply to any territories to which this Convention has been extended under paragraph (1) of this article.

ARTICLE 9

(1) The High Contracting Parties agree that His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, may at any time, while the present Convention is in force, either under article 6 or by virtue of any accession under this article, by a notification given through the diplomatic channel, accede to the present Convention in respect of any Member of the British Commonwealth of Nations whose Government may desire that such accession should be effected, provided that no notification of accession may be given at any time when His Majesty the King of the Belgians has given notice of termination in respect of all the territories of His Majesty to which the Convention applies. Any such accession shall take effect one month after the date of its notification.

(2) After the expiry of three years from the date of the coming into force of any accession under paragraph (1) of this article, either of the High Contracting Parties may, by giving six months' notice of termination through the diplomatic channel, terminate the application of the Convention to any country in respect of which a notification of accession has been given. The termination of the Convention under article 6 shall not affect its application to any such country.

(3) Any notification of accession under paragraph (1) of this article may include any dependency or mandated territory administered by the Government of the country in respect of which such notification of accession is given; and any notice of termination in respect of any such country under paragraph (2) shall apply to any dependency or mandated territory which was included in the notification of accession in respect of that country.

In witness whereof the undersigned have signed the present Convention, in English and French texts, and have affixed thereto their seals.

Done in duplicate at Brussels the fourth day of November, 1932.

(L.S.) GRANVILLE
(L.S.) HYMANS

