



Treaty Series No. 15 (2014)

Exchange of Notes

between the United Kingdom of Great Britain and Northern Ireland and
the Kingdom of the Netherlands relating to the Convention on Legal
Proceedings in Civil and Commercial Matters,
done at London on 31 May 1932

London, 5 January 2012 and 9 May 2012

[The Exchange of Notes entered into force on 1 August 2014]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
August 2014*



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**EXCHANGE OF NOTES BETWEEN THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND AND THE KINGDOM OF THE
NETHERLANDS RELATING TO THE CONVENTION ON LEGAL PROCEEDINGS
IN CIVIL AND COMMERCIAL MATTERS, DONE AT LONDON ON 31 MAY 1932**

No.1

*The Embassy of the Kingdom of the Netherland in London to the Foreign and Commonwealth
Office*

5 January 2012

The Embassy of the Kingdom of the Netherlands presents its compliments to the Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland and has the honour to propose an Exchange of Notes between the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland relating to the Convention on legal proceedings in civil and commercial matters, done at London on 31 May 1932 (“the Convention”).

In order to bring the Convention in line with updated domestic legislation, based on the Hague Convention on the taking of Evidence Abroad in Civil or Commercial Matters, concluded at The Hague on 18 March 1970, the Embassy, taking into account the internal structure of the Kingdom of the Netherlands, has the honour to propose the following amendments to the Convention:

The text of Article 3, paragraph d and Article 7, paragraph c of the English text of the Convention is replaced by the following:

- 3 d. Requests for services shall be addressed and sent:

In the Kingdom of the Netherlands to:

- concerning the part of the Kingdom which is situated in Europe, the “officier van justitie” attached to the “rechtbank” within whose jurisdiction the documents are to be served;
- concerning the parts of the Kingdom which are situated outside Europe, the “procureurs-generaal” attached to the “Gemeenschappelijk Hof van Justitie van Aruba, Curaçao, Sint Maarten en van Bonaire, Sint Eustatius en Saba” within whose respective jurisdiction the documents are to be served.

In England to the Senior Master of the Senior Court of England and Wales.

If the authority to whom a request for service has been sent is not competent to execute it, such authority shall of his own motion transmit the document to the competent authority of his own country.

- 7 c. The “Letters of Request” shall be transmitted:

In England by a Consular Officer of the Kingdom of the Netherlands in London to the Senior Master of the Senior Court of England and Wales.

In the Kingdom of the Netherlands by a British Consular Officer to:

- concerning the part of the Kingdom of the Netherlands which is situated in Europe, the “rechtbank” within whose jurisdiction the witnesses or the majority of the witnesses are resident, or, if the names and addresses of the witnesses are not stated, to the “rechtbank” at The Hague;
- concerning the parts of the Kingdom which are situated outside Europe, the “Gemeenschappelijk Hof van Justitie van Aruba, Curaçao, Sint Maarten en van Bonaire, Sint Eustatius en Saba”.

In case the authority to whom “Letters of Request” are transmitted is not competent to execute them he shall forward the “Letters of Request” of his own motion to the competent authority of his own country.

The text of Article 3, paragraph d and Article 7, paragraph c of the Dutch text of the Convention is replaced by the following:

- 3 d. Aanvragen om mededeling worden gericht en gezonden:

In het Koninkrijk der Nederlanden aan:

- voor wat het deel van het Koninkrijk gelegen in Europa betreft, de officier van justitie bij de rechtbank, binnen wier rechtsgebied de stukken moeten worden medegedeeld;

- voor wat de delen van het Koninkrijk gelegen buiten Europa betreft, de procureurs-generaal bij het Gemeenschappelijk Hof van Justitie van Aruba, Curaçao, Sint Maarten en van Bonaire, Sint Eustatius en Saba binnen wier respectievelijke rechtsgebied de stukken moeten worden medegedeeld.

In Engeland aan de “Senior Master of the Senior Court of England and Wales”.

Indien de autoriteit aan wie een aanvraag om mededeling is gezonden, niet bevoegd is daaraan gevolg te geven, zendt zij het stuk ambtshalve aan de bevoegde autoriteit van haar eigen land.

- 7 c. De rogatoire commissie zal worden overgemaakt:

In Engeland door een consulair ambtenaar van het Koninkrijk der Nederlanden te Londen aan de “Senior Master of the Senior Court of England and Wales”.

In het Koninkrijk der Nederlanden door een Brits consulair ambtenaar aan:

- voor wat het deel van het Koninkrijk gelegen in Europa betreft, de rechtbank binnen wier rechtsgebied de getuigen of de meerderheid van de getuigen woonachtig zijn, of, indien de namen en adressen van de getuigen niet zijn opgegeven, aan de rechtbank ‘s-Gravenhage;

- voor wat de delen van het Koninkrijk gelegen buiten Europa betreft, het Gemeenschappelijk Hof van Justitie van Aruba, Curaçao, Sint Maarten en van Bonaire, Sint Eustatius en Saba.

Indien de autoriteit aan wie de rogatoire commissie is overgemaakt, niet bevoegd is daaraan gevolg te geven, draagt zij de rogatoire commissie ambtshalve zonder enig verder verzoek aan de bevoegde autoriteit van haar eigen land over.

If the foregoing proposal is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, the Embassy has the honour to propose that this Note, together with the Foreign and Commonwealth Office’s Reply, shall constitute an agreement between the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland which shall enter into force on the first day of the second month following the date of the later of the notifications by each State that the conditions for entry into force of the Agreement have been fulfilled.

The Embassy of the Kingdom of the Netherlands avails itself of this opportunity to renew to the Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland the assurance of its highest consideration.

No.2

The Foreign and Commonwealth Office to the Embassy of the Kingdom of the Netherlands in London.

9 May 2012

The Treaty Section of the Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Embassy of the Kingdom of the Netherlands and has the honour to acknowledge the receipt of the latter's Note of 5 January 2012 which reads as follows:

[As in No.1]

In reply, the Foreign and Commonwealth Office has the honour to confirm that the proposal set out in the Embassy's Note is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland and that the Embassy's Note, and this Reply, shall constitute an agreement between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of the Netherlands which shall enter into force on the first day of the second month following the date of the later of the notifications by each State that the conditions for entry into force of the Agreement have been fulfilled.

The Foreign and Commonwealth Office avails itself of this opportunity to renew to the Embassy of the Kingdom of the Netherlands the assurances of its highest consideration.

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