

N° 4755.

GRANDE-BRETAGNE
ET IRLANDE DU NORD
ET FRANCE

Convention complétant la Convention conclue
le 2 février 1922 afin de faciliter l'accom-
plissement des Actes de procédure, et
Protocole de signature. Signés à Paris, le
15 avril 1936.

*Textes officiels anglais et français communiqués par le secrétaire d'Etat aux
affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement
a eu lieu le 16 janvier 1941.*

GREAT BRITAIN
AND NORTHERN IRELAND
AND FRANCE

Convention Supplementary to the Convention
concluded on February 2nd, 1922, to Faci-
litate the Conduct of Legal Proceedings,
and Protocol of Signature. Signed at Paris,
April 15th, 1936.

*English and French official texts communicated by His Majesty's Secretary of
State for Foreign Affairs in Great Britain. The registration took place
January 16th, 1941.*

No. 4755. — CONVENTION¹ BETWEEN GREAT BRITAIN AND NORTHERN IRELAND AND FRANCE SUPPLEMENTARY TO THE CONVENTION² OF FEBRUARY 2ND, 1922, TO FACILITATE THE CONDUCT OF LEGAL PROCEEDINGS. SIGNED AT PARIS, APRIL 15TH, 1936.

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, and THE PRESIDENT OF THE FRENCH REPUBLIC, 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 2nd February, 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 Sir George Russell CLERK, P.C., &c., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary in Paris ;

and

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. Pierre-Étienne FLANDIN, Minister for Foreign Affairs ;

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

I. — PRELIMINARY.

Article I.

In this Convention the words :

(1) " Territories of one (or of the other) High Contracting Party " shall be interpreted :

(a) In relation to His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, as meaning England and Wales and all territories in respect of which the Convention is in force by reason of extensions under Article 7 or accessions under Article 8 ; and

(b) In relation to the French Republic, France and all territories in respect of which the Convention is in force by reasons of extensions under Article 9.

(2) " Nationals 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 (i) all subjects of His Majesty

¹ The exchange of ratifications took place at London, April 4th, 1940.
Came into force May 4th, 1940.

² Vol. X, page 447 ; Vol. XXIV, page 164 ; Vol. XXXI, page 246 ; Vol. LXIII, page 383 ; Vol. LXXXIII, page 374 ; Vol. CXVII, page 49 ; Vol. CXXII, page 322 ; Vol. CXXVI, page 430 ; Vol. CXXXIV, page 399 ; Vol. CLX, page 331 ; and Vol. CC, page 498, of this Series.

wherever domiciled, and all persons under his protection ; and (ii) all partnerships, companies or any other corporations constituted or incorporated under the laws of any of His Majesty's Territories ;

(b) In relation to the French Republic, to mean (i) all French citizens, subjects and protected persons wherever domiciled ; and (ii) all partnerships, companies and other corporations constituted or incorporated under French law or under the law of any other territory to which the Convention applies by reason of extensions under Article 9.

II.

Article 2. — LEGAL PROTECTION AND ACCESS TO THE COURTS OF JUSTICE.

The nationals of one High Contracting Party shall enjoy in the territories of the other the same rights in respect of the legal protection of persons or property and shall have free access to the Courts of Justice for the prosecution or defence of their rights under the same conditions (including the taxes and fees payable) as nationals of the latter High Contracting Party.

Article 3. — SECURITY FOR COSTS.

The nationals of one High Contracting Party resident in a territory of the other, where the proceedings are brought, shall not be obliged to give security for costs or court fees in any case where the nationals of the latter High Contracting Party would not be so obliged in similar circumstances.

The nationals of one High Contracting Party resident outside the territory of the other, where the proceedings are brought, shall not be obliged to give security for costs or court fees in any case where they possess in that territory "immovable property" or other property not readily transferable which is sufficient to cover those costs and fees.

It is understood that the interpretation of the expressions "immovable property" and "property not readily transferable" is a matter within the exclusive competence of the respective courts of the High Contracting Parties.

Article 4. — FREE LEGAL ASSISTANCE.

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

(2) This Article applies to criminal as well as to civil and commercial matters, but does not apply to artificial persons (partnerships, companies, societies or other corporations).

(3) 1. In order to obtain free legal assistance in a territory of the French Republic, a national of His Majesty resident outside the territory will be required to present a certificate as to his means from the appropriate authorities of his country of residence and satisfying the conditions of French law necessary for the grant of free legal assistance.

2. In order to obtain free legal assistance in a territory of His Majesty, a French national, resident outside that territory, must fulfil any formalities which may be prescribed by the authorities of that territory.

III. — GENERAL PROVISIONS.

Article 5.

Any difficulties which may arise in connexion 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 shall not apply *ipso facto* to Scotland or Northern Ireland, the Channel Islands or the Isle of Man, nor to any of the Colonies, Overseas Territories 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 Representative at Paris, 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) 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 other 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 the President of the French Republic 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 notification of 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 the 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.

Article 9.

(1) The present Convention shall not apply *ipso facto* to Algeria, any Colonies or Protectorates of the French Republic or any Mandated Territories administered by the Government of the French Republic, but the President of the French Republic may at any time while the Convention is in force under Article 6 or by virtue of any accession under Article 8 extend this Convention to any of the above-mentioned territories by a notification given through the Representative of the French Republic in London.

(2) The provisions of Paragraph (2) of Article 7 shall apply to any notifications of extension under this Article.

(3) The provisions of Paragraphs (3) and (4) of Article 7 shall apply to all territories to which the Convention is extended under this Article.

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

Done in duplicate at Paris the 15th day of April, 1936.

(L. S.) George R. CLERK.

PROCÈS-VERBAL.

At the moment of signing the Convention between His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the President of the French Republic, supplementary to the Convention between the same Parties signed at London on the 2nd February, 1922, the undersigned declare that they are in agreement in placing on record that there is under French law no discrimination against nationals of His Majesty in the matter of imprisonment for debt and no discrimination under English law against French nationals in regard to the same matter.

They further declare that Article 2 of the Convention has the effect of creating for the nationals of each of the High Contracting Parties a right in the territories of the other to equality of treatment in this matter with nationals of the latter.

Done in duplicate at Paris the 15th day of April, 1936.

George R. CLERK.