

No. 8971

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**ISRAEL**  
and  
**UNITED KINGDOM OF GREAT BRITAIN**  
**AND NORTHERN IRELAND**

**Convention regarding legal proceedings in civil and commercial matters. Signed at London, on 5 July 1966**

*Official texts: Hebrew and English.*

*Registered by Israel on 13 February 1968.*

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**ISRAËL**  
et  
**ROYAUME-UNI DE GRANDE-BRETAGNE**  
**ET D'IRLANDE DU NORD**

**Convention concernant les actes de procédure en matière civile et commerciale. Signée à Londres, le 5 juillet 1966**

*Textes officiels hébreu et anglais.*

*Enregistrée par Israël le 13 février 1968.*

No. 8971. CONVENTION<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF ISRAEL REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS. SIGNED AT LONDON, ON 5 JULY 1966

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Israel;

Desiring to render mutual assistance in the conduct of legal proceedings in civil and commercial matters which are being dealt with or which it is anticipated may be dealt with by the judicial authorities in their respective territories;

Have agreed as follows:

PART I

DEFINITIONS AND SCOPE

*Article 1*

- (1) Except where the contrary is expressly stated, this Convention applies only to civil and commercial matters, including non-contentious matters.
- (2) For the purposes of this Convention the words—
- (a) “Consular Officer” shall mean any person duly appointed by the sending State to exercise consular functions in the receiving State to whom the latter has issued an exequatur or other valid authorisation;
- (b) “Diplomatic Agent” shall mean the head of the mission of the sending State or a member of the diplomatic staff of that mission, duly accepted by the receiving State;
- (c) “juridical persons” shall be deemed to include partnerships, companies, societies and other corporations;
- (d) “nationals” shall be deemed—
- (i) in relation to the Government of the United Kingdom to mean British subjects and British protected persons;

<sup>1</sup> Came into force on 16 November 1967, three months after the exchange of the instruments of ratification which took place at Jerusalem on 16 August 1967, in accordance with article 17.

- (ii) in relation to the Government of Israel to mean nationals of Israel;
- (iii) in relation to both Contracting Parties to include juridical persons constituted or incorporated under the laws of the territory of such Contracting Party;
- (e) "persons" shall be deemed to mean individuals and juridical persons;
- (f) "territory" shall be interpreted in accordance with the provisions of Article 18.

## PART II

### SERVICE OF JUDICIAL AND EXTRA-JUDICIAL DOCUMENTS

#### *Article 2*

(1) When judicial or extra-judicial documents drawn up in the territory of one of the Contracting Parties are required to be served on persons in the territory of the other Contracting Party, such documents may be served on the recipient, whatever his nationality, by any of the methods provided in Articles 3 and 4.

(2) In Part II of this Convention the expression "country of origin" means the country from which the documents to be served emanate, and the expression "country of execution" means the country in which service of documents is to be effected.

#### *Article 3*

(1) A request for service shall be addressed and sent by a Diplomatic Agent or Consular Officer acting for the country of origin to the competent authority of the country of execution, requesting such authority to cause the document in question to be served.

(2) The request for service shall be drawn up in a language acceptable in the country of execution, and shall state the names and descriptions of the parties, the name, description and address of the recipient, and the nature of the document to be served, and shall enclose the document to be served in duplicate.

(3) The document to be served shall either be drawn up in a language acceptable in the country of execution, or be accompanied by a translation into such a language in duplicate. Such translation shall be certified as correct by a Diplomatic Agent or Consular Officer acting for the country of origin.

(4) For the purposes of this Convention:

- (a) the languages acceptable in Israel shall be Hebrew, English, Arabic and French;
- (b) the language acceptable in the United Kingdom shall be English;

- (c) in respect of any territory to which this Convention is in force by reason of extension under Article 18, the notification made under Article 18 (2) shall specify the language or languages which shall be acceptable in that territory;
- (5) Requests for service shall be addressed and sent:
  - (a) in England and Wales to the Senior Master of the Supreme Court of Judicature;
  - (b) in Scotland to the Crown Agent, Edinburgh;
  - (c) in Northern Ireland to the Registrar, Supreme Court of Judicature for Northern Ireland, Belfast;
  - (d) in Israel to the Director of Courts.

If the authority to whom a request for service has been sent is not competent to execute it, such authority shall, except in cases where execution is refused in accordance with paragraph (7) of this Article, of its own motion forward the request to the competent authority of the country of execution and inform the Diplomatic Agent or Consular Officer by whom the request was sent to whom it has been forwarded for execution.

(6) Service shall be effected by the competent authority of the country of execution, who shall serve the document in the manner prescribed by the municipal law of such country for the service of similar documents, except that, if a wish for some special manner of service is expressed in the request for service, such manner of service shall be followed in so far as it is not incompatible with the law of that country.

(7) The execution of a request for service duly made in accordance with the preceding provisions of this Article, shall not be refused unless:

- (a) the authenticity of the request for service is not established, or
- (b) the Contracting Party in whose territory it is to be executed considers that the sovereignty or safety of the State would be prejudiced thereby or that such execution would be contrary to public policy.

(8) In every instance where a request for service is not executed by the authority to whom it has been sent, the latter will as soon as possible inform the Diplomatic Agent or Consular Officer by whom the request was sent of the grounds for refusing the request.

(9) The authority by whom the request for service is executed shall furnish a certificate proving the service or explaining the reason which has prevented such service and setting forth the fact, the manner and the date of such service or attempted service, and shall send the said certificate to the Diplomatic Agent or Consular Officer by whom the request was sent. The certificate of service or of attempted service shall be placed on one of the duplicates or attached thereto.

*Article 4*

(1) Service may be effected, without any request to or intervention of the authorities of the country of execution, by any of the following methods, it being understood that no compulsion shall be used in the course of, or in connection with, such service:

- (a) by a Diplomatic Agent or Consular Officer acting for the country of origin;
- (b) through the post; or
- (c) by any other method of service which is not illegal, under the law existing at the time of service, in the country of execution.

(2) All documents served in the manner provided in sub-paragraph (a) of the preceding paragraph shall, unless the recipient is a national of the Contracting Party from whose territory the document to be served emanates, either be drawn up in a language acceptable in the country of execution as specified in Article 3 (4) or be accompanied by a translation into such a language certified as correct as prescribed in Article 3 (3).

(3) The Contracting Parties agree that in principle it is also desirable that the provisions of paragraph (2) of this Article should apply to documents served in the manner provided in sub-paragraphs (b) and (c) of paragraph (1) of this Article. Nevertheless, in the absence of any legislation in their respective territories making translations obligatory in such cases, the Contracting Parties do not accept any obligation in this respect.

(4) It is understood that the question of the validity of any service effected by the use of any of the methods referred to in paragraph (1) of this Article will remain a matter for the free determination of the respective courts of the Contracting Parties in accordance with their laws.

*Article 5*

(1) In any case where documents have been served in accordance with the provisions of Article 3, the Contracting Party by whose Diplomatic Agent or Consular Officer the request for service was sent shall repay to the other Contracting Party any charges which are payable under the law of the country of execution to the persons employed to effect service and any actual expenses incurred in effecting service. These charges and expenses shall not exceed such as are usually allowed in the courts of the country of execution.

(2) Repayment of these charges and expenses shall be claimed by the competent authority by whom the service has been effected from the Diplomatic Agent or Consular Officer by whom the request was sent when sending to him the certificate provided for in Article 3 (9).

(3) Except as provided above, no fees of any description shall be payable by one Contracting Party to the other in respect of the service of any document.

PART III

TAKING OF EVIDENCE

*Article 6*

(1) When a judicial authority in the territory of one of the Contracting Parties requires that evidence should be taken in the territory of the other Contracting Party, such evidence may be taken, whatever the nationality of the parties or the witnesses may be, in any one of the ways prescribed in Articles 7, 8 or 9.

(2) For the purposes of Part III of this Convention the expressions:

- (a) "taking of evidence" shall be deemed to include the taking of the statement of a plaintiff, pursuer, defendant, defender, expert or any other person on oath or otherwise; the submission to a plaintiff, pursuer, defendant, defender, expert or any other person of any oath with regard to any legal proceedings; and the production, identification or examination of documents, samples or other objects;
- (b) "witness" shall be deemed to include any person from whom any evidence is required to be taken;
- (c) "country of origin" shall be deemed to mean the country by whose judicial authority the evidence is required, and "country of execution" the country in which the evidence is to be taken;
- (d) "oath" shall be deemed to include an affirmation.

*Article 7*

(1) The judicial authority of the country of origin may, in accordance with the provisions of the law of that country, address itself by means of a Letter of Request to the competent authority of the country of execution, requesting such authority to take the evidence.

(2) The Letter of Request shall be drawn up in a language acceptable in the country of execution as specified in Article 3 (4) or be accompanied by a translation into such a language. The translation shall be certified as correct by a Diplomatic Agent or Consular Officer acting for the country of origin. The Letter of Request shall state the nature of the proceedings for which the evidence is required, giving all necessary information in regard thereto, the names of the parties thereto, and the names, descriptions and addresses of the witnesses. They shall also either:

- (a) be accompanied by a list of interrogatories to be put to the witness or witnesses, or, as the case may be, by a description of the documents, samples or other objects to be produced, identified or examined, and a translation thereof, certified as correct in the manner heretofore provided; or
  - (b) shall request the competent authority to allow such questions to be asked *viva voce* as the parties or their representatives shall desire to ask.
- (3) Letters of Request shall be transmitted by a Diplomatic Agent or Consular Officer:
- (a) in England and Wales to the Senior Master of the Supreme Court of Judicature;
  - (b) in Scotland to the Crown Agent, Edinburgh;
  - (c) in Northern Ireland to the Registrar, Supreme Court of Judicature for Northern Ireland, Belfast;
  - (d) in Israel to the Director of Courts.

If the authority to whom a Letter of Request has been transmitted is not competent to execute it, such authority shall, except in cases where execution is refused in accordance with paragraph (6) of this Article, of its own motion forward the Letter of Request to the competent authority of the country of execution, and inform the Diplomatic Agent or Consular Officer by whom the Letter of Request was transmitted to whom it has been forwarded.

(4) The competent authority of the country of execution shall give effect to the Letter of Request and obtain the evidence required by the use of the same procedure and the same measures of compulsion as are employed in the execution of a commission or order emanating from the authorities of its own country, except that, if a wish that some special procedure should be followed is expressed in the Letter of Request, such special procedure shall be followed in so far as it is not incompatible with the law of the country of execution.

(5) The Diplomatic Agent or Consular Officer by whom the Letter of Request is transmitted shall, if he so desires, be informed of the date when and the place where the proceedings will take place, in order that he may inform the interested party or parties, who shall be permitted to be present in person or to be represented, if they so desire, by barristers, advocates, or solicitors, or by any representatives who are competent to appear before the courts either of the country of origin or of the country of execution.

(6) The execution of a Letter of Request which complies with the provisions of the preceding paragraphs of this Article can only be refused:

- (a) if the authenticity of the Letter of Request is not established;
- (b) if, in the country of execution, the execution of the Letter of Request in question does not fall within the functions of the judiciary;

(c) if the Contracting Party in whose territory it is to be executed considers that the sovereignty or safety of the State would be prejudiced thereby or that such execution would be against public policy.

(7) In every instance where a Letter of Request is not executed by the authority to whom it is addressed, the latter will as soon as possible inform the Diplomatic Agent or Consular Officer by whom it was transmitted, stating the grounds on which the execution of the Letter of Request has been refused.

(8) When a Letter of Request has been executed, the competent authority to whom it was transmitted or forwarded shall send to the Diplomatic Agent or Consular Officer by whom it was transmitted the necessary documents establishing its execution.

#### *Article 8*

(1) The judicial authority of the country of origin may, in the Letter of Request addressed to the competent authority of the country of execution, request such authority to appoint a person, specially designated in the Letter of Request, to take the evidence. A Diplomatic Agent or Consular Officer acting for the country of origin or any other suitable person may be so designated.

(2) Where this procedure is adopted, the provisions of paragraphs (2), (3), (6), (7) and (8) of Article 7 shall apply, together with the provisions of paragraphs (3), (4) and (5) of the present Article.

(3) The competent authority of the country of execution shall give effect to the Letter of Request 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 powers of compulsion as it possesses under its own law to secure the attendance of and the giving of evidence by the witnesses before the person so appointed.

(4) The person so 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 of execution to the penalties provided by the law of that country for perjury.

(5) The evidence shall be taken in accordance with the law of the country of origin, provided such method is not contrary to the law of the country of execution, and the presence of the parties shall not be required, provided that they shall be given the opportunity, by reasonable notice, of being present in person, or of being represented by barristers, advocates or solicitors or any other persons who are competent to appear before the courts either of the country of origin or of the country of execution.

*Article 9*

(1) The evidence may also be taken, without any request to or the intervention of the authorities of the country of execution, by a person in that country directly appointed for the purpose by the court of the country of origin. A Diplomatic Agent or Consular Officer acting for the country of origin or any other suitable individual may be so appointed.

(2) A person so appointed to take evidence may request the individuals named by the court appointing him to appear before him and to give evidence. He may take all kinds of evidence which are not contrary to the law of the country of execution, and shall have power to administer an oath. The attendance and giving of evidence before any such person shall be entirely voluntary and no measures of compulsion shall be employed.

(3) Requests to appear issued by such person shall, unless the recipient is a national of the country of origin, be drawn up in a language acceptable in the country of execution or be accompanied by a translation into such a language.

(4) The evidence shall be taken in accordance with the procedure recognised by the law of the country of origin, and the presence of the parties shall not be required, provided that they shall be given the opportunity, by reasonable notice, of being present in person, or of being represented by barristers, advocates, or solicitors of that country or by any other persons who are competent to appear before the courts either of the country of origin or of the country of execution.

*Article 10*

The fact that an attempt to take evidence by the method laid down in Article 9 has failed owing to the refusal of any witness to appear or to give evidence does not preclude a request being subsequently made in accordance with Article 7 or 8.

*Article 11*

(1) Where evidence is taken in the manner provided in Article 7 or 8 the Contracting Party, by whose judicial authority the Letter of Request was addressed, shall repay to the other Contracting Party any expenses incurred by the competent authority of the latter in the execution of the request in respect of any charges and expenses payable to witnesses, experts, interpreters or translators, the costs of obtaining the attendance of witnesses who have not appeared voluntarily, and the charges and expenses payable to any person whom such authority may have deputed to act, in cases where the law of the country of execution permits this to be done, and any charges and expenses incurred by reason of a special procedure being re-

quested and followed. These expenses shall be such as are usually allowed in similar cases in the courts of the country of execution.

(2) Repayment of these expenses shall be claimed by the competent authority by whom the Letter of Request has been executed from the Diplomatic Agent or Consular Officer by whom it was transmitted, when sending to him the documents establishing its execution as provided in Article 7 (8).

(3) Except as provided above, no fees of any description shall be payable by one Contracting Party to the other in respect of the taking of evidence.

#### PART IV

### PROVISIONS RELATING TO EQUALITY OF TREATMENT IN JUDICIAL MATTERS

#### *Article 12*

##### LEGAL PROTECTION AND ACCESS TO THE COURTS OF JUSTICE

(1) The nationals of one Contracting Party shall enjoy in the territory of the other the same rights in respect of the legal protection of person and 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 other Contracting Party.

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

#### *Article 13*

##### SECURITY FOR COSTS

The nationals of one Contracting Party resident in the territory of the other shall not be compelled to give security for costs in any case where a national of such other Contracting Party would not be so compelled.

#### *Article 14*

##### LEGAL AID

(1) The nationals of one Contracting Party shall enjoy in the territory of the other Contracting Party a perfect equality of treatment with nationals of the latter Contracting Party as regards free or assisted legal aid.

(2) The provisions of this Article shall apply to criminal as well as to civil and commercial matters, but shall not apply to juridical persons.

*Article 15*

IMPRISONMENT FOR DEBT

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

PART V

GENERAL PROVISIONS

*Article 16*

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

*Article 17*

The present Convention shall be ratified. Instruments of Ratification shall be exchanged as soon as possible. The Convention shall come into force three months after the date on which the Instruments of Ratification are exchanged and shall remain in force for three years after the date of its coming into force. If neither of the 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 its intention to terminate the Convention, it shall remain in force until the expiration of six months from the day on which either of the Contracting Parties shall have given notice to terminate it.

*Article 18*

(1) This Convention shall apply in the case of the Government of the United Kingdom of Great Britain and Northern Ireland to the territory within the jurisdiction of the Courts of England and Wales, Scotland and Northern Ireland, and in the case of the Government of Israel to the territory within the jurisdiction of the Courts of Israel.

(2) This Convention shall not apply *ipso facto* to any of the territories for the international relations of which the Government of the United Kingdom of Great Britain and Northern Ireland are responsible, but the Government of the United Kingdom may, at any time, by a notification given through the diplomatic channel, extend the operation of the Convention to any of the above mentioned territories.

(3) Such notification shall state the authorities in the territory concerned to whom requests for service under Article 3 or Letters of Request under Article 7 are to be transmitted, and the language or languages which are acceptable in that territory, as required by Article 3 (4). The date of the coming into force of any such extension shall be one month from the date of such notification.

(4) Either of the 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 (2) of this Article, terminate such extension on giving six months' notice of termination through the diplomatic channel.

(5) The termination of the Convention under Article 17 shall, unless otherwise expressly agreed to by both Contracting Parties, *ipso facto* terminate it in respect of any territories to which it has been extended under paragraph (2) of this Article.

IN WITNESS WHEREOF the undersigned, duly authorised thereto by their respective Governments, have signed the present Convention.

DONE in duplicate at London this 5th day of July, 1966, in the English and Hebrew languages, both texts being equally authoritative.

For the Government of the United Kingdom of Great Britain  
and Northern Ireland:

WALSTON

For the Government of Israel:

Aharon REMEZ

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