

No. 15023

NETHERLANDS
and
SWAZILAND

Exchange of notes constituting an agreement concerning the application of the Convention between Great Britain and Northern Ireland and the Netherlands regarding legal proceedings in civil and commercial matters, signed at London on May 31, 1932. Mbabane, 3 September 1970, Pretoria, 13 July 1973, and Mbabane, 12 February 1975

Authentic text: English.

Registered by the Netherlands on 24 September 1976.

PAYS-BAS
et
SOUAZILAND

Échange de notes constituant un accord relatif à l'application de la Convention entre la Grande-Bretagne et l'Irlande du Nord et les Pays-Bas concernant les actes de procédure en matières civile et commerciale, signée à Londres le 31 mai 1932. Mbabane, 3 septembre 1970, Pretoria, 13 juillet 1973, et Mbabane, 12 février 1975

Texte authentique : anglais.

Enregistré par les Pays-Bas le 24 septembre 1976.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF SWAZILAND CONCERNING THE APPLICATION OF THE CONVENTION BETWEEN GREAT BRITAIN AND NORTHERN IRELAND AND THE NETHERLANDS REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS, SIGNED AT LONDON ON MAY 31, 1932²

I

Note No. 16

The Department of Foreign Affairs of the Kingdom of Swaziland presents its compliments to the Royal Netherlands Embassy and has the honour to refer to the Convention between the United Kingdom and the Netherlands regarding Legal Proceedings in Civil and Commercial Matters, signed at London on 31 May 1932² and applied to the Kingdom of Swaziland prior to the restoration of its Independence on 6 September 1968.

The Government of the Kingdom of Swaziland, after having examined and considered the said Convention, has decided to accept the rights, obligations and responsibilities of the Convention and shall regard it as binding between the Netherlands and the Kingdom of Swaziland.

With respect to the Kingdom of Swaziland, the Convention should be modified by substituting "Registrar of the High Court" for "Senior Master of the Supreme Court of Judicature" wherever the latter appears in the Convention.

The Department wishes to propose that this note and a reply indicating concurrence by the Government of the Netherlands shall constitute an agreement between the two Governments in this matter.

The Department of Foreign Affairs of the Kingdom of Swaziland avails itself of this opportunity to renew to the Royal Netherlands Embassy the assurance of its highest consideration.

Mbabane

3rd September, 1970.

II

No. 4056

The Royal Netherlands Embassy presents its compliments to the Department of Foreign Affairs of the Kingdom of Swaziland and has the honour to refer to the Latter's Note No. 16 of 3 September 1970, which reads as follows:

[See note I]

¹ Came into force on 16 June 1976, the date on which the Government of the Kingdom of the Netherlands notified in writing the Government of the Kingdom of Swaziland that the procedures constitutionally required in the Netherlands had been complied with, in accordance with the provisions of the said notes.

² League of Nations, *Treaty Series*, vol. CXL, p. 287.

The Embassy has the honour to inform the Department that the Government of the Kingdom of the Netherlands accepts the proposal of the Government of the Kingdom of Swaziland that the Treaty between the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland concerning the mutual assistance in the conduct of proceedings in civil and commercial matters, signed at London on 31 May 1932, shall be binding between their countries, it being understood that with respect to the Kingdom of Swaziland the Convention shall be modified by substituting the words "Registrar of the High Court" for "Senior Master of the Supreme Court of Judicature", wherever the latter appear in the text.

The Embassy has the honour further to inform the Department that the Government of the Kingdom of the Netherlands is prepared to conclude an agreement to that effect with the Government of the Kingdom of Swaziland.

The Netherlands Government, however, proposes that this agreement, which shall be constituted by the Department's Note No. 16 of 3 September 1970, this Note and the Department's Note in reply concurring therein shall be applied in such a way that requests of the competent judicial authority in one country to the competent judicial authority in the other country for service of judicial and extra-judicial documents or for the taking of evidence may either be addressed and sent in accordance with the régime provided for in and under the Treaty of 1932 or be communicated directly between these judicial authorities.

The Netherlands Government further proposes that this agreement shall enter into force on the date on which the Government of the Kingdom of the Netherlands has notified the Government of the Kingdom of Swaziland in writing that the procedures constitutionally required in the Kingdom of the Netherlands in respect of this agreement have been complied with and shall apply, as regards the Kingdom of the Netherlands, to the territory of the Kingdom in Europe, but may be extended to Surinam and the Netherlands Antilles by a notification addressed to the Government of the Kingdom of Swaziland.

The Royal Netherlands Embassy avails itself of this opportunity to renew to the Department of Foreign Affairs of the Kingdom of Swaziland the assurance of its highest consideration.

Pretoria
13th July 1973.

III

KINGDOM OF SWAZILAND DEPARTMENT OF FOREIGN AFFAIRS

No. 4

The Department of Foreign Affairs of the Kingdom of Swaziland presents its compliments to the Royal Netherlands Embassy and has the honour to acknowledge receipt of the Embassy's Notes Nos. 6233 of 23 October and 7231 of 3 December, 1974.

The Department has the honour to inform the Embassy that the Government of the Kingdom of Swaziland agrees that the Agreement between the Government of the Kingdom of the Netherlands and the Government of the Kingdom of Swaziland,

which is constituted by the Department's Note No. 16 of 3 September 1970, the Embassy's Note No. 4056 of 13 July 1973 and this Note, according to which the Treaty between the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland regarding Legal Proceedings in Civil and Commercial Matters, signed at London on 31 May 1932, shall be binding between their countries, shall be applied in such a way that requests of the competent judicial authority in [one] country to the competent judicial authority in the other country for service of judicial and extra-judicial documents or for the taking of evidence may either be addressed and sent in accordance with the régime provided for in and under the Treaty of 1932 or be communicated directly between these judicial authorities. The Government of the Kingdom of Swaziland further agrees that this Agreement shall enter into force on the date on which the Government of the Kingdom of the Netherlands has notified the Government of the Kingdom of Swaziland in writing that the procedures constitutionally required in the Kingdom of the Netherlands in respect of this Agreement have been complied with and shall apply, as regards the Kingdom of the Netherlands, to the territory of the Kingdom in Europe, but may be extended to Surinam and the Netherlands Antilles by a notification addressed to the Government of the Kingdom of Swaziland.

The Department of Foreign Affairs of the Kingdom of Swaziland avails itself of this opportunity to renew to the Royal Netherlands Embassy the assurances of its highest consideration.

Mbabane
12 February, 1975.
