

No. 21521

**NETHERLANDS
and
BAHAMAS**

Exchange of letters constituting an agreement concerning the application of the Convention of 31 May 1932 between Great Britain and Northern Ireland and the Netherlands regarding legal proceedings in civil and commercial matters and of the Supplementary Convention of 17 November 1967 regarding legal proceedings. Nassau, 3 March 1977, The Hague, 5 October 1978, and Nassau, 24 November 1980

Authentic text: English.

Registered by the Netherlands on 13 January 1983.

**PAYS-BAS
et
BAHAMAS**

Échange de lettres constituant un accord relatif à l'application de la Convention du 31 mai 1932 entre la Grande-Bretagne et l'Irlande du Nord et les Pays-Bas concernant les actes de procédure en matières civile et commerciale et celle de la Convention supplémentaire du 17 novembre 1967 relative à la procédure judiciaire. Nassau, 3 mars 1977, La Haye, 5 octobre 1978, et Nassau, 24 novembre 1980

Texte authentique : anglais.

Enregistré par les Pays-Bas le 13 janvier 1983.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS CONCERNING THE APPLICATION OF THE CONVENTION OF 31 MAY 1932 BETWEEN GREAT BRITAIN AND NORTHERN IRELAND AND THE NETHERLANDS REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS² AND OF THE SUPPLEMENTARY CONVENTION OF 17 NOVEMBER 1967 REGARDING LEGAL PROCEEDINGS³

I

MINISTRY OF EXTERNAL AFFAIRS
NASSAU, BAHAMAS

3 March 1977

Ref. EXT/133/17

Sir,

I have the honour to call to your attention the notification addressed to the Secretary-General of the United Nations on 10 July 1973, that, in principle, the Government of the Commonwealth of The Bahamas acknowledged that the Treaty Rights and Obligations of the former Colony of the Bahamas, for which the United Kingdom was responsible would be inherited by the Commonwealth of The Bahamas upon independence by virtue of customary international law; but that since it is likely that by virtue of customary international law certain treaties may have lapsed at the date of Independence of the Commonwealth of The Bahamas, it seemed essential that each treaty should be subjected to legal examination.

The Government of the Commonwealth of The Bahamas has examined:

— The Convention on Legal Proceedings in Civil and Commercial Matters, signed at London on 31 May 1932.²

I have the honour to inform Your Excellency's Government that the Government of the Commonwealth of The Bahamas desires that the above Convention should continue to regulate the matters contained therein as between our respective countries.

If the foregoing proposal is acceptable to the Government of the Kingdom of the Netherlands, I have the honour to suggest that the present Note and Your Excellency's reply in that sense shall constitute an Agreement between the two Governments to continue into effect the Convention on Legal Proceedings in Civil and Commercial Matters signed on 31 May 1932 with effect from the date of Your Excellency's reply.

¹ Came into force on 18 November 1981, the date on which the Government of the Netherlands notified the Government of the Bahamas in writing of the completion of the necessary constitutional procedures, in accordance with the provisions of the said letters.

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

³ United Nations, *Treaty Series*, vol. 721, p. 51.

Please accept, Sir, the assurances of my highest consideration.

[Signed]

P. L. ADDERLEY
Minister of External Affairs
of the Commonwealth of the Bahamas

Minister of Foreign Affairs
of the Kingdom of the Netherlands
The Hague
Netherlands

II

MINISTRY OF FOREIGN AFFAIRS

The Hague, 5 October 1978

DVE/VV-269254

Your Excellency,

I have the honour to acknowledge receipt of Your letter ref. EXT/133/17 of 3 March 1977 which reads as follows:

[See letter I]

In reply, I have the honour to inform Your Excellency that the Government of the Kingdom of the Netherlands accepts the proposal of the Government of the Commonwealth of The Bahamas that the Convention between the Netherlands and Great Britain regarding Legal Proceedings in Civil and Commercial matters, signed at London on 31 May 1932 and supplemented on 17 November 1967¹ at The Hague, shall be binding between their countries, it being understood that with respect to the Commonwealth of The Bahamas the Convention shall be modified by substituting the words "Registrar of the Supreme Court" for "Senior Master of the Supreme Court of Judicature" wherever the latter appear in the text.

I have the honour further to inform Your Excellency that the Government of the Kingdom of the Netherlands is prepared to conclude an agreement to that effect with the Government of the Commonwealth of The Bahamas.

The Government of the Kingdom of the Netherlands however proposes that this agreement, which shall be constituted by Your Letter of 3 March 1977, this letter and Your Excellency's reply concurring therein, shall be applied in such a way that requests by 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 regime provided for in and under the Convention of 1932 or be communicated directly between these judicial authorities.

The Government of the Kingdom of the Netherlands 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 Commonwealth of The Bahamas in writing that the proce-

¹ United Nations, *Treaty Series*, vol. 721, p. 51.

dures constitutionally required in the Kingdom of the Netherlands in respect of this agreement have been complied with.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

C. A. VAN DER KLAUW

The Minister of External Affairs
of the Commonwealth of The Bahamas

III

MINISTRY OF EXTERNAL AFFAIRS
NASSAU, BAHAMAS

24 November, 1980

Ref. MEA/CONF/73/10/8

Your Excellency,

I have the honour to refer to your letter Ref DVE/VV-269254 dated 5 October 1978, which was in response to my letter EXT/133/17 of 3 March 1977, concerning the Convention on Legal Proceedings in Civil and Commercial Matters signed at London on 31 May 1932, and supplemented on 17 November 1967 at The Hague.

Your letter stated the following:

[See letter II]

I have the honour to inform Your Excellency that the proposals set forth in your letter above are acceptable to the Government of the Commonwealth of The Bahamas and that the Government of the Commonwealth of The Bahamas agrees that its Note of 3 March 1977, Your Excellency's letter of 5 October 1978 and this reply be considered by our respective Governments as constituting an Agreement to continue into effect, the aforesaid Convention regarding Legal Proceedings in Civil and Commercial Matters signed at London on 31 May 1932 and supplemented on 17 November 1967 at The Hague.

Please accept, Excellency, the assurances of my highest consideration.

[Signed]

PAUL LAWRENCE ADDERLEY
Minister of External Affairs of
the Commonwealth of The Bahamas

His Excellency Minister of Foreign Affairs
of the Kingdom of the Netherlands
The Hague
Netherlands