

No. 6295

**POLAND
and
CZECHOSLOVAKIA**

**Treaty concerning the conduct of legal relations in civil,
family and criminal matters. Signed at Warsaw, on
4 July 1961**

Official texts: Polish and Czech.

Registered by Poland on 29 August 1962.

**POLOGNE
et
TCHÉCOSLOVAQUIE**

**Traité concernant les relations juridiques en matière
civile, familiale et pénale. Signé à Varsovie, le 4 juillet
1961**

Textes officiels polonais et tchèque.

Enregistré par la Pologne le 29 août 1962.

[TRANSLATION — TRADUCTION]

No. 6295. TREATY¹ BETWEEN THE POLISH PEOPLE'S
REPUBLIC AND THE CZECHOSLOVAK SOCIALIST
REPUBLIC CONCERNING THE CONDUCT OF LEGAL
RELATIONS IN CIVIL, FAMILY AND CRIMINAL MAT-
TERS. SIGNED AT WARSAW, ON 4 JULY 1961

The State Council of the Polish People's Republic and the President of the Czechoslovak Socialist Republic,

Being desirous of further strengthening friendly relations and developing co-operation between the two States and their peoples in the sphere of law as in others, have decided to conclude a Treaty concerning the conduct of legal relations in civil, family and criminal matters, and for this purpose have appointed as their Plenipotentiaries :

The State Council of the Polish People's Republic :

Mr. Marian Rybicki, Minister for Justice of the Polish People's Republic;

The President of the Czechoslovak Socialist Republic :

Mr. Alois Neuman, Minister for Justice of the Czechoslovak Socialist Republic;

who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

PART I

GENERAL PROVISIONS

Article 1

LEGAL PROTECTION

1. Nationals of either Contracting Party shall enjoy in the territory of the other Contracting Party the same legal protection in personal and property matters as nationals of the other Party.

2. Nationals of either Contracting Party shall have free access to the authorities of the other Contracting Party having jurisdiction in civil, family or criminal matters; they may appear, present petitions, institute proceedings and lodge complaints before such authorities and may apply to them for the performance of any other acts necessary for the enforcement of their rights.

¹ Came into force on 19 April 1962, thirty days after the exchange of the instruments of ratification which took place at Prague on 20 March 1962, in accordance with article 94.

3. The provisions of paragraphs 1 and 2 shall apply, as appropriate, to bodies corporate.

Article 2

METHOD OF COMMUNICATION

1. The courts and the procurator's and notarial offices of the Contracting Parties shall communicate with one another directly in so far as legal relations between them are concerned.

2. Other authorities having jurisdiction in civil, family or criminal matters shall communicate with one another through the authorities referred to in paragraph 1.

Article 3

LANGUAGES

In communicating with one another under the terms of this Treaty, the authorities of the Contracting Parties shall use their own or the Russian language.

Article 4

INFORMATION ON LEGAL QUESTIONS

1. The Ministries of Justice of the Contracting Parties shall transmit to each other all legislation enacted after the entry into force of this Treaty.

2. The Ministries of Justice and the General Procurator's Offices of the Contracting Parties shall provide one another on request with information concerning laws in force or formerly in force in their respective States and concerning legal practice in civil, family and criminal matters.

Article 5

TRANSFER OF ARTICLES AND CURRENCY

Where, pursuant to this Treaty, articles or currency are transferred from the territory of one Contracting Party to the territory of the other Contracting Party or to a diplomatic or consular mission of the other Contracting Party, such transfer shall be effected in conformity with the relevant legislation of the Contracting Party to which the authority effecting the transfer belongs.

Article 6

REFUSAL TO PERFORM ACTS PURSUANT TO THIS TREATY

The performance of acts pursuant to this Treaty may be refused if such performance might be prejudicial to the sovereignty or security of the Contracting Party applied to.

PART II

CIVIL AND FAMILY MATTERS

Chapter 1

*MATTERS RELATING TO PERSONAL STATUS**Article 7*

LEGAL CAPACITY OF INDIVIDUALS AND BODIES CORPORATE

1. The legal capacity of individuals shall be determined according to the law of the Contracting Party of which the individual concerned is a national.
2. The legal capacity of bodies corporate shall be determined according to the law of the Contracting Party under whose laws they were constituted.

DECLARATION OF INCAPACITY

Article 8

The authorities competent to declare persons incapable shall, save as otherwise provided in this Treaty, be those of the Contracting Party of which the person to be declared incapable is a national. The said authorities shall apply the law of their own State.

Article 9

1. If an authority of one Contracting Party finds that grounds exist for declaring incapable a national of the other Contracting Party whose domicile is situated within the said authority's area of jurisdiction, it shall so notify the competent authority of the other Contracting Party.
2. In cases admitting of no delay, the authority referred to in paragraph 1 may make such temporary arrangements as are necessary to protect the person concerned or his property. A copy of the decision concerning such arrangements shall be transmitted to the competent authority of the Contracting Party of which the person concerned is a national.
3. If the authority of the other Contracting Party notified in accordance with paragraph 1 or 2 does not itself institute proceedings, or if it fails to reply within three months, the authority of the place of domicile of the person concerned may conduct the proceedings for a declaration of incapacity in accordance with the laws of its State, provided that it takes such action on grounds for which provision is also made by the law of the Contracting Party of which the said person is a national. The decision concerning the declaration of incapacity shall be communicated to the competent authority of the other Contracting Party.

Article 10

The provisions of articles 8 and 9 shall apply, *mutatis mutandis*, to the revocation of a declaration of incapacity.

Article 11

DECLARATION OF PERSONS AS DEAD AND ESTABLISHMENT OF THE FACT OF DEATH

1. The authorities competent to declare a person dead and to establish the fact of death shall be those of the Contracting Party of which the person concerned was a national at the time when he was last known to be alive.

2. An authority of one Contracting Party may, upon the application of a person domiciled in its territory, declare a national of the other Contracting Party dead or establish the fact of his death if the person making such application is entitled to do so under the law of the Contracting Party to which the said authority belongs.

3. Proceedings for declaring a person dead, or for the establishment of the fact of his death, shall be governed by the law of the Contracting Party of which the person was a national at the time when he was last known to be alive.

Chapter 2

FAMILY MATTERS

Article 12

MARRIAGE

1. The conditions determining capacity to marry shall be, for each prospective spouse, those prescribed by the law of the Contracting Party of which he or she is a national.

2. The form of marriage shall be that prescribed by the law of the Contracting Party before an authority of which the marriage is solemnized.

Article 13

PERSONAL AND PROPERTY RELATIONS OF SPOUSES

1. The rights and obligations and the property relations of spouses shall be those prescribed by the law of the Contracting Party of which they are both nationals. The courts having jurisdiction shall be those of the Contracting Party in whose territory the spouses have or last had their domicile.

2. Where one spouse is a national of one Contracting Party and the other a national of the other Contracting Party, the applicable law shall be that of the