

No. 8971

**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.

**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. CONVENTION¹ 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;

¹ 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).