

FEDERAL
REPUBLIC OF
GERMANY



Treaty Series No. 100 (1973)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Federal Republic of Germany

providing for the extension to
Hong Kong of the Convention for the
Reciprocal Recognition and
Enforcement of Judgments in Civil
and Commercial Matters signed
at Bonn on 14 July 1960

(with Notification of Extension)

[The extension took effect on 8 August 1973]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 1973*

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**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE GOVERNMENT OF THE
FEDERAL REPUBLIC OF GERMANY PROVIDING FOR THE
EXTENSION TO HONG KONG OF THE CONVENTION FOR
THE RECIPROCAL RECOGNITION AND ENFORCEMENT
OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS
SIGNED AT BONN ON 14 JULY 1960**

No. 1

*Her Majesty's Ambassador at Bonn to the Federal Minister for Foreign
Affairs of the Federal Republic of Germany*

British Embassy,

(14/3)

Bonn.

Your Excellency,

10 May 1972.

I have the honour to refer to the Convention between the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters, signed at Bonn on the 14th of July, 1960.⁽¹⁾

On instructions from Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs I have to inform you that the United Kingdom wish to extend the operation of the aforesaid Convention to Hong Kong under Article XII. Paragraph (2) of that Article provides that, before this can be done, an agreement must be concluded between the High Contracting Parties as to the courts of the territory concerned which shall be deemed to be "superior courts" for the purposes of the Convention and the courts to which application for the registration of any judgment shall be made.

I therefore have the honour to propose that, for the purposes of the Convention, the following courts, that is to say:—

- (a) the Supreme Court of Hong Kong;
- (b) the Full Court of Hong Kong; and
- (c) Her Majesty The Queen in Council determining appeals from the Full Court or the Supreme Court of Hong Kong

shall be deemed to be "superior courts" and that the Supreme Court of Hong Kong shall be the court to which application for the registration of any judgment shall be made. I would explain that in certain cases appeals lie from the Full Court and the Supreme Court of Hong Kong to Her Majesty in Council who exercises this appellate jurisdiction on the advice of the Judicial Committee of that Council.

⁽¹⁾ Treaty Series No. 94 (1961), Cmnd. 1525.

If the foregoing proposal is acceptable to the Federal Republic of Germany, I have the honour to suggest that the present Note and Your Excellency's reply to that effect shall constitute the agreement provided for in Article XII(2) of the Convention in so far as the territory of Hong Kong is concerned.

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

R. W. JACKLING

No. 2

The Federal Minister for Foreign Affairs of the Federal Republic of Germany to Her Majesty's Ambassador at Bonn⁽²⁾

*Der Bundesminister
des Auswärtigen.*

Herr Botschafter,

ich beehre mich, den Empfang von Sir Roger Jackling's Note vom 10. Mai 1972 zu bestätigen, die folgenden Wortlaut hat:

[As in No. 1]

Ich beehre mich, Ihnen mitzuteilen, dass die Regierung der Bundesrepublik Deutschland mit dem in der Note vom 10. Mai 1972 enthaltenen Vorschlag einverstanden ist. Die Regierung der Bundesrepublik Deutschland geht davon aus, dass die vorbezeichnete Note und diese Antwort die Vereinbarung darstellen, die im Artikel XII Absatz 2 des obengenannten Abkommens vorgesehen ist, soweit es Hongkong betrifft.

Diese Vereinbarung gilt auch für das Land Berlin, sofern nicht die Regierung der Bundesrepublik Deutschland gegenüber der Regierung des Vereinigten Königreichs Grossbritannien und Nordirland innerhalb von drei Monaten nach Inkrafttreten dieser Vereinbarung eine gegenteilige Erklärung abgibt.

Genehmigen Sie, Herr Botschafter, die Versicherung meiner ausgezeichneten Hochachtung.

WALTER SCHEEL

⁽²⁾ The Note was received undated on 28 December 1972.

[Translation of No. 2]

*The Federal Minister
for Foreign Affairs*

Your Excellency,

I have the honour to acknowledge receipt of Sir Roger Jackling's Note of 10 May 1972, which reads as follows:

[As in No. 1]

I have the honour to inform you that the Government of the Federal Republic of Germany is in agreement with the proposal contained in the Note of 10 May 1972. The Government of the Federal Republic of Germany proceeds on the basis that the above-mentioned Note and this answer constitute the agreement provided for in Article XII, paragraph 2 of the above-mentioned Convention, so far as Hong Kong is concerned.

This agreement applies also to Land Berlin, insofar as the Government of the Federal Republic of Germany does not make a contrary declaration to the Government of the United Kingdom of Great Britain and Northern Ireland within three months of the entry into force of this agreement.

Accept, Your Excellency, the assurance of my highest consideration.

WALTER SCHEEL

No. 3

*Her Majesty's Ambassador at Bonn to the Federal Minister for
Foreign Affairs of the Federal Republic of Germany*

*British Embassy,
Bonn.*

Your Excellency,

8 May 1973.

I have the honour to refer to the Convention between the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters, signed at Bonn on 14 July 1960, and to acknowledge receipt of your Note in reply to Sir Roger Jackling's Note No. 14/3 of 10 May 1972, which together constitute the agreement provided for in paragraph (2) of Article XII of the Convention insofar as Hong Kong is concerned.

In your Note you refer to the understanding of the Government of the Federal Republic of Germany that this agreement applies also to Land Berlin, unless the Government of the Federal Republic of Germany delivers a contrary declaration to the Government of the United Kingdom within

three months from the date of entry into force of the agreement. I have the honour to confirm that this also represents the understanding of the Government of the United Kingdom.

In conclusion, I hereby notify Your Excellency, in pursuance of paragraph (1) of Article XII of the Convention of the extension of the Convention to Hong Kong. In accordance with paragraph (3) of that Article this extension shall come into force three months from the date of this Note, that is to say on 8 August 1973.

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

NICHOLAS HENDERSON

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