



Algeria No. 2 (2006)

# Convention

between the United Kingdom of Great Britain and Northern Ireland and  
the People's Democratic Republic of Algeria on Judicial Co-operation in  
Civil and Commercial Matters

London, 11 July 2006

[Instruments of ratification have not been exchanged]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
October 2006*

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**CONVENTION BETWEEN THE UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND AND THE PEOPLE'S  
DEMOCRATIC REPUBLIC OF ALGERIA ON JUDICIAL CO-  
OPERATION IN CIVIL AND COMMERCIAL MATTERS**

The United Kingdom of Great Britain and Northern Ireland and the People's  
Democratic Republic of Algeria,

Together "the contracting parties"

Considering the common ideals of justice and freedom that guide the two states,

Desiring to strengthen the mutual judicial co-operation in civil and commercial  
matters,

Have agreed as follows:

CHAPTER I

**GENERAL PROVISIONS**

ARTICLE 1

**Obligation of judicial co-operation**

The contracting parties agree, on the request of one of them, to provide mutual  
judicial co-operation in civil and commercial matters.

ARTICLE 2

**Legal Protection**

1. The nationals of each of the contracting parties shall benefit, in the territory  
of the other contracting party, from the same legal protection concerning their  
personal and property rights as the latter accords to its nationals.
2. The nationals of each of the contracting parties shall have on the territory of  
the other contracting party free access to the courts for the prosecution and defence  
of their rights.
3. Paragraphs 1 and 2 of this Article apply also to legal persons, constituted or  
authorized, according to the laws of the contracting parties.

### ARTICLE 3

#### **Security**

1. No security, bond or deposit, of any denomination, shall be imposed on the nationals of either of the contracting parties appearing before the courts of the other contracting party unless by virtue of the legislation of this latter its nationals would be so compelled.
2. The provisions of the previous paragraph shall apply to legal persons, constituted or authorized, according to the laws of the contracting parties.

### ARTICLE 4

#### **Judicial assistance**

1. The nationals of each of the contracting parties shall benefit, in the territory of the other contracting party, from the same legal assistance as the nationals themselves provided that they comply with the law of the country in which the assistance is requested.
2. The certificate attesting the insufficiency of resources shall be delivered to the requesting person by the competent authorities of his country if he resides or is domiciled in the territory of one of the contracting parties. If the requesting person resides or is domiciled in a third country, the certificate shall be delivered by the diplomatic or consular representation, territorially competent, of his country.

### ARTICLE 5

#### **Dispensation of authentication**

Documents transmitted under the provisions of this Convention shall not require any form of authentication and must bear the signature and the official seal of the authority entitled to deliver them.

## CHAPTER II

### JUDICIAL CO-OPERATION

#### ARTICLE 6

##### **Scope of Judicial Co-operation**

Judicial co-operation includes service and transmission of judicial and extra-judicial documents; the execution of procedural acts such as taking the testimony of persons or parties; taking expert advice or obtaining evidence and exchanging documents of civil status and any other procedural act within the framework of judicial investigation, on the request of one of the contracting parties.

#### ARTICLE 7

##### **Refusal of judicial co-operation**

Co-operation is refused if the requested contracting party considers that this co-operation is likely to prejudice the sovereignty, security or public order of its country.

#### ARTICLE 8

##### **Central Authorities**

1. The Central Authorities are designated by the contracting parties.
2. For the United Kingdom, the Central Authorities are:
  - a) in England and Wales, the Senior Master of the Supreme Court of Justice;
  - b) in Scotland, the Scottish Executive Justice Department;
  - c) in Northern Ireland, the Supreme Court of Judicature.
3. For the People's Democratic Republic of Algeria, the Central Authority is the Ministry of Justice.
4. Requests under this Convention shall be transmitted directly by the Central Authority of the requesting contracting party to the Central Authority of the requested contracting party. Each party shall notify the other of any change to its Central Authorities.

5. The request for judicial co-operation should be accompanied by two copies of a document to be served and include the following information:

- a) the name of the requesting judicial authority;
- b) the name of the requested judicial authority, where appropriate;
- c) the surname, first name, capacity, nationality, domicile or residence of the parties, or registered address in the case of legal persons;
- d) the surname, first name and address of the parties' representatives, where appropriate;
- e) subject of the request and accompanying documents;
- f) any other useful information to fulfill the requested procedures.

6. In the case of service of a judgment, the time and methods of appeal, according to the law of each of the contracting parties, must be stated in the request.

#### ARTICLE 9

##### **Language of correspondence**

The request, and documents related to the mutual legal assistance, shall be drawn up in the language of the requesting contracting party and accompanied by a translation into the language of the requested contracting party.

#### ARTICLE 10

##### **Expenses of mutual assistance**

The execution of mutual legal assistance shall not give rise to the repayment of any expenses except concerning the allowances of experts and expenses resulting from execution in a particular form, in accordance with the law of the requested party, which is requested or accepted by the requesting party.

#### ARTICLE 11

##### **Evidence of service of documents**

1. Service of judicial and extra-judicial documents shall be proved either by a receipt dated and signed by the person who receives the document or by a certificate provided by the requested authority proving the fact, the method and the date of transmission.
2. If service is not possible, the requesting contracting party must be informed.

## ARTICLE 12

### **Rogatory commissions**

Rogatory commissions shall include the following information:

- a) the name of the requesting judicial authority;
- b) the name of the requested judicial authority, where appropriate;
- c) the surname, first name, address and capacity of parties and witnesses;
- d) the subject of the request and the acts requested;
- e) questions to be asked to witnesses where appropriate;
- f) any other useful information to fulfill the requested acts.

## ARTICLE 13

### **Execution of rogatory commissions**

1. When one of the contracting parties asks for a rogatory commission to be executed on the territory of the other contracting party, the rogatory commission shall be executed by the judicial authority, and in accordance with the procedure, of the latter.
2. Upon the express request of the requesting authority, the requested authority shall:
  - a) execute the rogatory commission following a special procedure, if this procedure is not contrary to its law;
  - b) inform, in due time, the requesting authority of the date and place where the rogatory commission will be executed so that the interested parties may be present, according to the law of the requested contracting party.
3. If the request has not been executed, the documents accompanying the request shall be returned to the requesting contracting party, which shall be informed of the reasons for the non-fulfillment or the refusal.

## ARTICLE 14

### **Appearance of witnesses and experts**

1. When the personal appearance of a witness or an expert who is resident in the territory of one of the contracting parties is necessary before the judicial authorities of the other contracting party, the requested authority of the country where he resides or is domiciled shall ask him to comply with the summons addressed to him.
2. In this case, the travel and subsistence expenses of the witness or the expert shall be provided from his domicile or residence, according to the tariffs and regulations in force in the country where the hearing will take place. Travel expenses include a return ticket to the airport nearest the judicial authority before which the witness or the expert is asked to appear. Upon the request of the witness or the expert, the consular authorities of the requesting contracting party shall guarantee those travel or other costs in advance.
3. In the case of non-appearance, coercive measures shall not be taken by the requested authority against the defaulters.

## ARTICLE 15

### **Delivery of documents and the execution of rogatory commissions by consular and diplomatic representations**

Each contracting party may deliver to its citizens judicial and extra-judicial documents or proceed directly to their hearing through diplomatic or consular representations in accordance with the law of the contracting parties.

## CHAPTER III

### **RECOGNITION AND EXECUTION**

## ARTICLE 16

### **Recognition and execution of authentic acts**

1. The authentic acts, and in particular the notarial acts, are declared executory in the territory of the other contracting party by the competent authority in accordance with the law of the party where the execution will take place.
2. The competent authority only verifies whether or not the acts comply with the required conditions for their authenticity in accordance with the law of the country in which they were issued, and whether or not they are not contrary to the public order of the contracting party where the recognition or the execution is requested.

## ARTICLE 17

### **Recognition and execution of arbitral sentences**

The contracting parties shall recognize and execute the arbitral sentences issued in their territories in accordance with the provisions of the Convention on Recognition and Enforcement of Foreign Arbitral Awards<sup>1</sup>, done at New York, on 10<sup>th</sup> June, 1958.

## ARTICLE 18

### **Exchange of information and documents**

The contracting parties undertake to exchange, on the request of one of them, information and documents in matters of legislation and jurisprudence.

## CHAPTER IV

### **FINAL PROVISION**

## ARTICLE 19

### **Application**

This Convention shall apply:

- a) in relation to the United Kingdom:
  - i) to England and Wales, Scotland and Northern Ireland;
  - ii) to any territory (including the Isle of Man and the Channel Islands) for whose international relations the United Kingdom is responsible and to which this Convention shall have been extended by exchange of notes between the Parties, subject to any modifications agreed by the Parties and to either Party being able to terminate such extension by giving six months written notice to the other through the diplomatic channels; and
- b) to the People's Democratic Republic of Algeria.

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<sup>1</sup> Treaty Series No. 20, 1979 Cm 6419

## ARTICLE 20

### **Ratification and entry into force**

1. This Convention shall be subject to ratification in accordance with the constitutional procedures in force in each contracting party.
2. This Convention shall enter into force thirty (30) days after the exchange of instruments of ratification.
3. This Convention shall remain in force indefinitely. Either contracting party may terminate it at any time, by written notice of six (6) months. This decision is notified to the other contracting party through diplomatic channels.

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed this Convention.

Done at London on 11<sup>th</sup> day of July 2006, in the English and Arabic languages, each text being equally authentic.

**For the United Kingdom of Great  
Britain and Northern Ireland:**

**For the People's Democratic Republic of  
Algeria:**

**JOHN REID**

**TAYEB BELAIZ**





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