

ANNEX

Model for Letters of Request recommended for use in applying the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters

Request for International Judicial Assistance pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters

N.B. Under the first paragraph of article 4, the Letter of Request shall be in the language of the authority requested to execute it or be accompanied by a translation into that language. However, the provisions of the second and third paragraphs may permit use of English, French or another language.

In order to avoid confusion, please spell out the name of the month in each date.

Please fill out an original and one copy of this form (use additional space if required).

- 1 Sender (*identity and address*)
.....
- 2 Central Authority of (*identity and address*)
the Requested State
.....
- 3 Person to whom the (*identity and address*)
executed request is
to be returned
.....
- 4 Specification of the date by which the requesting authority requires
receipt of the response to the Letter of Request
Date
Reason for urgency*

IN CONFORMITY WITH ARTICLE 3 OF THE CONVENTION, THE UNDERSIGNED APPLICANT HAS THE HONOUR TO SUBMIT THE FOLLOWING REQUEST:

- 5 a Requesting judicial (*identity and address*)
authority (article 3,a)
.....
- b To the competent (*the requested State*).....
authority of
(article 3,a)
.....
- c Name of the case
and any identifying
number
.....

* Omit if not applicable.

- 6 Names and addresses of the parties and their representatives (including representatives in the requested State*) (article 3,b)
 - a Plaintiff
.....
.....
 - Representatives
.....
.....
 - b Defendant
.....
.....
 - Representatives
.....
.....
 - c Other parties
.....
.....
 - Representatives
.....
.....

- 7
 - a Nature of the proceedings (divorce, paternity, breach of contract, product liability, etc.) (article 3,c)
.....
.....
.....
 - b Summary of complaint
.....
.....
.....
 - c Summary of defence and counterclaim*
.....
.....
.....
 - d Other necessary information or documents*
.....
.....

* Omit if not applicable.

- 8 a Evidence to be obtained
or other judicial act to
be performed(article 3,d)
- b Purpose of the evidence
or judicial act sought
- 9 Identity and address of
any person to be examined
(article 3,e)*
- 10 Questions to be put to the
persons to be examined or
statement of the subject-
matter about which they are
to be examined (article 3,f)*
- 11 Documents or other property
to be inspected
(article 3,g)*
- 12 Any requirement that the
evidence be given on oath
or affirmation and any
special form to be used
(article 3,h)*
*(In the event that the evidence can-
not be taken in the manner requested,
specify whether it is to be taken in
such manner as provided by local law
for the formal taking of evidence) .*
.....
- 13 Special methods or procedure
to be followed (e.g. oral or
in writing, verbatim,
transcript or summary,
cross-examination, etc.)
(articles 3,i and 9)*
*(In the event that the evidence can-
not be taken in the manner requested,
specify whether it is to be taken in
such manner as provided by local law)*
.....
- 14 Request for notification of
the time and place for the
execution of the Request
and identity and address of
any person to be notified
(article 7)*
- 15 Request for attendance or
participation of judicial
personnel of the requesting
authority at the execution
of the Letter of Request
(article 8)*
- 16 Specification of privilege
or duty to refuse to give
evidence under the law of
the State of origin
(article 11, b)*
*(attach copies of relevant laws
or regulations)*

* Omit if not applicable.

17 The fees and costs incurred (*identity and address*)
which are reimbursable under
the second paragraph of
article 14 or under
article 26 of the Convention
will be borne by*

DATE OF REQUEST

SIGNATURE AND SEAL OF THE
REQUESTING AUTHORITY

* Omit if not applicable.

No 1 (September 1986)