

AUSTRIA



Treaty Series No. 30 (1978)

Exchange of Notes

between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Austria concerning the extension to Hong Kong of the Convention for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters signed at Vienna on 14 July 1961, as amended by the Protocol signed at London on 6 March 1970

(with United Kingdom notification of extension)

Vienna, 21 November 1977

[The extension entered into force on 21 February 1978]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
May 1978*

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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 REPUBLIC OF AUSTRIA
CONCERNING THE EXTENSION TO HONG KONG OF THE
CONVENTION FOR THE RECIPROCAL RECOGNITION AND
ENFORCEMENT OF JUDGMENTS IN CIVIL AND
COMMERCIAL MATTERS SIGNED AT VIENNA ON
14 JULY 1961, AS AMENDED BY THE PROTOCOL SIGNED
AT LONDON ON 6 MARCH 1970**

No. 1

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

*British Embassy,
Vienna.
21 November 1977*

Your Excellency

I have the honour to refer to the Convention between the United Kingdom of Great Britain and Northern Ireland and the Republic of Austria for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters, signed at Vienna on 14 July 1961⁽¹⁾, as amended by the Protocol signed at London on 6 March 1970⁽²⁾.

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 said Convention as amended to Hong Kong under Article XIII. 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 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 Judicature of Hong Kong (Court of Appeal and High Court of Justice);
- (b) Her Majesty in Council determining appeals from the Supreme Court of Judicature of Hong Kong,

shall be deemed to be "superior courts" and that the High Court of Justice of Hong Kong shall be the court to which application for registration of any judgment shall be made. I would explain that in certain cases appeals lie from the Supreme Court of Judicature 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. 70 (1962), Cmnd. 1868.

(2) Treaty Series No. 20 (1972), Cmnd. 4902.

If the foregoing proposal is acceptable to the Republic of Austria, 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 XIII(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.

H. T. MORGAN

No. 2

*The Federal Minister for Foreign Affairs of the Republic of Austria to
Her Majesty's Ambassador at Vienna*

Vienna,

21 November 1977

Your Excellency,

I have the honour to acknowledge receipt of Your Excellency's Note of 21 November 1977 which reads as follows:

[As in No. 1]

The foregoing proposals being acceptable to the Republic of Austria, Your Excellency's Note and this reply shall constitute the agreement provided for in Article XIII(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 assurance of my highest consideration.

WILLIBALD PAHR

No. 3

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

*British Embassy,
Vienna
21 November 1977*

Your Excellency

I have the honour to refer to the Exchange of Notes of 21 November 1977 between the United Kingdom of Great Britain and Northern Ireland and the Republic of Austria concerning the proposed extension to Hong Kong of the Convention for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters signed at Vienna on 14 July 1961, as amended by the Protocol signed at London on 6 March 1970.

In pursuance of paragraph (1) of Article XIII of the Convention, I hereby notify you 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 21 February 1978.

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

H. T. MORGAN