



Treaty Series No. 75 (1977)

Exchange of Notes

between the

United Kingdom of Great Britain and Northern Ireland
and the Republic of Italy concerning the extension
to Hong Kong of the Convention on the Reciprocal
Recognition and Enforcement of Judgments in
Civil and Commercial Matters signed at Rome on
7 February 1964, as amended by the Protocol signed
at Rome on 14 July 1970
(with United Kingdom notification of extension)

Rome, 23/28 February 1977

[The extension entered into force on 2 June 1977]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 1977*

LONDON

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**EXCHANGE OF NOTES
BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND AND THE REPUBLIC OF ITALY
CONCERNING THE EXTENSION TO HONG KONG OF THE
CONVENTION ON THE RECIPROCAL RECOGNITION AND
ENFORCEMENT OF JUDGMENTS IN CIVIL AND
COMMERCIAL MATTERS SIGNED AT ROME ON
7 FEBRUARY 1964, AS AMENDED BY THE PROTOCOL
SIGNED AT ROME ON 14 JULY 1970
(WITH UNITED KINGDOM NOTIFICATION OF EXTENSION)**

No. 1

*Her Majesty's Ambassador at Rome to the Minister for
Foreign Affairs of Italy*

*British Embassy,
Rome.*

23 February 1977.

Your Excellency

I have the honour to refer to the Convention between the United Kingdom of Great Britain and Northern Ireland and the Italian Republic for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters signed at Rome on 7 February 1964⁽¹⁾, as amended by the Protocol signed at Rome on 14 July 1970⁽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 said Convention as amended to Hong Kong under Article X. 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 judgments of the courts of the territory concerned to which application for registration of any judgment shall be made.

I therefore have the honour to propose that the judgments of 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 those to which the Convention shall apply 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. 5 (1974) Cmnd. 5512.

If the foregoing proposal is acceptable to the Italian Republic 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 X(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.

ALAN CAMPBELL

No. 2

*The Minister for Foreign Affairs of Italy to
Her Majesty's Ambassador at Rome*

Roma,

28 febbraio 1977.

Eccellenza,

ho l'onore di riferirmi alla Nota di Vostra Eccellenza in data 23 febbraio 1977 la cui traduzione è la seguente:

“ Ho l'onore di riferirmi alla Convenzione fra il Regno Unito di Gran Bretagna ed Irlanda del Nord e la Repubblica Italiana per il reciproco riconoscimento ed esecuzione delle sentenze civili e commerciali firmata a Roma il 7 febbraio 1964, come emendata dal Protocollo firmato a Roma il 14 luglio 1970.

A seguito delle istruzioni ricevute dal segretario di Stato Sua Maestà per gli Affari Esteri e del Commonwealth, la informo che il Regno Unito desidera estendere la validità della predetta Convenzione e successivi emendamenti ad Hong Kong, ai sensi dello art. 10 di essa. Il paragrafo (2) del predetto articolo stabilisce che, prima che ciò possa avvenire, deve essere raggiunto un accordo fra le Alte Parti Contraenti circa le sentenze delle corti del territorio interessato alle quali la Convenzione si applicherà e circa le corti alle quali bisogna far domanda per la registrazione di ciascuna sentenza.

Ho pertanto l'onore di proporre che le sentenze delle corti seguenti:

- (a) la Suprema Corte Giudiziaria di Hong Kong (Corte d' Appello ed Alta Corte di Giustizia);
- (b) il Consiglio privato di Sua Maestà quando giudichi appelli dalla Suprema Corte Giudiziaria di Hong Kong.

siano quelle cui si applicherà la Convenzione e che l'Alta Corte di Giustizia di Hong Kong sia La Corte a cui dovranno essere rivolte le richieste per la registrazione di ciascuna sentenza. Desidero chiarire che in alcuni casi può essere promosso appello dalla Suprema Corte Giudiziaria di Hong Kong al Consiglio Privato di Sua Maestà il quale esercita tale giurisdizione d'appello su parere del Comitato Giuridico di detto Consiglio.

Se la proposta di cui sopra è accettabile per la Repubblica italiana ho l'onore di suggerire che la presente Nota e la risposta di Vostra Eccellenza al riguardo costituiscano l'Accordo previsto dall'art. X(2) della Convenzione per quanto riguarda il territorio di Hong Kong.

Mi avvalgo di questa occasione per rinnovare a Vostra Eccellenza le assicurazioni della mia più alta considerazione."

Poichè le proposte di cui al testo soprascritto risultano accettabili al Governo italiano, la Nota di Vostra Eccellenza e la presente risposta costituiscono l'Accordo previsto dall'art. X(2) della Convenzione per quanto riguarda il territorio di Hong Kong.

Mi avvalgo dell'occasione per rinnovare a Vostra Eccellenza le espressioni della mia più alta considerazione.

FORLANI

Translation of No. 2

Rome,

28 February 1977

Your Excellency,

I have the honour to acknowledge receipt of Your Excellency's Note of 23 February 1977 which in translation reads as follows:

[As in No. 1]

The foregoing proposals being acceptable to the Italian Republic, Your Excellency's Note and this reply shall constitute the agreement provided for in Article X(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.

FORLANI

No. 3

*Her Majesty's Ambassador at Rome to the Minister for
Foreign Affairs of Italy*

British Embassy,

Rome,

1 March 1977.

Your Excellency,

I have the honour to refer to the Exchange of Notes of 23 and 28 February 1977 between the United Kingdom of Great Britain and Northern Ireland and the Italian Republic 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 Rome on 7 February 1964, as amended by the Protocol signed at Rome on 14 July 1970.

In pursuance of paragraph (1) of Article X of the Convention, I hereby notify you of the extension of the Convention as amended 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 2 June 1977.

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

ALAN CAMPBELL

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