



Treaty Series No. 36 (1996)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of Canada

amending the Convention providing for the
Reciprocal Recognition and Enforcement of
Judgments in Civil and Commercial Matters
signed at Ottawa on 24 April 1984
("the 1984 Convention")

London, 7 November 1994 and 17 February 1995

[The Agreement entered into force on 1 December 1995]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
April 1996*

LONDON : HMSO

£1.10

**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE GOVERNMENT OF CANADA AMENDING THE
CONVENTION PROVIDING FOR THE RECIPROCAL RECOGNITION
AND ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL
MATTERS SIGNED AT OTTAWA ON 24 APRIL 1984
("THE 1984 CONVENTION")¹**

No. 1

*The Secretary of State for Foreign and Commonwealth Affairs to the Canadian
High Commissioner at London*

*Foreign and Commonwealth Office
London*

7 November 1994

Your Excellency,

I have the honour to refer to recent correspondence between representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and of the Government of Canada concerning the Convention providing for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters signed at Ottawa on 24 April 1984 ("the 1984 Convention"), and to propose that:

1. The 1984 Convention shall be amended as follows:

(1) add an additional sub-paragraph to Article 1, reading:

“(j) “the 1988 Convention” means the Convention of 16 September 1988 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters, signed at Lugano;²

(2) add at the end of Article II, paragraph 1 after the words “the 1968 Convention”³, the words:

“or to the 1988 Convention”

(3) delete Article IX paragraph 1 and substitute therefor the following:

“1. The United Kingdom undertakes, in the circumstances permitted by Article 59 of the 1968 Convention and by Article 59 of the 1988 Convention, not to recognise or enforce under either of those Conventions any judgment given in a third State against a person domiciled or habitually resident in Canada.”

2. Each Government shall notify the other of the completion of the procedures required by its law for giving effect to the above amendments.

If the above proposals are acceptable to the Government of Canada, I have the honour to suggest that this Note and your reply to that effect shall constitute an Agreement amending the 1984 Convention which shall enter into force on the date of the later of the notifications required by paragraph 2 above.

I have the honour to convey to Your Excellency the assurance of my highest consideration (for the Secretary of State).

ROGER D. HART

¹Treaty Series No. 74 (1988) Cm 519.

²Treaty Series No. 53 (1992) Cm 2009.

³Treaty Series No. 10 (1988) Cm 306.

No. 2

*The Canadian High Commissioner at London to the Secretary of State for Foreign
and Commonwealth Affairs*

*Canadian High Commission
London*

17 February 1995

Note No. 1003

I have the honour to acknowledge your Note of 7 November 1994 to my predecessor, Frederik S. Eaton, Q.C., which reads as follows:

[As in No. 1]

I have the honour to confirm that the aforementioned proposals are acceptable to the Government of Canada and that your Note and this Note in reply, which is equally authentic in English and French, shall constitute an agreement between our two Governments in this matter which shall enter into force on the date of the later of the Notes by which each Government has informed the other of the completion of the procedures required by its law to enable it to do so.¹

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

ROYCE FRITH

¹The Agreement entered into force on 1 December 1995.

