

**Section 8****Subject of Judicial Assistance**

The judicial assistance in civil and family matters comprises the serving of documents and the carrying out of individual procedural acts in the form of hearings of witnesses or litigants, the providing of expert opinion, making inquests on the spot etc.

**Section 9****Communication**

In providing judicial assistance the courts of the two Contracting Parties communicate through the Ministries of Justice unless provided otherwise in this Treaty.

**Section 10****Languages Used in Judicial Assistance Matters**

All documents to be transmitted in the course of judicial assistance shall be drawn up in the language of the Contracting Party requested or to be provided with a legalised translation into English language.

**Section 11****Form of Judicial Assistance Request**

(1) Requests for judicial assistance (hereunder referred to as judicial assistance request) and documents to be served must be signed and provided with a seal of the court.

(2) The form of the judicial assistance request shall conform to the laws of the Contracting Party making the request.

**Section 12****Substance of Judicial Assistance Requests**

(1) Judicial assistance requests must contain the designation of the subject to which it refers, the name of the court which has issued the request, if possible the name of the court to which the request is directed, the names of the litigants, their nationality, vocation as well as their domicile or, as the case may be, their abode, the names and addresses of the legal representatives.

(2) Judicial assistance requests for the serving of documents must contain, in addition to the particulars according to para. (1) of this Section, the address of the person and the type of document to be served.

(3) Judicial assistance requests for the carrying out of procedural acts must, moreover, comprise: the designation of facts regarding to which evidence is to be taken as well as, if need be, the matters on which the person concerned is to be questioned.

**Attending to Judicial Assistance Requests****Section 13**

(1) In carrying out judicial assistance the requested court applies domestic law.

(2) The court requested may, on demand of the requesting court, apply both the kind and form of procedure designated in the judicial assistance request, unless this contradicts the principles of legislation of the Contracting Party requested.

**Section 14**

(1) If the court requested is not competent it hands on the request for judicial assistance to the competent court.

(2) On demand the court requested shall in time and without delay inform the requesting court when and where the request for judicial assistance is to be carried into effect.

**Section 15**

(1) In dealing with requests for service the court requested applies the domestic law.

(2) Should the document to be served not be drawn up in the language of the Contracting Party requested and a legalised translation into English language not be attached, the court requested shall serve the document on the addressee only if he is ready to accept it.

(3) Service shall be proved by a receipt which contains the date of service, the signatures of the addressee and the writ-server as well as the seal of the court, or through an official confirmation by the court which shows in what form and at what time the paper concerned has been served.

(4) If the paper concerned is served in duplicate, receipt shall be confirmed on the original.

(5) If the person named in the judicial assistance request is not found under the given address, the court requested shall take the necessary measures to ascertain the address.

(6) If the court requested is unable to attend to the judicial assistance request, it shall notify the requesting court to this effect, stating what reasons prevent it from attending to the request.

**Section 16**

(1) The Contracting Parties shall be entitled to have papers served on their own citizens staying on the territory of the other Contracting Party, through their diplomatic or consular representation.

(2) Coercive measures must not be applied in respect of service according to para. (1) of this Section.

**Section 17****Costs of Judicial Assistance**

(1) The Contracting Party requested shall not demand the payment of the costs of judicial assistance. The Contracting Parties shall bear all costs arising from judicial assistance on their territory, including in particular the costs incurred through the gathering of evidence.

(2) The body requested shall notify the requesting body of the amount of costs that have arisen. In so far as the requesting body claims those costs from the party liable to pay them, they shall remain with the Contracting Party that has claimed them.

**Section 18****Refusal to Grant Judicial Assistance**

Judicial assistance may be refused if its granting runs counter to the basic principles of the legislation and public order of the Contracting Party requested.

**Safe Conduct for Witnesses and Expert Witnesses****Section 19**

(1) A witness or expert witness, irrespective of his nationality, who appears, on the basis of a summons served on him by the court of the Contracting Party requested, before the courts of the requesting Contract-