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Treaty

between the United Kingdom of Great Britain and Northern Ireland and
the United Arab Emirates on Judicial Assistance in Civil and Commercial
Matters

London, 7 December 2006

[Instruments of Ratification were exchanged on 3rd March 2008 and the Treaty entered into force on
2nd April 2008]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
January 2009*

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**TREATY BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND AND THE UNITED ARAB EMIRATES ON
JUDICIAL ASSISTANCE IN CIVIL AND COMMERCIAL MATTERS**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United Arab Emirates, hereinafter referred to as “the Parties”;

Being desirous of strengthening the bonds of friendship between the two countries on the basis of mutual respect for sovereignty and mutual interest and promoting fruitful assistance in the judicial and legal spheres.

In recognition of the need to facilitate mutual assistance in civil and commercial matters to the highest degree possible.

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. Nationals of one Party shall, in the territory of the other Party, enjoy the same judicial protection as nationals of the other Party and shall have the right of access to courts of the other Party under the same conditions as those for the nationals of the other Party.
2. The provisions of the previous paragraph of this Article shall also apply to legal persons located and incorporated in the territory of either Party in accordance with its domestic law.

ARTICLE 2

Nationals of one Party shall, in the territory of the other Party, be entitled in accordance with the domestic law and procedures of the latter to reduction or exemption from payment of court fees under the same conditions and to the same extent provided for its nationals.

ARTICLE 3

The Parties may exchange information concerning the laws in force and the judicial practice in their respective countries related to the implementation of this Treaty.

ARTICLE 4

1. The Parties shall grant each other under this Treaty mutual judicial assistance in civil and commercial matters to the highest degree possible in accordance with their domestic law.
2. Judicial assistance under this Treaty shall apply to:
 - (a) The service of judicial documents; and
 - (b) The taking of evidence by means of Letters of Request or commissions.
3. This Treaty shall be without prejudice to any rights and obligations of the Parties pursuant to other treaties or arrangements.

ARTICLE 5

1. Requests for judicial assistance shall be made via the Central Authorities and be transmitted through Diplomatic Channels. In cases of urgency, requests may be transmitted directly to the Central Authority. In which case, copies of such requests shall also be sent through diplomatic channels as soon as practicable thereafter.
2. In the United Kingdom of Great Britain and Northern Ireland the Central Authority is:
 - (a) In England and Wales, the Senior Master of the Queen's Bench Division of the Supreme Court of Justice;
 - (b) In Scotland, the Scottish Executive Justice Department;
 - (c) In Northern Ireland, the Supreme Court of Judicature.

In the United Arab Emirates, the Central Authority is the Ministry of Justice.

ARTICLE 6

1. Unless otherwise agreed, all official documents in connection with the judicial assistance shall be sealed by the court or the other competent authority, and the request for judicial assistance shall be approved by the Central Authority of the Requesting Party.
2. All requests and supporting documents shall be accompanied by a translation into the official language of the Requested Party.

3. If the Requested Party considers that the information provided by the Requesting Party is not sufficient to enable the request to be dealt with in accordance with this Treaty, it may require additional information from the Requesting Party.

ARTICLE 7

1. The service of summons and other judicial documents shall be effected in accordance with the procedure provided for by the domestic law of the Requested Party, or by a particular method desired by the Requesting Party, unless such a method is incompatible with the domestic law of the Requested Party.

2. The Provisions of Article (5) of this Treaty shall not preclude the right of the Parties to effect such service, through its diplomatic or consular representatives, of summons and other judicial documents on its nationals residing in the territory of the other Party without application of any compulsion. Service in such cases shall entail no responsibility for the Party where the service is executed.

ARTICLE 8

The request for the service of summons and other judicial documents shall furnish all particulars concerning the name and title, place of residence or business of the addressee and a list of documents and papers to be served on that person. Where any special mode of service is desired, this should also be indicated in the request.

ARTICLE 9

1. A request for service of summons and other judicial documents, which is in conformity with the provisions of this Treaty, may not be refused, unless the Requested Party considers that compliance with the request would infringe its sovereignty, security or public order.

2. Service may not be refused on the ground that the request does not show sufficient legal grounds supporting the merits of the case.

3. Whenever the service is not effected, the Requested Party shall notify the Requesting Party of the reasons.

ARTICLE 10

1. The competent authority in the Requested Party shall serve the said documents and papers in accordance with its domestic law and rules applicable in this regard.

2. Service may be effected in a special mode or manner specified by the Requesting Party, provided that it does not contravene the domestic law of the Requested Party and further subject to the payment of costs of such special mode of service.

ARTICLE 11

1. The responsibility of the competent authority in the Requested Party shall be limited to the delivery of the judicial documents and papers to the addressee.

2. Serving of papers will be confirmed by the signature of the person being served, or by a certificate issued by the competent authority showing the name of the person served, the date it was served and the method by which it was carried out. Where service is not effected a statement shall give reason for the failure to serve.

ARTICLE 12

1. The judicial authorities of a Party may, in accordance with the provisions of the domestic law of that Party, request the taking of evidence in civil and commercial matters by means of Letter of Request addressed to the competent judicial authorities of the other Party.

2. For the purpose of this Treaty, taking of evidence shall be deemed to cover:

- (a) The taking of the statements, and
- (b) The production, identification or examination of documents, records or samples requested.

3. A Letter of Request shall specify:

- (a) The judicial or other competent authority requesting the evidence;
- (b) The nature of the proceedings for which the evidence is required and all necessary information related thereto;
- (c) The names and addresses of the parties to the proceedings;
- (d) The evidence to be obtained; and
- (e) The names and addresses of the persons to be examined.

4. Where deemed necessary, the Letters of Request shall be accompanied by a list of questions to be put to the witnesses or other persons involved or a statement

of the subject about which they are to be examined and the documents relevant to such evidence or statement.

ARTICLE 13

1. The competent authorities of the Requested Party shall execute the Letters of Request in accordance with the provisions of its own domestic law and obtain the evidence required by applying the same methods and procedures as are permissible under its domestic law, including the same appropriate methods of compulsion.
2. The Requested Party shall follow any special method or procedure, which has been expressly specified by the Letter of Request insofar as it is not incompatible with its domestic law and practices.
3. The Letters of Request shall be executed as expeditiously as possible.
4. The Requesting Party shall, if it so desires, be informed of the time when, and the place where, the proceedings will take place, in order that the parties concerned, and their representatives if any, may be present. This information shall be sent directly to the parties or their representatives, that are known in the territory of the Requested Party, when the Requesting Party so requests.
5. If the Letter of Request has been executed, the necessary documents establishing its execution, and any relevant evidence, shall be sent to the Requesting Party.
6. In every instance where the Letter of Request is not executed in whole or in part, the Requesting Party shall be informed immediately and advised of the reasons.

ARTICLE 14

1. The execution of a Letter of Request may be refused by the Requested Party only to the extent that:
 - (a) The execution of the letter does not fall within the functions of the judiciary; or
 - (b) The execution of the letter would prejudice its sovereignty, security or public order.
2. Execution may not be refused solely on the ground that under its domestic law the Requested Party claims exclusive jurisdiction over the subject matter of the action or that its domestic law would not admit a right of action on it.

ARTICLE 15

1. The Requested Party shall have the right to seek reimbursement, in accordance with its domestic law, of:

- (a) Any expenses and charges paid to the witnesses, experts or interpreters,
- (b) Any costs incurred to secure the attendance of witnesses who have not appeared voluntarily, and
- (c) Any costs and expenses occasioned by the use of a special procedure on request.

2. If it becomes apparent that execution of a request requires expenses of an extraordinary nature, the Parties shall consult to determine the conditions under which the request can be executed.

ARTICLE 16

Any dispute arising from the interpretation and implementation of this Treaty shall be resolved by consultation through diplomatic channels if the Central Authorities of the Parties are themselves unable to reach agreement.

ARTICLE 17

This Treaty shall apply:

- 1. in relation to the United Kingdom:
 - (a) To England and Wales, Scotland, and Northern Ireland; and
 - (b) To the Isle of Man, Channel Islands and to any other territory for whose international relations the United Kingdom is responsible and to which this Treaty shall have been extended by exchange of notes between the Parties, subject to any modifications agreed by the Parties and to either Party being able to terminate such extension by giving six months written notice to the other through the diplomatic channel;
- 2. To the United Arab Emirates.

ARTICLE 18

1. This Treaty shall be ratified in accordance with the constitutional procedures of the Parties and the Instruments of Ratification shall be exchanged through diplomatic channels.
2. This Treaty shall enter into force thirty days after the receipt of the last Instrument of Ratification.
3. This Treaty may be terminated by either Party at any time upon giving six months' notice to the other. However, requests submitted prior to the notice shall continue to be governed by the provisions of this Treaty until their conclusion.

IN WITNESS THEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Treaty.

DONE in duplicate at London this seventh day of December 2006 in the English and Arabic languages, both texts being equally authentic.

For the Government of the United Kingdom
of Great Britain and Northern Ireland:

FALCONER OF THOROTON C

For the Government of the
United Arab Emirates:

**MOHAMMED NEKHAIRA
AL DHAHERI**



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