

Model for Letters of Request recommended for use in applying the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters

Request for International Judicial Assistance pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters

N.B. Under the first paragraph of Article 4, the Letter of Request shall be in the language of the authority requested to execute it or be accompanied by a translation into that language. However, the provisions of the second and third paragraphs may permit use of English, French or another language.

In order to avoid confusion, please spell out the name of the month in each date.

Please fill out an original and one copy of this form (use additional space if required).

1. Sender

(identity and address)

2. Central Authority of the Requested State

(identity and address)

3. Person to whom the executed request is to be returned

(identity and address)

4. Specification of the date by which the requesting authority requires receipt of the response to the Letter of Request

Date

Reason for urgency*

* Omit if not applicable.

IN CONFORMITY WITH ARTICLE 3 OF THE CONVENTION, THE UNDERSIGNED APPLICANT HAS THE HONOUR TO SUBMIT THE FOLLOWING REQUEST:

5. *a* Requesting judicial authority (Article 3, *a*))

(identity and address)

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b To the competent authority of (Article 3, *a*))

(the requested State)

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c Names of the case and any identifying number

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6. Names and addresses of the parties and their representatives (including representatives in the requested State*) (Article 3, *b*))

a Plaintiff

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Representatives

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b Defendant

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Representatives

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c Other parties

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Representatives

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* Omit if not applicable.

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| 7. <i>a</i> | Nature of the proceedings (divorce, paternity, breach of contract, product liability, etc.) (Article 3, <i>c</i>) | |
| | <i>b</i> Summary of complaint | |
| | <i>c</i> Summary of defence and counterclaim* | |
| | <i>d</i> Other necessary information or documents* | |
| 8. <i>a</i> | Evidence to be obtained or other judicial act to be performed (Article 3, <i>d</i>) | |
| | <i>b</i> Purpose of the evidence or judicial act sought | |
| 9. | Identity and address of any person to be examined (Article 3, <i>e</i>)* | |
| 10. | Questions to be put to the persons to be examined or statement of the subject-matter about which they are to be examined (Article 3, <i>f</i>)* | (or see attached list) |

* Omit if not applicable.

11. Documents or other property to be inspected (Article 3, g))*

12. Any requirement that the evidence be given on oath or affirmation and any special form to be used (Article 3, h))*

(In the event that the evidence cannot be taken in the manner requested, specify whether it is to be taken in such manner as provided by local law for the formal taking of evidence)

13. Special methods or procedure to be followed (e.g. oral or in writing, verbatim, transcript or summary, cross-examination, etc.) (Articles 3, i) and 9)*

(In the event that the evidence cannot be taken in the manner requested, specify whether it is to be taken in such manner as provided by local law)

14. Request for notification of the time and place for the execution of the Request and identity and address of any person to be notified (Article 7)*

15. Request for attendance or participation of judicial personnel of the requesting authority at the execution of the Letter of Request (Article 8)*

* Omit if not applicable.

16. Specification of privilege or duty to refuse to give evidence under the law of the State of origin (Article 11, b))*

(attach copies of relevant laws or regulations)

17. The fees and costs incurred which are reimbursable under the second paragraph of Article 14 or under Article 26 of the Convention will be borne by*

(identity and address)

DATE OF REQUEST

SIGNATURE AND SEAL OF THE REQUESTING AUTHORITY

Erase all entries

Print

* Omit if not applicable.