

MEMORANDUM TO CABINET BY
THE MINISTER OF COMMONWEALTH AND FOREIGN AFFAIRS

International Convention abolishing
the requirement of Legalisation for Foreign Public Documents

This Convention was signed at the Hague in 1961. Its scope is to exempt from legalisation public documents executed in the territory of one Contracting State which have to be produced in the territory of another Contracting State.

2. For the purposes of the Convention, public documents are deemed to be:

- a) documents emanating from authorities or officials connected with the Courts;
- b) administrative documents (other than those dealing directly with commercial or customs operations);
- c) notarial acts;
- d) official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document, or that it was in existence on a certain date, and official and notarial authentications of signatures.

3. The Convention does not apply to documents executed by diplomatic or consular agents.

4. Article 3 of the Convention states that the only formality that may be required in order to certify the authenticity of a signature, the capacity of the person signing and the identity of any seal which the document may bear, is the addition of a certificate in the form of the model annexed to the text of the Convention. This certificate is to be signed by a competent authority designated under article 6 of the Convention, which is usually the Ministry of Foreign Affairs.

5. The Attorney General had in 1964 advised that there would be advantage in extending the Convention to Malta. No legislation is required in Malta to enable this to be done. Extension of the Convention to Malta had in fact been approved in Cabinet on 9th June, 1964, but before this decision

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could take effect, Malta had gained independence.

6. A copy of the Convention is available for perusal at the office of the Secretary to Cabinet.

7. Hon. Ministers are invited to agree to Malta's accession to the Convention and to approve that the authority in Malta competent to issue certificates referred to at paragraph 4 above shall be the Ministry of Commonwealth and Foreign Affairs. The Convention is expected to be signed by most of the countries of the world.

15th July, 1966.