

INTRODUCTORY NOTE

The Commonwealth Law Ministers at their Meetings held in Winnipeg in August 1977 and in Barbados in April/May, 1980 referred to the cooperation between the Commonwealth Secretariat and the Hague Conference on Private International Law and to the desirability of those Commonwealth governments who are not members of the Conference being kept fully informed of developments there. As a consequence of these initiatives, information is being prepared for Commonwealth governments on a number of existing Conventions prepared by the Hague Conference and other international agencies; in general, these Conventions are treaties which are already in force and which are open for accession by States in the Commonwealth.

The papers now presented are principally concerned to provide information about a series of Conventions in the field of succession. One, the Convention on the Conflicts of Laws relating to the Form of Testamentary Dispositions, already has five Commonwealth Contracting States and has been extended by the United Kingdom to 25 other jurisdictions, being her dependencies or former dependencies. The second, the Convention on the Form of an International Will, prepared by UNIDROIT, is also in force, and has been signed by two Commonwealth States and acceded to by Canada and extended by her to a number of Provinces.

The present papers include the text of the two Conventions (in the English version), a commentary on the text of each Convention and guidance as to decisions required prior to accession and as to possible legislation.

In addition, it has been thought useful to provide information about two other Conventions. The first, the Hague Convention concerning the International Administration of the Estates of Deceased Persons, is not yet in force but has been the subject of discussion at Regional Working Meetings of Commonwealth law officers in St. Kitts (1978),

Western Samoa (1979) and Kenya (1980) at which views were expressed favouring further examination of the regime proposed by this Convention. In addition to the English language text, a commentary on the Convention's principal provisions is provided. Detailed examination of the implications of this Convention for particular legal systems is required before any model legislation could be essayed. Accordingly, no guidance as to decisions required prior to accession and as to possible legislation is attempted.

A note is also provided, with the official text, on the Convention on the Establishment of a Scheme of Registration of Wills concluded through the Council of Europe in 1972, accession to which is open, on the invitation of the Committee of Ministers of the Council of Europe, to non-member States.

Further information about the Conventions may be obtained from the appropriate agency.

The address of the Hague Conference is:

The Secretary-General,
The Hague Conference on Private
International Law,
Bureau Permanent,
La Hague, Pays-Bas,
2C Javastraat,
NETHERLANDS.

The address of UNIDROIT is:

International Institute for the
Unification of Private Law,
Via Parisperna, 28 (Palazzo Aldobrandini),
00184 Rome,
ITALY.

The address of the Council of Europe is :

Secretary-General,
Council of Europe,
Palais de L'Europe,
67006 Strasbourg,
CEDEX,
France.