

SCHEDULE 1

Rule 5

PART I

IV—SERVICE OF FOREIGN PROCESS

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PART II

IV—SERVICE OF FOREIGN PROCESS

Scope and definitions

6.32.—(1) This Section of this Part—

- (a) applies to the service in England or Wales of any court process in connection with civil or commercial proceedings in a foreign court or tribunal; but
- (b) does not apply where the Service Regulation applies.
(The Service Regulation is annexed to the relevant practice direction)

(2) In this Section—

- (a) “convention country”—
 - (i) means a foreign country in relation to which there is a civil procedure convention providing for service in that country of process of the High Court; and
 - (ii) includes a country which is a party to the Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters signed at the Hague on 15 November 1965; and
- (b) “process server” means—
 - (i) a process server appointed by the Lord Chancellor to serve documents to which this Section applies, or
 - (ii) his authorised agent.

Request for service

6.33 Process will be served where the Senior Master receives—

- (a) a written request for service—
 - (i) where the foreign court or tribunal is in a convention country, from a consular or other authority of that country; or
 - (ii) from the Secretary of State for Foreign and Commonwealth Affairs, with a recommendation that service should be effected;
- (b) a translation of that request into English;
- (c) two copies of the process to be served; and

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- (d) unless the foreign court or tribunal certifies that the person to be served understands the language of the process, two copies of a translation of it into English.

Method of service

6.34 The process must be served as directed by the Senior Master.

After service

6.35.—(1) The process server must—

- (a) send the Senior Master a copy of the process, and
 - (i) proof of service; or
 - (ii) a statement why the process could not be served; and
- (b) if the Senior Master directs, specify the costs incurred in serving or attempting to serve the process.

(2) The Senior Master will send the following documents to the person who requested service—

- (a) a certificate, sealed with the seal of the Supreme Court for use out of the jurisdiction, stating—
 - (i) when and how the process was served or the reason why it has not been served; and
 - (ii) where appropriate, an amount certified by a costs judge to be the costs of serving or attempting to serve the process; and
- (b) a copy of the process.