

## SCHEDULE 1

### 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
- (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

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- (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.