
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 6

SERVICE OF DOCUMENTS

Service out of the jurisdiction

Procedure where service is to be through foreign governments, judicial authorities and British Consular authorities

6.17.—(1) This rule applies where an application form or other document is to be served under rule 6.16(1) or (2).

(2) Where this rule applies, the person wishing to serve must file—

- (a) a request for service of the application form or other document, by specifying one or more of the methods in rule 6.16(1) or (2);
- (b) a copy of the application form or other document;
- (c) any other documents or copies of documents required by Practice Direction 6B; and
- (d) any translation required under rule 6.18.

(3) When the person wishing to serve files the documents specified in paragraph (2), the court officer must—

- (a) seal, or otherwise authenticate with the stamp of the court, the copy of the application form; and
- (b) forward the documents to the Senior Master of the Queen's Bench Division.

(4) The Senior Master shall send documents forwarded under this rule—

- (a) where the application form or other document is being served through the authority designated under the Service Convention, to that authority; or
- (b) in any other case, to the Foreign and Commonwealth Office with a request that it arranges for the application form or other document to be served.

(5) An official certificate which—

- (a) states that the method requested under paragraph (2)(a) has been performed and the date of such performance;
- (b) states, where more than one method is requested under paragraph (2)(a), which method was used; and
- (c) is made by—
 - (i) a British Consular authority in the country where the method requested under paragraph (2)(a) was performed;
 - (ii) the government or judicial authorities in that country; or

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(iii) the authority designated in respect of that country under the Service Convention, is evidence of the facts stated in the certificate.

(6) A document purporting to be an official certificate under paragraph (5) is to be treated as such a certificate unless it is proved not to be.