

GUIDELINES FOR COMPLETING THE MODEL FORM

These guidelines will help you complete the [Model Form](#) annexed to the *Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*.

The [Model Form](#) is comprised of three (3) parts:

Part 1 – Request

Part 2 – Certificate

Part 3 – Summary + Warning

Which parts to complete?

<p>If you are using the <i>main channel of transmission</i>...</p> <p style="text-align: center;">↓</p> <p>The use of the Model Form is <i>mandatory</i>.</p> <p>Complete Part 1 (Request) and Part 3 (Summary + Warning). The use of the Warning is recommended (but not mandatory)</p> <p>Do <i>not</i> complete Part 2, which will be completed later by the Central Authority or other competent authority in the requested State.</p>	<p>If you are using an <i>alternative channel of transmission</i>...</p> <p style="text-align: center;">↓</p> <p>The use of the Model Form is <i>recommended</i> (but not mandatory).</p> <p>Complete Part 3 <i>only</i> (Summary + Warning).</p> <p>Do <i>not</i> complete Part 1 and Part 2.</p>
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Choosing a bilingual or trilingual [Model Form](#): The Permanent Bureau has developed several bilingual and trilingual fillable forms in both Word and PDF formats, which can be easily completed and saved (available on the [Service Section](#) of the Hague Conference website (< www.hcch.net >)). Check if there is a bilingual or trilingual form that would suit your needs. In the absence of a trilingual form in the desired language, use the bilingual forms (English/French or French/English).

Filling out the fields: Complete the [Model Form](#) electronically using a word processor. Use plain, understandable language and avoid unnecessary legal or technical language. Do not change or rearrange the items in the [Model Form](#). Write out dates in full (e.g., 1 January 2014). If a particular item does not apply, insert “not applicable” or “n/a” or otherwise indicate that this item is not applicable. The **notes** accompanying this form provide further information on filling out each field.

Language: The fields in the [Model Form](#) must be filled out in English, French, or (one of) the official language(s) of the [requested State](#) (Art. 7(2)).

Copies: Part 1 of the [Model Form](#) (Request for service) and the document to be served must be furnished in *duplicate* (Art. 3(2)), except if service is made in electronic form.

No legalisation: The Request does not need to be legalised (or apostilled) (Art. 3(1)). This exemption also applies to the documents to be served.

Translation of the documents to be served: The [requested State](#) may require that the documents to be served be translated into (one of) its official language(s) (Art. 5(3)). To find out the requirements of the [requested State](#), check the [practical information chart](#) for that State or contact the [Central Authority](#) of that State.

Costs: Although services rendered by the [Central Authority](#) are free of charge, you may be required to reimburse the costs occasioned by the employment of a judicial officer or other competent person to effect service, or for the use of a particular method of service requested by you (Art. 12(2)). To find out whether service in the [requested State](#) gives rise to these costs, and whether the [requested State](#) requires reimbursement of them, check the [practical information chart](#) for that State.

Terminology: In this Form:

Applicant means the [forwarding authority](#) (see below).

Central Authority means the authority designated by a Contracting State to receive requests for service from the [requesting State](#) and to execute them or cause them to be executed.

C&R of the SC refers to the Conclusions & Recommendations of the Special Commission.

Convention means the *Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*, the full text of which is available on the [Service Section](#) of the Hague Conference website.

Forwarding authority means the authority or judicial officer competent under the law of the [requesting State](#) to forward requests for service to the [Central Authority](#) of the [requested State](#).

Hague Conference on Private International Law (or *Hague Conference*) means the intergovernmental organisation under whose auspices the [Convention](#) was negotiated and adopted.

Model Form means the form annexed to the Service Convention.

Practical information chart means the chart for a given Contracting State, which is available on the [Service Section](#) of the Hague Conference website under “[Central and other Authorities](#)”.

Requested State means the State to which the request for service is addressed.

Requesting authority means the [forwarding authority](#) (see above).

Requesting State means the State from which the request for service is issued.

Further information: For further information on serving documents abroad under the [Convention](#), visit the [Service Section](#) of Hague Conference website, at < www.hcch.net >.

NOTES ON THE MODEL FORM

Note 1: The blanks of the Model Form must be filled out in English or in French or in the language of the requested State.

Note 2: Where service is to be effected on multiple persons, a separate request for service may need to be issued for each person. If in doubt, contact the Central Authority of the requested State to check whether separate Requests for Service are needed.

NOTES ON PART 1 – REQUEST

Item 1: The name of the plaintiff, or of the counsel representing the plaintiff (when different from the forwarding authority), should *not* be included in this box. A current list of forwarding authorities is available on the Service Section.

Item 2: A comprehensive and updated list of contact details of Central Authorities is available on the Service Section.

Item 3: Fill out this field *carefully*. The Convention does not apply if the address of the person to be served with the document is not known (Art. 1(2)). Where available, insert the addressee's date of birth (C&R No 30 of the 2009 SC). For Requests addressed to Contracting States that use a writing system other than the Latin alphabet, it might also be helpful to include the name and address of the recipient in (one of) the official language(s) of that State.

Option a): Select this option (by checking the corresponding box) if you would like the documents to be served by a method prescribed by the internal law of the requested State (formal service) **and chosen by that State**. The most common methods of service are personal service or service by post. Costs may be incurred if a **judicial officer or a person competent** under the law of the State of destination is employed to effect service (Art. 12(2)(a)).

Option b): Select this option (by checking the corresponding box) if you would like the documents to be served by a particular method. Describe the specific method requested in the field. Note that costs may be incurred when a particular method is chosen (Art. 12(2)(b)).

Option c): Select this option (by checking the corresponding box) if you would like the documents to be served by delivery to an addressee who **accepts it voluntarily** (informal delivery). The available methods of effecting informal delivery vary among Contracting States and may include postal service, personal service in court in response to summons to attend for service, or service by procedural agents or police.

NOTES ON PART 2 – CERTIFICATE

Note 1: The Certificate is to be completed by the Central Authority or other competent authority of the requested State (Art. 6). As such, the forwarding authority should leave the Certificate blank.

Note 2: Properly completed Certificates should be returned to the forwarding authority (C&R No 26 of the 2014 SC).

The Certificate contemplates two main options depending on whether or not the documents have been served:

Option 1: Select this option (by checking the corresponding box) if the documents have been served and proceed to answer items 1-4.

Option 2: Select this option (by checking the corresponding box) if the documents have not been served and proceed to answer item 5. Do not complete items 1-4.

Item 1: The date of service is important to both plaintiff and defendant. Write out the date in full.

Item 2: The place where service has occurred should be indicated here. If your State uses a writing system other than the Latin alphabet, it might also be helpful to include the address in the Latin alphabet if this is used in the requesting State.

Option a): Select this option (by checking the corresponding box) if the documents have been served by a method prescribed by the internal law of your State (formal service). Specify the provisions in the law of your State under which service was effected or include them by way of an attachment (C&R No 30 of the 2009 SC).

Option b): Select this option (by checking the corresponding box) if the documents have been served by a particular method requested by the forwarding authority. If necessary, describe the specific method requested in this field.

Option c): Select this option (by checking the corresponding box) if the documents have been served by delivery to an addressee who accepts them voluntarily (informal delivery).

Item 5: The facts/reasons why service failed are of great importance, because they will determine the course of action that the plaintiff/court will take. Where the defendant cannot be physically located, some States proceed to effect substituted service (e.g., service by publication or by electronic means). Indicate in this field if the address of the defendant was no longer valid, fictitious or incorrect, or if the defendant could not otherwise be found. If informal delivery was attempted, specify if service failed because the defendant did not accept the documents voluntarily.

Item on costs: The requested State may require the forwarding authority to pay the costs associated with effecting service whether or not the document has been served in accordance with Article 12(2) of the Convention. Select this option if any costs need to be reimbursed and attach a statement with a breakdown of such costs if need be.

NOTES ON PART 3 – SUMMARY + WARNING

For the Warning

Item 1: When the document is not sent to or served upon the addressee in his or her private capacity, the addressee should be informed that he or she is receiving it in an alternative capacity (e.g., as director of a company, tutor, representative of an estate, trustee, receiver in bankruptcy, etc.).

Item 2: Examples of authorities or organisations that may be qualified to give details on the availability of legal aid or advice include the court seised, legal aid bureau, or law society.

For the Summary

Note: *The Summary distinguishes between judicial documents and extrajudicial documents. Any document relating to litigation, including summary proceedings or uncontested proceedings, e.g., summons, judgment, order or application, is regarded as a judicial document. Any other legal document is to be classified as an extrajudicial document.*

Item 3: If you are using an *alternative channel of transmission*, insert the name, address, telephone number and e-mail address of the authority or person who caused the document to be issued.

Item 4: Where an *extrajudicial document* is concerned, the name and address of the person interested in the transmission of the document should be indicated. In the case of a judgment, the names of the person/party entitled to the judgment, and the person/party against whom the judgment is rendered, should be entered.

For requests to serve judicial documents

Item 5: The *nature and purpose of the document* refers to the legal classification of the document, for example, writ of summons, judgment, order, etc. A brief summary of the contents of the document (e.g., claim or judgment for divorce, alimony or maintenance, or for damages) falls under the “purpose of the document”. When the document relates to legal proceedings, the reference to the purpose of the document may be expressed very briefly, since the nature and purpose of the proceedings will be described more in detail under **item 6**.

Item 6: Under this item, the remedy or relief sought by the claimant should be mentioned more in detail than under the preceding item. Thus, for instance, when a sum of money is claimed, the exact sum should be mentioned as well as, where appropriate, a brief description of the grounds for the claim.

Item 7: If the recipient who is to take action on the document sent or served abroad is required to enter an appearance before a court or an authority, the exact date and place for entering the appearance should be mentioned under this item. If possible, it may be appropriate to mention the qualifications which are required for representation (e.g., a lawyer authorised by the court concerned). If there is no need for the recipient to enter appearance, insert “not applicable” or “n/a” or otherwise indicate that this item is not applicable.

Items 8 and 9: In some cases it may be appropriate to mention the *address* of the court, e.g., when the judgment is a default judgment and the person against whom the judgment was entered has the possibility to apply to that court for the re-opening of the judgment on the grounds of default. If no judgment has been rendered, insert “not applicable” or “n/a” or otherwise indicate that this item is not applicable.

Item 10: Any time-limit stated in the document for the institution of legal proceedings, or review of a judgment or a decision, should be mentioned under this item. If there are no time-limits in the document, insert “not applicable” or “n/a” or otherwise indicate that this item is not applicable.

For requests to serve extrajudicial documents

Item 11: *The nature and purpose of the document* refers to the legal classification of the document.

Item 12: If there are no time-limits in the document, insert “not applicable” or “n/a”, or otherwise indicate that this item is not applicable.