

Questionnaire relating to the *Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (Service Convention)*

Responding State:

United Kingdom

I. General Feedback

1. How does your State rate the general operation of the Service Convention?

(d) Requires improvement.

"The comments from England & Wales are that: The most common problems with incoming requests are: ♣ Not using Hague Model Form ♣ Address incomplete/incorrect/out of date ♣ Form handwritten and illegible ♣ Defendant is a prisoner and prison number not provided ♣ Two defendants for service on one request ♣ Only one set of documents provided (two are required) ♣ Translation not provided, without explanation ♣ Incomplete summary of documents for service Problems experienced with outgoing requests include: • A substantial number (c 25%) of requested states do not acknowledge the request • Although the success rate in achieving service is high overall , there are a small number of countries, four in particular, where service either does not take place at all or takes a very long time, sometimes 1-2 years The Central Authorities of Scotland and Northern Ireland have rated the general operation of the Convention as satisfactory."

"Scotland and Northern Ireland rated the general operation of the Convention as satisfactory."

2. How does your State rate the useability of the HCCH [Practical Handbook on the Operation of the Service Convention](#)?

(b) Good.

"Northern Ireland rated the usability of the Practical Handbook as satisfactory."

3. Does your State's Central Authority have a manual or electronic case management register or system that is used to track incoming requests under the Service Convention?

(d) Yes – manual for incoming and outgoing.

4. If your State's Central Authority has oversight for all outgoing requests, please indicate if there is a system used to track the progress of these.

(b) Yes – manual.

II. Scope of the Convention

5. In the previous five years*, has your State experienced any difficulties in interpreting the scope of the Service Convention?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(d) No.

A. Extrajudicial documents

6. Is the concept of “extrajudicial documents” (Art. 17) defined in the internal law of your State?

(b) No.

“The concept of “extrajudicial documents” is defined in the internal law of Northern Ireland.”

7. What types of extrajudicial documents are **transmitted** under the Service Convention by your State?

“None”

III. Operation of the Convention

Requesting State refers to the State from which a request for service is, or will be, issued.

Requested State refers to the State to which a request for service is, or will be, addressed.

8. As the **requested State**, does your State provide assistance to locate a person to be served under the Service Convention?

(The Special Commission, at its 2014 meeting, encouraged Contracting Parties to provide such assistance consistent with their legal and structural capabilities, when able to do so, see C&R No 23.)

(b) No.

9. As the **requesting State**, how would your State transmit a document for service upon another State, a State official, or a State-owned company?

(c) Other.

10. As the **requested State**, how is a request for service on your State, State official or State-owned company executed?

“The Civil Procedure Rules for England and Wales provides the addresses to be used for service in any proceedings against the Crown, which includes Government Departments. The method of service is the same as those permitted for service on other persons or entities.”

11. Does your State serve judicial and extrajudicial documents in the same way?

(a) Yes.

“In Scotland the response is unknown.”

A. Main Channel of Transmission (Art. 5)

12. In your State, what are the authorities or who are the persons competent to forward a request for service to a foreign Central Authority?

(f) Central Authority(ies).

13. Do outgoing requests for service have to be transmitted through your State’s Central Authority?

(a) Yes.

“For Scotland, the response is no outgoing requests do not have to be submitted through the State’s Central Authority.”

14. As the **requested State**, when no particular method is requested by the applicant, what is the primary / default method of service? (Art. 5(1)(a))

(b) Personal service.

"In Scotland, post is the primary/default method of service."

15. In the previous five years*, as the **requested State**, has your State **received** a request with a particular method of service requested by the applicant? (Art. 5(1)(b))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

"In Northern Ireland the response is no."

15.1. If yes, what method of service was requested?

(a) Personal service.

(b) By post.

(d) By e-mail.

15.2. If yes, was the requested method of service able to be executed?

(c) Unknown.

16. In the previous five years*, as the **requesting State**, has your State's forwarding authorities requested a particular method of service? (Art. 5(1)(b))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

"In Northern Ireland the response is no."

16.1. If yes, what particular method of service was requested?

(a) Personal service.

(b) By post.

(c) Court summons.

16.2. If yes, was the requested method of service able to be executed?

(c) Unknown.

16.3. If yes, were there costs associated with this method of service?

(b) No.

B. Alternative Channels of Transmission (Arts 8, 9 & 10)

State of origin refers to the State in which proceedings are commenced and where the document to be served originates.

State of destination refers to the State where service is, or will be, effected.

1. Model Form

Use of the Model Form is mandatory for the main channel of transmission. The Special Commission, at its 2009 meeting, urged State Parties to widely encourage the use of the part of the Model Form containing the “Summary”, accompanied by the “Warning” (see C&R No 31).

17. As the **State of origin**, does your State use the “Warning” and “Summary” sections of the Model Form when transmitting a request through alternative channels?

(a) Always.

“In Northern Ireland the response is not applicable. This is due to the objection made on the use of alternative channels.”

18. As the **State of destination**, does your State use the “Certificate” section of the Model Form when informing whether documents have been served (in response to a request received through alternative channels)?

(a) Always.

“In Scotland it is unknown whether the “Certificate” section is used, and in Northern Ireland the response is not applicable, due to the objection made on the use of alternative channels.”

2. Diplomatic and Consular Agents (Art. 8)

19. In the previous five years*, have the diplomatic or consular agents of your State directly effected service of judicial or extrajudicial documents upon a person abroad? (Art. 8(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

20. In the previous five years*, has service by diplomatic or consular agents of your State been rejected by the addressee? (Art. 8(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

3. Diplomatic and Consular Channels (Art. 9)

21. In the previous five years*, has your State used consular channels to forward documents? (Art. 9(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

“The response of ‘yes’ on the online questionnaire reflects the fact that Scotland has used consular channels to forward documents. This has not happened in Northern Ireland, and in England & Wales it is unknown.”

22. In the previous five years*, under exceptional circumstances, has your State used diplomatic channels to forward documents? (Art. 9(2))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

4. Postal Channel (Art. 10(a))

23. Has your State (as the **State of destination**) objected to service under Article 10(a)?

(b) No.

- 23.1. If an objection has been made under Article 10(a), does your State continue to use postal channels for service as the State of origin, despite the objection?

N/A

- 23.2. If no objection has been made, does your State, as the **State of destination**, accept the use of postal channels for service from other States of origin that have made an objection under Article 10(a)?

(a) Yes.

- 23.3. If no objection has been made, which of the following categories does your State recognise as a “postal channel” under Article 10(a)?

(a) Regular post.

(b) Registered (tracked) post, with receipt.

- 23.4. If no objection has been made, more specifically, would your State consider service by e-mail to be analogous to service by postal channels under Art. 10(a)?

(b) No.

- 23.5. If no objection has been made, does your State require the documents served to be translated into one of your State’s official languages?

(b) No.

5. Judicial Officers, Officials or other Competent Persons (Art. 10(b))

24. Has your State objected to service under Article 10(b)?

(b) No.

24.1. If no objection has been made, which of the following categories does your State recognise as a “judicial officer, official or other competent person” under Article 10(b), either for sending or receiving?

- (a) Attorney or solicitor.
- (b) Bailiff.
- (c) *Huissier*.
- (d) Court official.
- (g) Process server.

“We would like to add that Scotland has a Messengers-at-Arms which are equivalent to hussiers. In Northern Ireland service can be by court bailiff.”

24.2. If no objection has been made, how does this channel of transmission operate in practice?

“It seems to operate satisfactorily, but we have no statistics on this.”

24.3. If no objection has been made, are there costs associated with this channel of transmission?

- (a) Yes.
“Only if a process server is used. In England and Wales if a process server is used. In Scotland if service is by a Messenger-at-Arms. In Northern Ireland if a process server is used.”

“In England & Wales there are costs if a process server is used. In Scotland there are costs if service is by a Messenger-at-Arms. In Northern Ireland, there are costs if a process server is used.”

6. Person Interested in a Judicial Proceeding (Art. 10(c))

25. Has your State objected to service under Article 10(c)?

(b) No.

“In Northern Ireland there has been an objection to service under Article 10(c).”

25.1. If no, which of the following categories does your State recognise as “any person interested in a judicial proceeding” under Article 10(c), either for sending or receiving?

- (a) Attorney or solicitor.
- (b) Bailiff.
- (c) *Huissier*.

“We would like to add that Scotland has a Messengers-at-Arms which are equivalent to hussiers.”

25.2. If no, how does this channel of transmission operate in practice?

“It seems to operate satisfactorily, but we have no statistics on this.”

25.3. If no, are there costs associated with this channel of transmission?

(b) No.

“There are costs associated with this channel of transmission if it is in Scotland and a Messenger-at-Arms has been used.”

C. Refusal to Execute Request (Art. 13)

26. In the previous five years*, has your State refused a request for service on grounds of infringing “sovereignty or security”?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

“This is ‘unknown’ in England & Wales and in Scotland, but the response is ‘no’ from Northern Ireland.”

27. In the previous five years*, has a request from your State been refused on grounds of infringing “sovereignty or security”?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

“In Northern Ireland the response is no, a request has not been refused on these grounds.”

IV. Use of Information Technology

In 2019, the PB circulated a questionnaire on the use of information technology in relation to the operation of the Service Convention. That survey was concluded prior to the COVID-19 pandemic. The questions below seek information from Contracting Parties on the use of technology and in light of the pandemic.

28. Has your State taken any steps (including through legislation) to enable or increase the use of technology to facilitate the operation of the Service Convention, including in response to the COVID-19 pandemic?

(b) No.

29. Do the forwarding authorities of your State transmit requests under the Service Convention electronically?

(b) No.

- 29.1. If yes, what methods of transmission do the forwarding authorities of your State use?

N/A

30. Does your State’s Central Authority accept requests under the Service Convention transmitted electronically in circumstances where **only** an electronic copy is provided (and where a paper copy is not subsequently provided)?

(b) No.

30.1. If yes, what methods of transmission does your State accept?

N/A

30.2. If no, please provide further information about why this is not yet possible.

"It seems to operate satisfactorily, but we have no statistics on this."

31. Does your State permit execution of service via electronic means?

(h) No.

31.1. If no, what are your State's reasons for refusing to execute the requests for service to be performed by using information technology?

(b) Use of technology is not provided for internal law.

32. What challenges, if any, has your State faced regarding the use of information technology under the Service Convention?

(b) Internal law limitations.

33. In your State's opinion, what further work could the PB do on the use of information technology under the Service Convention?

(a) None.

"Here, England and Wales and Northern Ireland suggest the PB need not do further work, but Scotland has suggested the Development of a Guide to Good Practice."

34. In addition to the Service Convention, is your State a Party to any bilateral, regional, or multilateral agreements that provide rules for the service of documents abroad?

(a) Yes.

For Parties that answered "yes" to Q34 above:

34.1. Do any of these agreements provide for the use of electronic means (e.g., e-mail) to transmit or execute requests for service?

(b) No.

V. 2023 Meeting of the Special Commission & Monitoring

35. What are the three key topics or practical issues related to the Service Convention that your State would like discussed at the 2023 meeting of the Special Commission?

1. *“Completion of the Hague Model Form, additional information on forms - specifically contact details of requesting authorities. and translation requirements on country profile”*
2. *“Acknowledgement of receipt of documents for service and timely notification of whether service has been successfully achieved”*
3. *“Whether time limits/targets could be set for actions under the Convention, as is the case with the EU Service Regulation, to encourage a more timely response”*

35.1. Please indicate whether the information provided in Q35 above may be published.

- (a) Yes.

36. Does your State have any suggestions that could assist in the promotion, implementation, or operation of the Service Convention?

- (a) Yes.
“Encouragement to contracting states to: • Respond to requests in a timely matter; • To provide sufficient and up to date information for outgoing requests; • To send outgoing requests for service of notification of a court hearing with sufficient time in advance of the hearing.”

36.1. If the answer to Q36 above is “yes”, please indicate whether the information provided may be published.

- (a) Yes.

37. The PB is in the process of revising the Service Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals you recommend for inclusion?

- (a) Yes.
“AS set out in answers to Q35 and Q36.”

37.1. If the answer to Q37 above is “yes”, please indicate whether the information provided may be published.

- (a) Yes.

DATA & STATISTICS FOR CONTRACTING PARTIES

I. Statistics under Main Channel of Transmission (Art. 5)

A. Incoming Requests

1. How many incoming requests for service did your State receive under the main channel of transmission (Art. 5) in each of the following years?

2017	<i>"England & Wales - We do not have exact records for 2017 and 2018 but the approximate average per annum was 19,000. Northern Ireland - 37. Scotland - 139."</i>
2018	<i>"England & Wales - as above. Northern Ireland - 35. Scotland - 100."</i>
2019	<i>"England & Wales - 11,403. Northern Ireland - 19. Scotland - 81."</i>
2020	<i>"England & Wales - 20,467. Northern Ireland - 7. Scotland - 106."</i>
2021	<i>"England & Wales - 14,397. Northern Ireland - 230. Scotland - 527."</i>
2022	<i>"Data Unavailable for England & Wales & Northern Ireland. Scotland - 569."</i>
Unknown – please explain.	
-	

2. Which three States made the most requests?

Requesting State	Number
<i>"England & Wales - Poland. Northern Ireland - Turkey. Scotland - Poland."</i>	<i>"England & Wales - Unknown. Northern Ireland - Unknown. Scotland - 518."</i>
<i>"England & Wales - France. Northern Ireland - USA. Scotland - Turkey."</i>	<i>"England & Wales - Unknown. Northern Ireland - Unknown. Scotland - 185."</i>
<i>"England & Wales - Italy. Northern Ireland - Russia."</i>	<i>"Unknown"</i>

3. If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017		x			
2018		x			
2019		x			
2020		x			
2021			x		
2022 (if data available)			x		

Unknown – *please explain.*
-

Northern Ireland

	< 1	1-3	3-6	6-12	> 12
2017		x			
2018		x			
2019		x			
2020			x		
2021		x			
2022 (if data available)		x			
Unknown – <i>please explain.</i> -					

Scotland:

	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019		x			
2020		x			
2021		x			
2022 (if data available)			x		
Unknown – <i>please explain.</i> -					

4. How many of these incoming requests for service did your State receive via **electronic transmission** in each of the following years?

2017	0
2018	0
2019	0
2020	0
2021	0
2022	0
Unknown – <i>please explain.</i> -	

5. How many incoming requests for service did your State **execute for service** via electronic means in each of the following years?

This is regardless of whether a paper copy of the documents was subsequently provided.

2017	0
2018	0
2019	0
2020	0
2021	0
2022	0
Unknown – <i>please explain.</i>	
-	

6. Are execution times for electronically transmitted requests for service generally faster than those transmitted by post?

(e) Not applicable.

B. Outgoing Requests

7. How many outgoing requests for service did your State make under the main channel of transmission (Art. 5) in each of the following years?

2017	<i>"England & Wales - We do not have exact records for 2017 and 2018 but the approximate average per annum was 800 Northern Ireland - 5 Scotland - 26"</i>
2018	<i>"England & Wales - We do not have exact records for 2017 and 2018 but the approximate average per annum was 800 Northern Ireland - 1 Scotland - 15"</i>
2019	<i>"England & Wales - 648 Northern Ireland - 3 Scotland - 17"</i>
2020	<i>"England & Wales - 909 Northern Ireland - 3 Scotland - 22"</i>
2021	<i>"England & Wales - 942. Northern Ireland - 9. Scotland - 56"</i>
2022	<i>"England & Wales - 620. Northern Ireland - 5. Scotland - 59"</i>
Unknown - <i>please explain.</i>	
-	

8. Which three States were the subject of the most requests?

Requesting State	Number
<i>"Switzerland"</i>	<i>"Unknown"</i>
<i>"England & Wales - Germany. Northern Ireland - USA"</i>	<i>"Unknown"</i>
<i>"England & Wales - France. Northern Ireland - Russia"</i>	<i>"Unknown"</i>

9. How many outgoing requests for service did your State make via electronic transmission under the main channel of transmission (Art. 5) in each of the following years?

2017	<i>"England & Wales and Northern Ireland - 0. Scotland - 0"</i>
2018	<i>"England & Wales and Northern Ireland - 0. Scotland - 0"</i>
2019	<i>"England & Wales and Northern Ireland - 0. Scotland - 0"</i>
2020	<i>"England & Wales and Northern Ireland - 0. Scotland - 0"</i>
2021	<i>"England & Wales and Northern Ireland - 0. Scotland - 5 (all US cases as they will only accept electronically)"</i>
2022	<i>"England & Wales and Northern Ireland - 0. Scotland - 1 (see explanation at 2021)"</i>
Unknown - <i>please explain.</i>	
-	

II. Statistics under Alternative Channels of Transmission

10. Does your State have statistics on incoming requests under alternative channels of transmission?

- (a) Yes, Article 8.
- (b) Yes, Article 9.
- (c) Yes, Article 10(a).
- (d) Yes, Article 10(b).
- (e) Yes, Article 10(c).
- (f) No, none of the above.

10.1. If yes, how many (total) incoming requests for service did your State receive under the alternative channels of transmission in each of the following years?

N/A

III. Refusals (Art. 13)

11. If applicable, please indicate how many incoming requests for service your State refused to comply with between 2017 and 2022?

“Not known”

12. If applicable, please indicate how many outgoing requests for service transmitted by your State were refused between 2017 and 2022?

“Not known”

CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS

I. Case Law

Please list all your State's judicial decisions that have considered the Service Convention since 2014 and provide a link to, or upload the decisions (in PDF format only).

"England & Wales - Please see File A Northern Ireland – Cynthia Beattie Trading as Beattie Transport and Man Truck and Bus SE and Man SE [2022] NIMaster1 Jack O'Shea and SH&SCT [2014] NIMaster7"

2 files uploaded.

II. Additional Documents

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

"Please see attached files"

2 files uploaded.

PUBLICATION OF RESPONSES

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

- (a) Yes.