

PRACTICE DIRECTION 6B – SERVICE OUT OF THE JURISDICTION

This Practice Direction supplements Part 6 of the Court of Protection Rules 2017

Scope of this Practice Direction

1.1. This Practice Direction supplements rules 6.11 to 6.19 (service out of the jurisdiction) of Part 6.

Documents to be filed under rule 6.17(2)(c)

2.1. A party must provide the following documents for each party to be served out of the jurisdiction—

(1) a copy of the application form and any other relevant documents;

(2) a duplicate of the application form, copies of any documents accompanying the application and copies of any other relevant documents;

(3) forms for responding to the application; and

(4) any translation required under rule 6.18 in duplicate.

2.2, Some countries require legalisation of the document to be served and some require a formal letter of request which must be signed by the Senior Master. Any queries on this should be addressed to the Foreign Process Section (Room E16) at the Royal Courts of Justice.

Service in a Commonwealth State or British overseas territory

3.1. The judicial authorities of certain Commonwealth States which are not a party to the Hague Convention require service to be in accordance with rule 6.16(1)(b)(i) and not 6.16(3). A list of such countries can be obtained from the Foreign Process Section (Room E02) at the Royal Courts of Justice.

3.2 The list of British overseas territories is contained in Schedule 6 to the British Nationality Act 1981. For ease of reference, these are—

- (a) Anguilla;
- (b) Bermuda;
- (c) British Antarctic Territory;
- (d) British Indian Ocean Territory;
- (e) British Virgin Islands;
- (f) Cayman Islands;
- (g) Falkland Islands;
- (h) Gibraltar;
- (i) Montserrat;
- (j) Pitcairn, Henderson, Ducie and Oeno;
- (k) St. Helena and Dependencies;
- (l) South Georgia and the South Sandwich Islands;
- (m) Sovereign Base Areas of Akrotiri and Dhekelia; and
- (n) Turks and Caicos Islands.

Period for responding to an application

4.1 Where rule 6.13(4) applies, the periods within which the respondent must file an acknowledgment of service or an answer to the application is the number of days listed in the Table after service of the application.

4.2 Where an application is served out of the jurisdiction any statement as to the period for responding to the application contained in any of the forms required by the Court of Protection Rules to accompany the application must specify the period prescribed under rule 6.13.

Period for responding to a document other than an application

5.1 Where a document other than an application is served out of the jurisdiction, the period for responding is 7 days less than the number of days listed in the Table.

Further information

5.2 Further information concerning service out of the jurisdiction can be obtained from the Foreign Process Section, Room E16, Royal Courts of Justice, Strand, London WC2A 2LL (telephone 020 7947 6691).

TABLE

Place or country	number of days
Afghanistan	23
Albania	25
Algeria	22
Andorra	21
Angola	22
Anguilla	31
Antigua and Barbuda	23
Antilles (Netherlands)	31
Argentina	22
Armenia	21
Ascension Island	31
Australia	25
Austria	21
Azerbaijan	22
Azores	23
Bahamas	22
Bahrain	22
Balearic Islands	21
Bangladesh	23
Barbados	23
Belarus	21
Belgium	21
Belize	23
Benin	25
Bermuda	31

Bhutan	28
Bolivia	23
Bosnia and Herzegovina	21
Botswana	23
Brazil	22
British Virgin Islands	31
Brunei	25
Bulgaria	23
Burkina Faso	23
Burma	23
Burundi	22
Cambodia	28
Cameroon	22
Canada	22
Canary Islands	22
Cape Verde	25
Caroline Islands	31
Cayman Islands	31
Central African Republic	25
Chad	25
Chile	22
China	24
China (Hong Kong)	31
China (Macau)	31
China (Taiwan)	23
China (Tibet)	34
Christmas Island	27
Cocos (Keeling) Islands	41
Colombia	22
Comoros	23
Congo (formerly Congo Brazzaville or French Congo)	25
Congo (Democratic Republic)	25
Corsica	21
Costa Rica	23
Croatia	21
Cuba	24
Cyprus	31
Czech Republic	21
Denmark	21
Djibouti	22
Dominica	23
Dominican Republic	23

East Timor	25
Ecuador	22
Egypt	22
El Salvador	25
Equatorial Guinea	23
Eritrea	22
Estonia	21
Ethiopia	22
Falkland Islands and Dependencies	31
Faroe Islands	31
Fiji	23
Finland	24
France	21
French Guyana	31
French Polynesia	31
French West Indies	31
Gabon	25
Gambia	22
Georgia	21
Germany	21
Ghana	22
Gibraltar	31
Greece	21
Greenland	31
Grenada	24
Guatemala	24
Guernsey	21
Guinea	22
Guinea-Bissau	22
Guyana	22
Haiti	23
Holland (Netherlands)	21
Honduras	24
Hungary	22
Iceland	22
India	23
Indonesia	22
Iran	22
Iraq	22
Ireland (Republic of)	21
Ireland (Northern)	21
Isle of Man	21

Israel	22
Italy	21
Ivory Coast	22
Jamaica	22
Japan	23
Jersey	21
Jordan	23
Kazakhstan	21
Kenya	22
Kiribati	23
Korea (North)	28
Korea (South)	24
Kosovo	21
Kuwait	22
Kyrgyzstan	21
Laos	30
Latvia	21
Lebanon	22
Lesotho	23
Liberia	22
Libya	21
Liechtenstein	21
Lithuania	21
Luxembourg	21
Macedonia	21
Madagascar	23
Madeira	31
Malawi	23
Malaysia	24
Maldives	26
Mali	25
Malta	21
Mariana Islands	26
Marshall Islands	32
Mauritania	23
Mauritius	22
Mexico	23
Micronesia	23
Moldova	21
Monaco	21
Mongolia	24
Montenegro	21

Montserrat	31
Morocco	22
Mozambique	23
Namibia	23
Nauru	36
Nepal	23
Netherlands	21
Nevis	24
New Caledonia	31
New Zealand	26
New Zealand Island Territories	50
Nicaragua	24
Niger (Republic of)	25
Nigeria	22
Norfolk Island	31
Norway	21
Oman (Sultanate of)	22
Pakistan	23
Palau	23
Panama	26
Papua New Guinea	26
Paraguay	22
Peru	22
Philippines	23
Pitcairn, Henderson, Ducie and Oeno Islands	31
Poland	21
Portugal	21
Portuguese Timor	31
Puerto Rico	23
Qatar	23
Reunion	31
Romania	22
Russia	21
Rwanda	23
Sabah	23
St. Helena	31
St. Kitts and Nevis	24
St. Lucia	24
St. Pierre and Miquelon	31
St. Vincent and the Grenadines	24
Samoa (U.S.A. Territory) (See also Western Samoa)	30
San Marino	21

Sao Tome and Principe	25
Sarawak	28
Saudi Arabia	24
Scotland	21
Senegal	22
Serbia	21
Seychelles	22
Sierra Leone	22
Singapore	22
Slovakia	21
Slovenia	21
Society Islands (French Polynesia)	31
Solomon Islands	29
Somalia	22
South Africa	22
South Georgia (Falkland Island Dependencies)	31
South Orkneys	21
South Shetlands	21
Spain	21
Spanish Territories of North Africa	31
Sri Lanka	23
Sudan	22
Surinam	22
Swaziland	22
Sweden	21
Switzerland	21
Syria	23
Tajikistan	21
Tanzania	22
Thailand	23
Togo	22
Tonga	30
Trinidad and Tobago	23
Tristan Da Cunha	31
Tunisia	22
Turkey	21
Turkmenistan	21
Turks & Caicos Islands	31
Tuvalu	23
Uganda	22
Ukraine	21
United Arab Emirates	22

United States of America	22
Uruguay	22
Uzbekistan	21
Vanuatu	29
Vatican City State	21
Venezuela	22
Vietnam	28
Virgin Islands – U.S.A	24
Wake Island	25
Western Samoa	34
Yemen (Republic of)	30
Zaire	25
Zambia	23
Zimbabwe	22

THE SERVICE REGULATION

The Service Regulation can be found on the Eur-Lex website at—

<http://eur-lex.europa.eu/eli/reg/2007/1393/oj>