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;
- (I) 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

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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