



Australian Capital Territory

Supreme Court Rules (Amendment)

Subordinate Law No. 15 of 1995

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Australian Capital Territory

Supreme Court Rules¹ (Amendment)

Subordinate Law No. 15 of 1995²

We, Judges of the Supreme Court, make the following Rules of Court under section 36 of the *Supreme Court Act 1933*.

Dated 26 April 1995.

J F GALLOP
Acting Chief Justice

T J HIGGINS
Judge

A G TOWILL
Registrar

Commencement

1. (1) This rule commences on the day on which these Rules are notified in the *Gazette*.

(2) The remaining provisions commence on a day fixed by the Registrar by notice in the *Gazette*.

Principal Rules

2. In these Rules, “Principal Rules” means the Supreme Court Rules.

Interpretation

3. Rule 4 of Order 1 of the Principal Rules is amended by inserting in subrule (1) the following definitions:

“ ‘Convention country’ means a party to the Hague Convention other than Australia;

‘designated authority’, in relation to a Convention country, means a person or body designated by that country from time to time, for the purposes of article 6 of the Hague Convention, to be an authority competent to complete a certificate of service;

‘foreign additional authority’, in relation to a Convention country, means a person or body designated by that country from time to time, for the purposes of article 18 of the Hague Convention, to be an authority in addition to a foreign Central Authority of that country;

‘foreign Central Authority’, in relation to a Convention country, means a person or body designated by that country from time to time, to be a Central Authority for the purposes of article 2 of the Hague Convention;

‘Hague Convention’ means the Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters done at the Hague on 15 November 1965;”.

Substituted service

4. Rule 1 of Order 11 of the Principal Rules is amended by inserting in paragraph (a) “, other than by Part 15” after “Rules”.

Insertion

5. After Order 11 of the Principal Rules the following Order is inserted:

“ORDER 11A

“SERVICE UNDER THE HAGUE CONVENTION

Interpretation

“1. In this Order—

‘requesting party’ means a person who requires a document connected with civil proceedings to be served in a Convention country.

Application of Order

“2. (1) Subject to subrule (2), this Order applies to the service in a Convention country of a judicial document connected with civil proceedings pending before the Court or before another court of the Territory.

“(2) This Order does not apply where service of a document is to be effected by an Australian diplomatic or consular representative.

Register of Convention particulars

“3. (1) The Registrar shall obtain from the Commonwealth and maintain in a register (in this section referred to as the ‘Hague Convention Register’)—

- (a) a copy of the Hague Convention;
- (b) a current list of Convention countries;
- (c) details of any objection or declaration made by any Convention country; and
- (d) the names and addresses of all foreign Central Authorities and foreign additional authorities.

“(2) In any proceedings it shall be presumed, unless the contrary is proved, that the Hague Convention Register is a full and accurate record.

“(3) In any proceedings a document that purports to be—

- (a) an extract from the Hague Convention Register; and
- (b) issued by or on behalf of the Registrar;

is evidence of the matters stated on it.

Documents to be filed

“4. (1) A requesting party may file—

- (a) an application in accordance with subrule (2) for service of a specified document in a specified Convention country;

- (b) a request for service in accordance with subrule (3) for signature by the Registrar;
- (c) the document to be served;
- (d) a summary, in accordance with Form 4 in Schedule 15, of the document to be served;
- (e) a statement, in accordance with Form 6 in Schedule 15, attached to or incorporated in, the summary referred to in paragraph (d), that indicates—
 - (i) the importance and legal nature of the document to be served;
 - (ii) that the document to be served may affect rights and obligations of the person on whom it is served; and
 - (iii) the possibility of obtaining legal aid or advice;
- (f) 2 copies of each document referred to in each of paragraphs (b), (c), (d) and (e); and
- (g) where the foreign Central Authority of the country to which the request is addressed requires that the document to be served be written in, or translated into, an official language of that country other than English—a translation into such a language of each document referred to in paragraphs (b), (c), (d) and (e).

“(2) An application referred to in paragraph (1) (a) shall contain a written undertaking signed by—

- (a) where there is a solicitor on the record for the requesting party—that solicitor; or
- (b) in any other case—the requesting party;

to the effect that the signatory—

- (c) shall be personally liable for all costs incurred, in relation to the service of the document requested to be served, by—
 - (i) the employment of a judicial officer or other person competent, under the laws of the country in which the document is to be served, to effect service; or
 - (ii) the use of a specified method of service; and
- (d) shall pay the amount of those costs to the Registrar within 14 days of being notified of it.

“(3) A request for service referred to in paragraph (1) (b) shall—

- (a) be in accordance with Form 3 in Schedule 15;
- (b) be completed, except for signature, by the requesting party;
- (c) state whether the requesting party wants service to be attempted if the time for entering an appearance has expired;
- (d) indicate where, if the person to be served cannot be located from the address supplied, any additional information concerning the person's whereabouts may be obtained; and
- (e) be addressed to a foreign Central Authority or foreign additional authority in the country in which service is to be effected;

and may state whether, in the case where a certificate of service is completed by a person other than a foreign Central Authority or a judicial authority, the certificate is to be countersigned by a foreign Central Authority or a judicial authority.

“(4) A translation referred to in paragraph (1) (g) shall bear a certificate in the language into which the translation has been made stating—

- (a) that the translation is an accurate translation of the document; and
- (b) the translator's full name, address and qualifications for making the translation.

Forwarding of documents abroad

“5. On being satisfied that Rule 4 has been complied with, the Registrar shall sign the request for service and transmit—

- (a) the signed request for service;
- (b) the document to be served;
- (c) the summary of the document to be served referred to in paragraph 4 (1) (d);
- (d) the warning statement referred to in paragraph 4 (1) (e); and
- (e) any translations required by paragraph 4 (1) (g);

to—

- (f) where the request for service is addressed to a foreign additional authority—that authority; or
- (g) in any other case—the foreign Central Authority in the country in which service is requested.

Receipt of certificate of service

“6. On receipt of a certificate of service in accordance with Form 5 in Schedule 15 the Registrar shall—

- (a) file the certificate in the record of the relevant proceedings; and
- (b) give a copy to the solicitor for the requesting party or, if there is no solicitor on the record, to the requesting party.

Costs

“7. (1) On receipt of a statement of costs of service of a document in a Convention country, being costs referred to in subrule 4 (2), the Registrar shall notify in writing the person who gave the undertaking under that subrule of the amount of those costs.

“(2) The person who gave the undertaking is liable to pay to the Registrar the amount notified under subrule (1) within 14 days of receiving the notification.

“(3) If the amount of the costs of service is not paid in accordance with subrule (2)—

- (a) the requesting party may not take any further action in the proceedings until it is paid; and
- (b) the Registrar may take appropriate action to enforce the undertaking.

Evidence of service

“8. A certificate of service in accordance with Form 5 in Schedule 15 is conclusive evidence that—

- (a) service of the document referred to in the certificate occurred on the day and in the manner specified in the certificate; and
- (b) the manner of service is compatible with the laws in force in the country where it occurred.

Application of Rules generally

“9. The other Orders of these Rules do not apply to the service of a document that may be served under this Order in so far as they are inconsistent with it.”.

Heading to Order 12

6. The heading to Order 12 of the Principal Rules is omitted and the following heading substituted:

“SERVICE IN A COUNTRY THAT IS NOT A PARTY TO THE HAGUE CONVENTION”.

Insertion

7. Before rule 2 of Order 12 of the Principal Rules the following rule is inserted in that Order:

Application of Order

“1. This Order applies to the service out of the Commonwealth of a document referred to in this Order, other than a document that may be served under Order 11A.”.

Procedure to effect service in certain cases

8. Rule 10 of Order 12 of the Principal Rules is amended by adding at the end the following subrule:

“(5) In this rule—

‘Convention’ does not include the Hague Convention.”.

Repeal

9. Rule 11 of Order 12 of the Principal Rules is repealed.

Consequential orders

10. Rule 12 of Order 12 is amended by omitting “Crown” and substituting “Government”.

Heading to Order 14

11. The heading to Order 14 of the Principal Rules is amended by adding at the end “—GENERAL”.

Insertion

12. After Order 14 of the Principal Rules the following Order is inserted:

“ORDER 14A

**“JUDGMENT IN DEFAULT OF APPEARANCE WHERE
ORIGINATING PROCESS IS SERVED UNDER THE HAGUE
CONVENTION**

Interpretation

“1. In this Order—

‘originating process’ means a document by which proceedings are commenced;

‘proceedings’ includes a claim against a third party.

Application

“2. This Order applies where an originating process has been transmitted under paragraph 5 (b) of Order 11A to a foreign additional authority or a foreign Central Authority.

Entry of judgment in default of appearance where a certificate of service has been filed

“3. (1) Where this Order applies and the Registrar has received a certificate of service in accordance with rule 6 of Order 11A, the Court may enter judgment in default of appearance by the defendant if, and only if, the originating process has been served in sufficient time to enable the defendant to defend the proceedings—

- (a) by a method of service prescribed by the law of the Convention country in which service has been effected for the service of documents in domestic actions upon persons who are within its territory;
- (b) by a method requested in the request for service, being a method—
 - (i) that is not prohibited by the law of the Convention country in which service has been effected; and
 - (ii) under which the document has been delivered to the defendant personally or to his or her place of residence; or
- (c) by delivery to the defendant, who has accepted it voluntarily.

“(2) In subrule (1) the reference to sufficient time shall be read as a reference to the period of 42 days or such shorter period as the Court considers, in the circumstances, to be sufficient to enable the defendant to defend the proceedings.

Filing of certificate of service to be deemed to be compliance with requirements of certain other Orders

“4. For the purposes of any other Order that enables a plaintiff to proceed on default of appearance by the defendant, the filing of a certificate of service under rule 6 of Order 11A shall be deemed to be sufficient compliance with any requirement to file an affidavit of service or a notice in lieu of service.

Entry of judgment in default of appearance where no certificate of service has been filed

“5. Where this Order applies and a certificate of service in accordance with rule 6 of Order 11A has not been received by the Registrar, the Court may enter judgment in default of appearance by the defendant if—

- (a) a period of time that the Court considers adequate in the circumstances of the particular case, being a period of not less than 6 months, has elapsed since the date on which the originating process was transmitted under paragraph 5 (b) of Order 11A; and
- (b) the Court is satisfied that every reasonable effort has been made to obtain a certificate from the foreign additional authority or foreign Central Authority to which the process had been transmitted, or another competent authority in the Convention country in which service had been requested to be effected.

Interlocutory, provisional or protective orders

“6. Rule 5 does not limit any power that the Court may have to make an interlocutory or a provisional or protective order.

Setting aside judgment in default of appearance

“7. (1) Where a judgment has been entered under rule 5, the Court may, on the application of the defendant, set it aside if satisfied that the defendant—

- (a) without any fault on his or her part, did not have knowledge of the originating process in sufficient time to defend the proceedings; and
- (b) has a *prima facie* defence to the action on the merits.

“(2) An application to have a judgment set aside under this rule may be brought only within such period of time after the defendant acquires knowledge of the judgment as the Court considers reasonable in the circumstances.

“(3) Nothing in this rule affects any other power that the Court has to set aside or vary a judgment.

Application of Rules generally

“8. (1) Subject to subrule (2), where—

- (a) this Order applies; and

- (b) a provision of any other Order is inconsistent with a provision of this Order;

the first-mentioned provision does not apply to the entry of judgments in default of appearance to the extent of the inconsistency.

“(2) The power of the Court to enter judgment in default of appearance under this Order against a person who is under a disability is subject to the provisions of any other Order that restricts such power.”.

Insertion

13. The Principal Rules are amended by inserting after Part 14 the following Part:

“PART 15—SERVICE OF FOREIGN DOCUMENTS

“ORDER 84

“DOCUMENTS FROM A CONVENTION COUNTRY

Interpretation

“1. In this Order—

‘additional authority’ means an officer of the Court designated by the Commonwealth from time to time to be an authority in addition to the Central Authority for the purposes of the Hague Convention;

‘applicant’, in relation to a request for service, means the competent authority that forwards the request to a Central Authority or additional authority;

‘Central Authority’ means a person or body designated by the Commonwealth from time to time to be the Central Authority for the purposes of the Hague Convention;

‘competent authority’, in relation to a document to be served, means an authority or judicial officer competent, under the law of the Convention country in which the document originates, to forward a request for service;

‘request for service’, in relation to a document originating in a Convention country, means a request, in accordance with Form 1 or Form 2 in Schedule 15, made by a competent authority requesting that a document be served on a person in the Territory.

Application of Order

“2. (1) Subject to this rule and rule 3, this Order applies to the service in the Territory of a document originating in a Convention country and connected with civil proceedings pending before a court or tribunal of that country, where a request for service, together with accompanying documents in accordance with rule 3, is forwarded by a competent authority—

- (a) to the Central Authority and forwarded by the Central Authority to an additional authority; or
- (b) to an additional authority.

“(2) Where the request for service is forwarded to an additional authority in accordance with paragraph (1) (b) and, in the opinion of the additional authority—

- (a) compliance with the request for service may infringe Australia’s sovereignty or security; or
- (b) the document to which the request for service relates is not a judicial document;

the additional authority shall transmit the request for service and the accompanying documents to the Central Authority.

“(3) Where the Central Authority returns the request for service and the accompanying documents to the additional authority, this Order then applies to the service of the document to which the request relates.

Request for service and accompanying documents

“3. (1) This Order does not apply to a request for service unless it is accompanied by the following documents:

- (a) a copy of the request for service;
- (b) the document to be served;
- (c) a copy of the document to be served;
- (d) a summary in accordance with Form 4 in Schedule 15 of the document to be served;
- (e) an English translation of a document referred to in paragraph (a), (b) or (c) where—
 - (i) the document is not in the English language; and

- (ii) the request for service does not contain a request that the service be by delivery to the person to be served if that person accepts such service voluntarily.

“(2) A translation required by paragraph (1) (e) shall, unless the additional authority otherwise directs, bear a certificate in the English language by the translator stating that the translation is an accurate translation of the document.

Service

“4. (1) An additional authority that receives a request for service to which this Order applies shall request the Sheriff to serve the relevant document together with—

- (a) such of those documents referred to in paragraphs 3 (1) (a), (d) and (e) as accompanied the request for service; and
- (b) any warning statement attached to the summary of the document to be served that the request seeks to have served.

“(2) Subject to subrule (3), the Sheriff, in giving effect to the request of the additional authority, shall cause the service requested to be effected by one of the following methods:

- (a) a method permitted by a law in force in the Territory for the service of a document of a kind corresponding to the document to be served;
- (b) where there is no corresponding kind of document—a method permitted by Order 10 for the service of a writ of summons or an originating summons.

“(3) Where it is made to appear to the Court that prompt service cannot be effected under this rule, the Court may make such order for substituted or other service or for the substitution for service of notice by advertisement or otherwise, as is just, on the basis of an affidavit filed by the Sheriff and made by the person who attempted to serve the document, specifying—

- (a) details of the attempts made to serve the document; and
- (b) the reasons that have prevented service;

without an application being made to the Court in that behalf.

Affidavit of service

“5. Where service of the document to be served has been effected or attempts to serve the document have failed, the Sheriff shall file with the

additional authority an affidavit, made by the person who effected or attempted the service, specifying—

- (a) where the document has been served—
 - (i) the time, day of the week and date on which it was served;
 - (ii) the place where it was served;
 - (iii) the method of service;
 - (iv) the person to whom the document was delivered; and
 - (v) the way in which that person was identified; or
- (b) where the document has not been served—
 - (i) details of the attempts made to serve it; and
 - (ii) the reasons whereby service was not effected.

Certificate of service

“6. Upon the filing of an affidavit under rule 5 the additional authority shall—

- (a) complete a certificate, sealed with the Seal of the Court, in accordance with Form 5 in Schedule 15 on the reverse side of, or attached to, the request for service; and
- (b) send it directly to the applicant.

“ORDER 85

“DOCUMENTS FROM A COUNTRY THAT IS NOT A PARTY TO THE HAGUE CONVENTION

Interpretation

“1. In this Order—

‘convention’ means a convention relating to the service of documents in civil proceedings, other than the Hague Convention;

‘document’ includes a citation;

‘official channel’, in relation to a foreign country, includes a diplomatic, consular or other authority of that country.

Application

“2. This Order applies to the service of a foreign legal document other than service to which Order 84 applies.

Service of foreign documents—general

“3. (1) This rule applies to the service of any document where—

- (a) the document relates to civil proceedings pending before a court or tribunal of a foreign country; and
- (b) the Registrar receives, through an official channel, a letter from the court or tribunal requesting service of the document on a person in the Territory.

“(2) Service requested under this rule shall not be effected unless the letter of request is accompanied by—

- (a) if the letter is not in the English language—a translation of the letter into the English language;
- (b) the document;
- (c) 2 copies of the document; and
- (d) if the document is not in the English language—2 copies of a translation of the document into the English language.

“(3) Subject to any Act or Commonwealth Act that provides for the manner in which a document may be served on a body corporate, service requested under this rule shall be effected by leaving with the person to be served a copy of the document and of any translation of it.

“(4) The Registrar shall transmit to the court or tribunal that had requested service under this rule, through the official channel through which the request had been received, a certificate under the Seal of the Court that states—

- (a) that service has been effected and the date of service; or
- (b) that service has not been effected and the reasons for which it has not been possible to effect it;

as the case requires, and the amount payable for effecting or attempting to effect service.

“(5) In this rule—

‘foreign country’ means a country that is not a party to the Hague Convention or any other convention.

Service of documents from a country that is party to a convention

“4. (1) This rule applies to the service of any document where—

- (a) the document relates to civil proceedings pending before a court or tribunal of a foreign country that, together with Australia, is a party to a convention; and
- (b) the Registrar receives, from an official channel, a letter requesting service of that document on a person in the Territory.

“(2) This rule has effect subject to—

- (a) any Act or Commonwealth Act that provides for the manner in which a document may be served on a body corporate; and
- (b) the provisions of the relevant convention.

“(3) Service requested under this rule shall not be effected unless the letter of request is accompanied by—

- (a) if the letter is not in the English language—a translation of the letter into the English language;
- (b) the document;
- (c) 2 copies of the document; and
- (d) if the document is not in the English language—2 copies of a translation of the document into the English language.

“(4) Service requested under this rule shall be effected by leaving with the person to be served—

- (a) the document to be served or, if the letter of request so indicates, a copy of the document; and
- (b) a copy of any translation of the document.

“(5) Where—

- (a) service requested under this rule has been effected; or
- (b) all reasonable attempts to effect it have failed;

the person who served or attempted to serve the document shall file—

- (c) an affidavit stating when, where and how he or she effected service or attempted to do so; and
- (d) a statement of the costs incurred in effecting or attempting to effect the service.

“(6) The Registrar shall transmit to the official channel that had requested service under this rule a certificate under the Seal of the Court that states—

- (a) that the document or a copy thereof, as the case requires, has been served and the date, time and manner of service; or

- (b) that service has not been effected and the reason for which it has not been possible to effect it;

as the case requires, and the amount payable for effecting or attempting to effect service.

Orders for substituted service

“5. On application made by the Government Solicitor with the consent of the Attorney-General, the Court may make such orders for substituted service as are just in the circumstances.”.

Schedule

14. The Principal Rules are amended by adding at the end the following Schedule:

SCHEDULE 15

Order 11A, subrule 4 (1)

**FORMS—SERVICE OF FOREIGN PROCESS AND SERVICE OF
PROCESS OUT OF AUSTRALIA**

FORM 1

Order 84, rule 1

**REQUEST FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL
DOCUMENT**

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague on 15 November 1965.

Identity and address of the applicant	Address of receiving authority
---------------------------------------	--------------------------------

1. The undersigned applicant has the honour to transmit—in duplicate—the documents listed below and, in conformity with article 5 of the abovementioned Convention, request prompt service of 1 copy thereof on the addressee, i.e. (identity and address).....
.....
 - (a) in accordance with the provisions of subparagraph (a) of the first paragraph of article 5 of the Convention*.
 - (b) in accordance with the following particular method (subparagraph (b) of the first paragraph of article 5)*:
.....
.....
 - (c) by delivery to the addressee, if he or she accepts it voluntarily (second paragraph of article 5)*.
2. The authority is requested to return or to have returned to the applicant a copy of the documents—and of the annexes*—with a certificate as provided on the reverse side.

List of documents

.....

Done at.....,
the

Signature and/or stamp.

* Delete if inappropriate.

FORM 2

Order 84, rule 1

DEMANDE AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ÉTRANGER D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.

Identité et adresse du requérant

Adresse de l'autorité destinataire

Le requérant soussigné a l'honneur de faire parvenir—en double exemplaire—à l'autorité destinataire les documents ci-dessous énumérés, en la priant, conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, à savoir:

(identité et adresse)

(a) selon les formes légales (article 5, alinéa premier, lettre a)*.

(b) selon la forme particulière suivante (article 5, alinéa premier, lettre b)*:

(c) le cas échéant, par remise simple (article 5, alinéa 2)*.

Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte—et de ses annexes*—avec l'attestation figurant au verso.

Énumération des pièces

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Fait à,
le

Signature et/ou cachet.

* Rayer les mentions inutiles.

FORM 3

Order 11A, subrule 4 (3)

REQUEST

FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague on 15 November 1965.

Identity and address of the applicant	Address of receiving authority
---------------------------------------	--------------------------------

- The undersigned applicant has the honour to transmit—in duplicate—the documents listed below and, in conformity with article 5 of the abovementioned Convention, request prompt service of 1 copy thereof on the addressee, i.e., (identity and address).....
.....
 - in accordance with the provisions of subparagraph (a) of the first paragraph of article 5 of the Convention*.
 - in accordance with the following particular method (subparagraph (b) of the first paragraph of article 5)*:.....
.....
.....
 - by delivery to the addressee, if he or she accepts it voluntarily (second paragraph of article 5)*.
- The authority is requested to return or to have returned to the applicant a copy of the documents—and of the annexes*—with a certificate as provided on the reverse side.

- 3. The authority is requested to attempt*/not to attempt* service where the period for entering an appearance has expired.
- 4. Where the addressee cannot be traced from the address set out in paragraph 1 above, additional information regarding the correct address may be obtained from
- 5. Where the certificate referred to in paragraph 2 is completed by a person or body other than a Central Authority or judicial authority, the certificate is required/not required to be counter-signed by the Central Authority or a judicial authority.

List of documents

.....

Done at.....,
 the
 Signature and/or stamp.

* Delete if inappropriate.

FORM 4

Order 11A, subrule 4 (1)
Order 84, subrule 3 (1)

SUMMARY OF THE DOCUMENT TO BE SERVED

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague on 15 November 1965.

Name and address of the requesting authority:.....

Particulars of the parties*:

JUDICIAL DOCUMENT**

Nature and purpose of the document:

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:

.....

Date and place for entering appearance**:

.....

Court that has given judgment**:

.....

Date of judgment**:

Time limits stated in the document**:

.....

EXTRAJUDICIAL DOCUMENT**

Nature and purpose of the document:

.....

Time limits stated in the document**:

.....

* If appropriate, identity and address of the person interested in the transmission of the document.

** Delete if inappropriate.

FORM 5

Order 11A, rule 6

Order 84, rule 6

CERTIFICATE

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention—

(1) that the document has been served*

— the (date)

— at (place, street, number)

— in 1 of the following methods authorized by article 5—

(a) in accordance with the provisions of subparagraph (a) of the first paragraph of article 5 of the Convention*.

(b) in accordance with the following particular method*
.....
.....

(c) by delivery to the addressee, who accepted it voluntarily*.

The documents referred to in the request have been delivered to:

— (identity and description of person):
.....
— Relationship to the addressee (family, business or other):
.....

(2) that the document has not been served, by reason of the following facts*:
.....
.....

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*.

Annex II

Documents returned:
.....
.....

In appropriate cases, documents
establishing the service:
.....
.....

Done at.....,
the

Signature and/or stamp.

* Delete if inappropriate.

FORM 6

Order 11A, subrule 4 (1)

identité et adresse du destinataire
identity and address of the addressee

TRÈS IMPORTANT

LE DOCUMENT CI-JOINT EST DE NATURE JURIDIQUE ET PEUT AFFECTER VOS DROITS ET OBLIGATIONS. LES ÉLÉMENTS ESSENTIELS DE L'ACTE VOUS DONNENT QUELQUES INFORMATIONS SUR SA NATURE ET SON

OBJECT. IL EST TOUTEFOIS INDISPENSABLE DE LIRE ATTENTIVEMENT LE TEXTE MÊME DU DOCUMENT. IL PEUT ÊTRE NÉCESSAIRE DE DEMANDER UN AVIS JURIDIQUE.

SI VOS RESSOURCES SONT INSUFFISANTES, RENSEIGNEZ-VOUS SUR LA POSSIBILITÉ D’OBTENIR L’ASSISTANCE JUDICIAIRE ET LA CONSULTATION JURIDIQUE SOIT DANS VOTRE PAYS SOIT DANS LE PAYS D’ORIGINE DU DOCUMENT.

LES DEMANDES DE RENSEIGNEMENTS SUR LES POSSIBILITÉS D’OBTENIR L’ASSISTANCE JUDICIAIRE OU LA CONSULTATION JURIDIQUE DANS LE PAYS D’ORIGINE DU DOCUMENT PEUVENT ÊTRE ADRESSÉES:

.....

IMPORTANT

THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE SUMMARY OF THE DOCUMENT TO BE SERVED WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE. YOU SHOULD HOWEVER READ THE DOCUMENT ITSELF CAREFULLY. IT MAY BE NECESSARY TO SEEK LEGAL ADVICE.

IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.

ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:

.....
.....
.....

Il est recommandé que les mentions imprimées dans cette note soient rédigées en langue française et en langue anglaise et le cas échéant, en outre, dans la langue ou une des langues officielles de l’État d’origine de l’acte. Les blancs pourraient être remplis soit dans la langue de l’État où le document doit être adressé, soit en langue française soit en langue anglaise.

It is recommended that the standard terms in the notice be written in English and French and where appropriate also in the official language, or in 1 of the official languages, of the State in which the document originated. The blanks could be completed either in the language of the State to which the document is to be sent, or in English or French.

NOTES

Principal Rules

- 1. Reprinted as at 19 February 1995. See also Subordinate Laws Nos. 11, 12 and 13, 1995.

Notification

2. Notified in the ACT Gazette on 5 May 1995.