

The Hague Convention on the service abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (1965)

In December 1987, the Commission published its Report on the [The Hague Convention on the service abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters \(1965\) \(LRC 22–1987\)](#) as part of its First Programme of Law Reform.

This Hague Convention was adopted at the Tenth session of the Hague Conference on Private International Law in 1964, at which Ireland was represented by Mr. Patrick Terry of the Department of Justice. The Convention is designed to facilitate the service of documents abroad for the purposes of civil proceedings. To this end each Contracting State is required to designate a Central Authority to arrange for the service of documents coming from other Contracting States.

Within its Report, the Commission makes 12 recommendations, among which are that:

1. Ireland should become party to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (1965)
2. The Minister for Foreign Affairs should be designated as the Central Authority for Ireland pursuant to Article 2 of the Convention. In line with the present rule relating to the service of a process or citation pursuant to a letter of request, the Minister should transmit requests for service of documents under the Convention to the Master of the High Court who should order that the Chief State Solicitor effect service in accordance with the practice of the High Court.
3. The Master of the High Court should be designated as an authority for the purpose of completing a certificate that a document has been served under Article 6 of the Convention.
4. When ratifying the Convention Ireland should object pursuant to Article 10 to:
 - a. The freedom of judicial officers, officials or other competent persons of the State of origin to effect service of judicial documents directly through the judicial officers, officials or other competent person of the State of destination,
 - b. The freedom of any person interested in judicial proceedings to effect service of judicial documents directly through judicial officers, officials or other competent person of the State of destination

However it should be stated in the Declaration that it does not preclude a person interested in judicial proceedings in another jurisdiction (or his lawyer) from effecting service through a solicitor in Ireland.

5. The advice of the Attorney General should be sought on whether the terms of the Convention need to be approved by the Dail under Article 29 of the Constitution prior to ratification.

Draft Legislation in Report

Not applicable.

Information on Implementation

Recommendations of the Commission were implemented by the Rules of the Superior Courts (No.3) 1994 and District Court Rules 1997 (previously: District Court (Service Abroad of Documents in Civil and Commercial Matters) Rules 1994).