



Coronavirus – Information for Queen’s Bench Division Court Users (Bulletin 5)

SERVICE OF COURT DOCUMENTS, REQUESTS FOR TAKING OF EVIDENCE FROM FOREIGN COURTS AND REGISTRATION OF FOREIGN JUDGMENTS

SERVICE OF PROCESS

The COVID-19 outbreak has inevitably led to delays in the service of documents from foreign courts. County Court Bailiffs whom we usually instruct to effect service are suspended from work and we are unable to process tracked postal service requests at present. For the moment service of judicial and extra-judicial documents is suspended, but as soon as we are able to do so, court staff in the Foreign Process Section will work to complete requests for service as promptly as they can.

The processing of requests for service of court documents on parties out of the jurisdiction is also suspended for the present, but parties can attempt service without the intervention of the Foreign Process Section, provided that the manner of service complies with the Service Regulation, the Hague Service Convention or any other bi-lateral treaty in force which is applicable: see CPR 6.40. Service in a country which requires service through foreign governments, judicial authorities or British Consular authorities, which would normally be transmitted through the Foreign & Commonwealth Office, is suspended at present.

TAKING OF EVIDENCE

All examinations of witnesses in respect of requests received from foreign courts to be carried out by order of the High Court of England and Wales under the direction of the Government Legal Department pursuant to the Evidence (Proceedings in Other Jurisdictions) Act 1975, and pursuant to the Taking of Evidence Regulation are suspended for a period of 90 days from 25 March 2020, or until further order: see order attached. Examinations of witnesses arranged and carried out privately are not affected by this order, but the Coronavirus restrictions would be likely to prevent private examinations from proceeding. Urgent applications under the Evidence (Proceedings in Other Jurisdictions) Act 1975 where English solicitors are instructed can however be processed by submitting these to the Foreign Process Section at foreignprocess.rcj@Justice.gov.uk and any hearings of, or relating to, such applications are able to be listed and heard in the usual way.



Urgent applications for orders for Letters of Request to be sent to foreign courts either under the Taking of Evidence Regulation or the Hague Evidence Convention or any other bi-lateral treaty may be able to be processed, but they are unlikely to be dealt with by the requested court during the present circumstances, and we would advise waiting until the current restrictions are lifted unless there is real urgency.

REGISTRATION OF FOREIGN JUDGMENTS

We are not able to process these at present.

EU INFORMATION ON THE EFFECT OF COVID-19

The Europa website has just published information and guidance about the effect of Covid-19 on the operation of all Regulations: see https://e-justice.europa.eu/content_impact_of_the_covid19_virus_on_the_justice_field-37147-en.do

Court Users who have any queries in relation to Foreign Process matter should email foreignprocess.rcj@Justice.gov.uk

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