

provisions. So far several provinces have amended their rules of court accordingly (see for instance New Brunswick and Nova Scotia).

## 2. Non-treaty and Non-entente States.

No foreign diplomatic, consular, or law enforcement officer may carry out service in Canadian territory without the consent of the Government of Canada. It is for this reason that Canada has traditionally required service to be effected either through Canadian public officials, the sheriff (or, in Quebec, the bailiff) of the judicial district in which the service is to be effected, or private process-server retained by a party to the litigation. Foreign legal documents may therefore be served in all the provinces by forwarding duplicate sets of the documents with an English translation attached (or preferably French in the Province of Quebec) directly to the sheriff or bailiff in the judicial district where service is to be effected *without involving the Department of External Affairs*. The cost varies, depending on the number of attempts at service that are required before the documents can be served. The names and addresses of these provincial officials may be found in the *Canada Law List*, which is a legal directory published by the Canada Law Book Limited, 80 Cowdray Court, Agincourt, Ontario, M1S 1S5. This legal directory may be found in most law libraries.

Whether a sheriff's officer (i.e. a government employee) or a licensed private process-server is to be used is a matter of choice for the party to the litigation or the foreign diplomatic mission acting on his behalf that is seeking to effect the service in Canada. Where there is no urgency, the sheriff's services may be used as his charges are generally lower provided there is no difficulty in locating or serving the person to whom the documents are addressed. Otherwise it is usually more effective to retain a licensed private process-server. If the whereabouts of the person to be served are unknown, a private tracing service may be used. Firms providing such a service are listed in the telephone directory and can often direct enquirers to a private process-server if required.

Most provinces serve documents directly by the methods described above, or serve by mail, depending on their legislation, and the Department of External Affairs rarely sees such documents. On the other hand, some diplomatic missions in Ottawa use the services of the Department of External Affairs exclusively for this purpose.