

and that of the place where the service is to be effected are followed. (e.g. Nova Scotia Rules of Practice 1981, Rs. 10.08 and 10.09).

From past experience, the Department of External Affairs has found that it is more satisfactory for the Canadian law firm requiring service of documents to contact a lawyer in the locality of the required service who will advise on procedure and, if necessary, assume the responsibility for carrying out such service.

Service by a Canadian diplomatic or consular officer is effected without any request to or intervention by the local authorities. While a local bailiff can employ measures of compulsion if needed, neither the diplomatic or consular officer nor the local legal agent has this authority. Moreover, some states restrict the activities of diplomatic or consular officers in this field to serving their own nationals, or nationals of a third state. If service by a Canadian officer is possible, this method is easier and quicker, as translations of the documents are not required. Furthermore, as these officers are *ex-officio* Commissioners for Oaths under provincial and federal evidence statutes, they can complete the necessary Affidavit of Service. However, as a matter of international law and comity Canadian diplomatic or consular officers may serve legal documents only on the premises of the Canadian mission. Thus, the person to be served *must* be willing to attend at the Canadian mission to accept service voluntarily, or this method cannot be used.

Requests for service by Canadian diplomatic or consular officers must be forwarded through the Department of External Affairs and not sent directly to the mission concerned.

In the United States, the United Kingdom and other common law states, there are usually no prohibitive rules in force, and, as in Canada, the local law permits the service of legal documents to the fullest extent without any intervention by the competent authorities. Canadian lawyers can simply contact the local marshal, bailiff, or other process server or a lawyer practising in the jurisdiction for assistance. Translations are not normally required and proof of Affidavit of Service is the usual practice. Names and addresses of marshalls, bailiffs or other process servers can be found in the foreign local telephone directory and those of law firms in Martindale & Hubbell or any other international legal directory.