

(1.42 Cont'd)

explaining that under their instructions and Canadian law, consular officers have no responsibility for seeing that the interested party is notified and have no authority to accept service.

1.43 a. Consular officers in the United States, the United Kingdom, the Republic of South Africa, Australia and New Zealand should decline to serve documents of any kind on residents of these countries and should advise enquirers to proceed through private channels. If, however, in the estimation of the senior consular officer at the post, special circumstances warrant an exception to this rule, direction should be sought from the Department.

Service of
Documents on
Consular
Officers
Destined for
Persons Outside
Canada

b. Consular officers in countries other than those listed above should not act upon direct requests for service of documents to persons in those countries without first seeking instructions from the Department.

c. When declining to act upon requests for service of documents, either by virtue of these instructions or upon advice from the Department, consular officers should not undertake to provide the names of lawyers. Enquirers should be referred to international legal directories.

see also
7.16

d. Consular officers in Sino-Soviet-bloc countries may transmit Canadian legal documents of a private nature to the addressees in accordance with local arrangements.

1.44 a. Unless otherwise specifically stated, the following procedures should be followed with regard to the service of judicial documents:

Procedure for
the Service
of Documents

- (i) The service of judicial documents of any kind on a Canadian citizen is effected by proceeding to the address of the person to be served, handing a copy of the document and showing the original if the person so requires; (Where the person or body to be served is not a Canadian citizen, partnership or company, and the proceedings have been commenced by an ordinary Writ or Summons, service is effected by leaving notice thereof rather than a copy of the Writ; if the proceedings have been started in any other way, by leaving a copy of the originating document).
- (ii) In no case should any alteration be made in the document to be served, even though it may contain obvious errors or misprints.