

Each state specifies to whom the request should be forwarded. Service is effected according to the local laws of the state of execution, but the latter may comply with special Canadian requests where these are not incompatible with its own law. Some treaties also allow the following methods of service without any request to, or intervention of, the authorities of the state of execution: (1) service by a diplomatic or consular officer of the requesting state; (2) service by an agent appointed for that purpose either by a judicial authority of the requesting state, or by the party on whose application the document was issued; (3) service by mail; (4) any other method of service which is not contrary to the law existing at the time of service in the state of execution or which is recognized by the law existing at the time of service in the state from which the documents emanate.

Compulsion cannot be used, and the validity of the service is a matter to be determined by the respective courts of the parties to the treaties.

Due to staff limitations and distances involved, the Department of External Affairs is not in a position to provide the services of a consular officer to effect service outside the premises of the mission. Also, because of the difficulty of retaining a private agent who would be willing to accept the task of effecting service, and the inability of such a private agent to produce anything more than a personal certificate of service, the most satisfactory method of proceeding is through official channels by local authorities following a request to the Department of External Affairs and transmission through the Canadian embassy or consulate in the requested state.

If the person to be served is prepared to attend at the Canadian embassy or consulate in the foreign state in order to accept service voluntarily, Canadian diplomatic or consular officers may be willing to make the necessary arrangements for this purpose.

Most treaties provide that a requested state may refuse assistance if the authenticity of the request is not established or the sovereignty or safety of the requested state may be compromised by executing the request.

In every instance where a request for service is not executed by the authority to whom it has been sent, the latter is required promptly to inform the Canadian diplomatic or consular officer who has forwarded the request, stating the grounds on which