

payment of the sheriff's account for service or for attempted service.

To summarize, when documents for service are received by the Department of External Affairs, either from treaty or non-treaty states, they are transmitted to the competent provincial authorities for action. The served documents are returned to the foreign embassy with proof of service. The Department of External Affairs strives to ensure that these accounts are settled promptly so that provincial judicial co-operation will not be impaired.

It should be noted that formal service of foreign judicial documents as set forth above does not *per se* require the recognition or enforcement in Canada of any ensuing judgment, decree or order, which may be rendered by a foreign tribunal.

B. Service of Canadian Judicial Documents Outside Canada.

Persons in Canada who have an originating process or other document to serve in a foreign state must, in having that service carried out, ensure that it will satisfy the requirements of the relevant Canadian law and be consistent with the law of the place where it is to be effected. Even when a treaty permits several forms of service in a foreign state, the mode of service must still conform to the requirements of the provincial or federal law applied by the Canadian court which ordered it.

The service of court documents is possible as well in states with which Canada has no treaties; but there are some states (e.g. Argentina, Brazil, Japan and Switzerland) that require documents to be served within their borders by their own local officials. In such cases, a request must be made to the judicial authorities for assistance in effecting the service.

Thus, where service is to be effected upon a person in a foreign state, one must always consult the Rules of Practice or Rules of Court (or Code of Civil Procedure in Quebec) of the province or territory where the action is brought or the Federal Court Rules, if the action is brought in the Federal Court of Canada, in order to determine their applicability and scope in the light of treaty requirements. (See for instance Nova Scotia Rules of Practice 1981, R.10.08 and Federal Court Rule 307).