På privaträttens område kommer pågående ärenden och förfaranden som inleddes innan övergångsperioden löpte ut att fortsätta i enlighet med EU-rätten. Relevant information om Storbritannien kommer att finnas kvar på e-juridikportalen till slutet av 2022 enligt en ömsesidig överenskommelse med Storbritannien.

Serving documents

Skottland

Article 2(1) – Transmitting agencies

The receiving agencies are the messengers-at-arms. For a list of messengers-at-arms please see the website of the Society for Messengers-at-Arms and Sheriff Officers (SMASO): SMASO

Article 2(2) – Receiving agencies

The receiving agencies are the messengers-at-arms. For a list of messengers-at-arms please see the website of the Society for Messengers-at-Arms and Sheriff Officers (SMASO): SMASO

Article 2(4)(c) – Means of receipt of documents

Documents will be transmitted by fax and post.

Article 2(4)(d) – Languages that may be used for the completion of the standard form set out in Annex I

English.

Article 3 – Central body

Scottish Government
Central Authority & International Law Team
St Andrew's House (GW15)
Edinburgh
EH1 3DG
Tel.: +44 131 244 4829
Fax: +44 131 244 4848
E-mail: Finbarr.Lee@gov.scot

Article 4 – Transmission of documents

Forms should be transmitted in English.

Articles 8(3) and 9(2) – Particular periods set by national law for serving documents

The United Kingdom intends to derogate from these provisions on the basis that the complexities of its law on time-limits and limitation periods would only be exacerbated by this Article. It is important that the date of service can be identified with certainty as it determines the time from which a party may enter a default judgment. The UK does not consider that the precise meaning of this provision, and its intended operation in practice, is sufficiently clear; it could therefore increase the potential for confusion. Accordingly it believes that this matter is best left to national law, at least until it has had an opportunity to assess how it works in practice in the other Member States following implementation of the Regulation.

Article 10 – Certificate of service and copy of the document served

Apart from English, the United Kingdom will accept certificates completed in French.

Article 11 – Costs of service

Costs of service by Messengers-at-Arms: (i) £142.51 for personal service; and (ii) £45.40 for postal service. For clarification, this cost for postal service does not apply to postal service under Article 14. VAT will also be added to these costs.

Article 13 – Service by diplomatic or consular agents

Scotland does not oppose the exercise in its territory of the right conferred by Article 13(1).

Article 15 – Direct service

Scotland does not oppose the possibility of direct service provided for by Article 15(1).

Article 19 – Defendant not entering an appearance

In accordance with the existing provision of the Hague Convention, courts in Scotland, notwithstanding paragraph 1, may give judgment if all the conditions of paragraph 2 have been met.

Period of time after the judgment has been given within which an application for relief provided for by paragraph 4 may be entertained:

No later than the expiry of one year from the date of decree - this would be in line with the Hague Convention and is the period incorporated in Scotland's court rules.

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