

DATE

Article 9

The court of the requested party shall serve the judicial documents of the requesting party, regardless of whether or not the date for appearance in court or the time limit specified in the document has expired.

Article 10

1. The requesting party shall make the request for service within a reasonable time to ensure that the requested party may timely complete the requested matter upon receipt of the letter of request.
2. The court of the requested party shall endeavor to complete the requested matter within two months from the date of receipt of the letter of request.

Article 11

After effecting service of the judicial documents, the court of the requested party shall issue a certificate of service duly affixed with its official seal specifying the method, place and date of service, and the identity of the person who accepted the service.



Article 12

In the event service cannot be effected, the requested party shall state on the certificate of service the reason(s) for non-service, or, where acceptance of service is refused, the reason(s) and the date of refusal. The letter of request and all the attached documents shall be returned to the requesting party promptly.

Article 13

The requested party shall have no legal responsibility over the contents of and any consequences arising from the judicial documents requested to be served.



Article 14

The requesting party shall not be required to pay for the expenses of service of judicial documents incurred by the requested party. However, the requested party is entitled to request payment from the requesting party for the charges and expenses on the particular method of service required by the requesting party in the letter of request in accordance with Article 4.

Article 15

Any issues arising from the implementation of this Arrangement shall be resolved through consultation.

Article 16

This Arrangement shall become effective thirty days after the date on which the Parties have notified each other in writing that their respective requirements for the coming into force of this Arrangement have been complied with.*

*As of the printing date of the relevant pamphlet, the Arrangement has not yet entered into force.



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Printing date : September 2019

Arrangement for Mutual Service of Judicial Documents in Civil and Commercial Cases between the Macao Special Administrative Region and the Hong Kong Special Administrative Region

The 3rd MSAR - EU Co-operation Programme in the Legal Field



The “Arrangement” contains 16 Articles. Brief synopsis of its main content:

- (1) The scope: Service of Judicial Documents in Civil and Commercial Cases;
- (2) The competent courts, which issue, accept and execute the request;
- (3) The requirements of the letter of request;
- (4) The applicable law of the jurisdiction, which executes the request;
- (5) The time limit for executing the request;
- (6) The notification and the proof of the service;
- (7) The expenses of the service.



Article 1

1. The Macao SAR and the HKSAR courts may entrust to each other for the service of judicial documents in civil and commercial proceedings.
2. For the avoidance of doubt, civil and commercial cases include civil labour cases with respect to the Macao SAR and claims under the jurisdiction of the Labour Tribunal with respect to the HKSAR.



Article 2

Judicial documents mentioned in this Arrangement include but not limited to: with respect to the Macao SAR, duplicate copies of originating process, answer, counterclaim and notice of motion of appeal, statement, defence, declaration of objections, statement of objections, application, withdrawal of action, admission of claim, settlement, inventory of property, list of property division, proposal for settlement, creditor agreement, summons, notice, judge’s instructions, court order, court’s leave, judgment, ruling of full bench, certificate of service, as well as other judicial documents and their relevant attachments; with respect to the HKSAR, duplicate copies of originating process and notice of appeal, summons, pleading, affidavit, judgment, decision, ruling, notice,

court order, certificate of service, as well as other judicial documents and their relevant attachments.



Article 3

Requests for service of judicial documents shall be made through the Court of Final Appeal of the Macao SAR and the High Court of the HKSAR. Such requests to the Macao SAR shall be executed by the Court of First Instance.

Article 4

1. When requesting service of judicial documents, the requesting party shall produce a letter of request duly affixed with its official seal. The letter of request shall set out the title of the requesting party, the name or title of the party to be served, his or its detailed address and the nature of the case involved.
2. Any particular method of service required by the requesting party or matters requiring special attention shall be noted in the letter of request.



Article 5

1. The letter of request shall be in the Chinese language and shall set out the types of judicial documents attached to it.

2. If the judicial documents attached are not in the Chinese language, they shall be accompanied by a Chinese translation.
3. The aforesaid documents shall be prepared in duplicate. Where more than one party are to be served, an additional set in duplicate must be lodged for every one of them.

Article 6

The requested party shall receive and effect service of judicial documents in accordance with the law of its jurisdiction.



Article 7

The requested party may carry out the particular method of service required by the requesting party should it consider it not in breach of the law of its jurisdiction.

Article 8

In the event that the requested party considers the letter of request inconsistent with this Arrangement, it shall notify the requesting party of the same and state the reasons for its objection promptly. Where necessary, the requested party may ask the requesting party to provide supplementary information.