

**Replies of State of Kuwait to the Questionnaire Accompanying the
Provisional Version of the new Practical Handbook on the Operation of the
Hague Convention of 15 November 1965 on the Service Abroad of Judicial
and Extrajudicial Documents in Civil or Commercial Matters**

I- Questions to Non-Party States

1. Not applicable to State of Kuwait
2. Not applicable

II Administrative Information and Updates

3.0 Central Authority

- 3.1 Yes
- 3.2 Arabic and English
- 3.3 Yes, One Request from Italy (Copy enclosed)

4.0 Case – Law and Reference Works

- 4.1 Not available. Not Published, will provide when becomes available
- 4.2 Not available

5.0 Handbook

- 5.1 Yes, but we have no specific suggestions.
- 5.2 Yes
- 5.3 No
- 5.4 Satisfactory
- 5.5 Not available

III Information relating to application of the convention

6.0 Scope of the Convention

- 6.1 Not available
- 6.2 Not available
- 6.3 Not applicable
- 6.4 Not applicable
- 6.5 No

7.0 Forwarding Authority

- 7.1 Ministry of Justice (International Relations Department)

- 7.2 Cooperation between the Central Authorities is based upon the provisions of the treaties.
- 8.0** **Methods of Service used by the Central Authority**
- 8.1 Service is processed by Execution Department, which is subordinate to Ministry of Justice.
- 8.2 Requirements for translation are subject to the fifth article of the convention.
- 8.3 No
- 8.4 No
- 9.0** **Translation Requirement**
- 9.1 In some cases
- 9.2 Translation requirement are subject to the provision of the fifth article of the convention.
- 9.3 Not available
- 9.4 Yes
- 9.5 No
- 10.0** **Timing**
- 10.1 One week
- 10.2 No information available
- 10.3 As State of Kuwait has acceded to the convention only in 2001 it is somehow difficult to give an answer.
- 11.0** **Alternative Transmission**
- 11.1 Law 7/2002 issued to approve accedation to the convention contain reservation against methods of service mentioned in articles 8 and 10.
- 11.2 Same as previous
- 11.3-a Yes, somehow
- 11.3-b Not applied
- 11.3-c No fees
- 11.3-d Not applicable
- 11.3-e No, this system is not allowed in Kuwait
- 11.4 Refer to 10.3
- 12.0** **Judicial and Extrajudicial Documents**
- 12.1 Not applicable

13.0 **Date of Service – Double Date**

13.1 Code of civil procedure in Kuwait organize timing for service of documents. If the addressee is living abroad there is extra 60 days for this service.

13.2 According to Kuwaiti code of Civil procedure if the addressee has known address abroad, documents will be sent to Ministry of Foreign Affairs via Public Prosecution Department to be delivered through diplomatic channels. Legal effects are produced when a copy is received by the addressee. However, document is considered served from the date it is handed over to Public Prosecution Department.

14.0 **Exequatur**

14.1 No enforcement for judgement violating public order.

15.0 **Exclusion of Application of the Convention between the Parties**

15.1 No rulings have issued in this respect.

16.0 **Fax and Electronic Mail**

16.1-a No

16.1-b No

16.2-a No

16.2-b No

16.2-c No

16.3-a No

16.3-b No

16.4 Not available

16.5 Not used

16.6 National laws do not allow service of documents by electronic channels.

17.0 **Model Forms**

17.1 No need for any amendments as they include all necessary basic data.

17.2 No need for such amendments as they are far from the purpose and design of Requests Forms.

17.3 No need for amendments as the present form is adequate.

17.4 No need they are satisfactory

17.5 Yes, they will be useful when request could be executed via internet in the future.

18.0 **Reservation and Reciprocity**

18.1 Not applicable

18.2 Not applicable

19.0 **Article 25: Bilateral and Multilateral Agreements.**

19.1 See the list below

Legal and Judicial Cooperation Concluded by State of Kuwait:

- 1- Agreement on Judicial and Legal Cooperation in Civil, Commercial, Penal and Personal Status Matters with Tunisian Republic.
(ratified by law 123/1977)
 - 2- Agreement on Judicial and Legal Cooperation in Civil, Commercial and Penal Matters with Republic of Turkey.
 - 3- Agreement
With Kingdom of Morocco
(ratified by law 43/1998)
 - 4- Agreement on Judicial and Legal Cooperation in Service of documents and letters of Rogatory with Republic of Lebanon.
 - 5- Agreement on Judicial and Legal Cooperation in Civil, Commercial, Penal and Personal Status Matters with Arab Republic of Egypt.
(ratified by law 96/1977)
 - 6- Agreement on Judicial and Legal Cooperation in Civil and Penal Matters with People's Republic of Bulgaria.
 - 7- Agreement on Enforcement of Judgment service of documents and letters Rogatory between Gulf Cooperation Council States.
(ratified by law 44/1998).
- 19.2 Not applicable
- 19.3 Not applicable
- 19.4 Not available