

IN THE SENIOR COURTS OF BELIZE

IN THE HIGH COURT OF BELIZE

CLAIM NO. 306 OF 2023

IN THE MATTER OF AN APPLICATION TO ENFORCE AN ICC ARBITRATION AWARD PURSUANT TO PART IV, SECTIONS 13 AND 28(1) OF THE ARBITRATION ACT CAP. 125 (REVISED EDITION 2020)

AND

IN THE MATTER OF AN APPLICATION UNDER CIVIL PROCEDURE RULE 43.10 AND A FIXED DATE CLAIM FORM UNDER CIVIL PROCEDURE RULE 8.1(5)

AND

IN THE MATTER OF ICC CASE NO. 22527/ASM/JPA – CONOCOPHILLIPS GULF OF PARIA B.V. v (1) CORPORACIÓN VENEZOLANA DEL PETRÓLEO, S.A. AND (2) PETRÓLEOS DE VENEZUELA, S.A.

BETWEEN:

CONOCOPHILLIPS GULF OF PARIA B.V

Claimant/Applicant

and

CORPORACIÓN VENEZOLANA DEL PETRÓLEO, S.A.

First Defendant

PETRÓLEOS DE VENEZUELA, S.A

Second Defendant

ATTORNEY GENERAL OF BELIZE

Third Defendant

Attorneys

Mr Andrew Stafford KC, with Mr Merrick Ricardo Watson and Mr Jarrad Ysaguirre for the applicant

17 March 2026

18 March 2026

JUDGMENT

Practice and Procedure – Service of court process outside the jurisdiction – Application for service of court process using specified method – CPR 7.10(1) – Hague Service Convention – What constitutes a good reason – Special or exceptional circumstances - Principles and Rules governing applications for specified service

- [1] **HONDORA, J.:** The applicant, ConocoPhillips Gulf of Paria B.V. (CGP), seeks an ex parte order to serve its post-judgment final receivership application on the first and second defendants through a 'specified method', namely, by email to several named individuals and by hand to Venezuela's Ambassador to Belize. This is my decision on the applicant's Specified Service Application.
- [2] In my written judgment, unless it is necessary to mention its name, I will refer to CGP as the 'applicant' and the defendants/respondents as such.

I. Background

- [3] The background to these proceedings is as follows. The applicant commenced arbitration proceedings under the International Chamber of Commerce (ICC) against the defendants (Corporacion Venezolana Del Petroleo, S.A, (CVP), and Petroleos de Venezuela, S.A, (PDVSA)). The applicant refers to these proceedings as 'the Corocoro Arbitration'. The Corocoro Arbitration was triggered by Venezuela's nationalisation of the Corocoro Project without compensation.
- [4] At the conclusion of the arbitration proceedings, the ICC awarded CGP US\$ 33,700,000, plus interest at a specified rate from 2002, and legal costs. In May 2023, CGP applied ex parte for the recognition and enforcement of the final award in Belize and for permission to serve the originating process and the court's order on the defendants by hand delivery and email. On 13 July 2023, following ex parte proceedings, Chabot J registered the final award as a judgment of the court and granted the defendants (CVP and PDVSA) leave to apply to set aside her order within twenty-eight (28) days of service. The court also upheld CGP's application for permission to serve legal process via hand delivery and email. The court did not provide reasons for its orders.
- [5] In September 2023, CGP filed an additional ex parte application for an order appointing an interim receiver over receivership assets held by the state of Belize, the government of Belize, and/or ALBA PetroCaribe (Belize Energy) Limited. On 12 December 2023, the court granted the order sought and appointed Mr Burrell as interim receiver until further order of the court. The court also directed that the interim receivership order be served on the defendants by hand and email, as well as on the Attorney General of Belize. The court did not provide reasons for its order.

- [6] In September 2025, the judgment creditor submitted an application for the appointment of a Final Receiver to assist with the enforcement of the court's 13 July 2023 judgment against "the direct, indirect, legal, or beneficial interest, and/or any interest at law or equity vested in or accruing to Petroleos De Venezuela, S. A. ("the Judgment Debtor") in assets within Belize or under the custody and/or control of persons or entities within Belize ("the Receivership Assets").
- [7] As noted in [1] above, the applicant now seeks, pursuant to Rule 7.10 of the Senior Courts (Civil Procedure) Rules (CPR), an order allowing it to serve on PDV, which is based in Venezuela, its application for the appointment of a final receiver via email and by hand delivery to Venezuela's ambassador to Belize.
- [8] In its application, the applicant affirms that Venezuela is a member of the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters (Hague Service Convention). In discharging its duty of candour, the applicant also states that, if PDV were before the court regarding the application for specified service, it would argue that the applicant should be required to effect service under the Hague Service Convention. The applicant also asserts that Venezuela made reservations to the Hague Service Convention, namely: (a) in relation to Article 8, Venezuela objects to service within its territory by diplomatic or consular agents of the country of origin, except where the court process is to be served on a national of the country of origin; and (b) in relation to Article 10(a), it does not agree to the transmission of documents through postal channels. The applicant also asserts that in 2024, Venezuela passed a law (the Simon Bolivar Law), which it says, outlaws service of court process in certain circumstances.
- [9] CPR 7.10(1) requires an applicant seeking to effect service of court process outside the jurisdiction by methods not listed in CPR 9(1) to provide a 'good reason' justifying the use of a different method specified by the court. Before considering whether the applicant has supplied a good reason for the requested methods of service, I must remind myself of the relevant legal principles and Rules.

II. The law

- [10] I will begin by briefly reviewing Part 7 of the CPR 2025 to identify the law, general principles, and Rules concerning the service of legal process outside the jurisdiction. Part 7 of the CPR outlines the "circumstances in which court process may be served out of the jurisdiction" and the related procedure (see CPR 7.1).
- (a) *What is "court process"?*
- [11] CPR 7.1(2) explains that "court process" includes:
- (a) a claim form and a statement of claim (unless contained in the claim form); or

- (b) a notice of application;
- (c) if these Rules so require, an affidavit in support of the claim;
- (d) if the court has made an order for an interim remedy before a claim has been made under Rule 17.2, a copy of the order; and
- (e) if permission has been given under Rule 8.2 to serve a court process without the statement of claim, a copy of the order giving permission.

[12] It follows, based on CPR 7.1(2)(b), that the current application qualifies as a relevant court process, and its service on a respondent or defendant is regulated by Part 7 of the CPR.

[13] Although it may be considered trite, it is worth noting that because CPR 7.1(2) uses the word “includes”, the list in (a) to (e) of CPR 7.1(2) is illustrative rather than exhaustive of what constitutes court process.

(b) Court process may be served outside the jurisdiction without permission in certain circumstances

[14] CPR 7.2 outlines the general rules for serving court process outside the jurisdiction without the court's permission. It states:

- (1) Court process may be served out of the jurisdiction without the permission of the court provided that–
 - (a) service is effected in compliance with Rule 7.9 or pursuant to Rule 7.17;
 - (b) the court process is listed in Rule 7.3; and
 - (c) the claimant complies with Rule 7.6.
- (2) If service is not to be effected in compliance with Rule 7.9 or pursuant to Rule 7.17, the court's permission is required to serve by alternative procedure under Rule 7.10. [Emphasis added]

[15] I propose to briefly unpack CPR 7.2. Focusing firstly on CPR 7.2(1)(a), a party does not need the court's permission if the service of court process out of the jurisdiction is carried out in accordance with CPR 7.9 or under CPR 7.17.

(i) Service of court process effected in compliance with CPR 7.9

[16] CPR 7.2(1)(a) refers to CPR 7.9, which in turn refers to service of court process on a State or Crown, through foreign governments, judicial, consular or central authorities of foreign states or the laws of the country in which the court process is to be served. CPR 7.9 promotes the expeditious service of court process outside the jurisdiction. It removed the requirement, under the 2005 CPR, to seek and obtain leave each time a litigant needed to serve court process outside the jurisdiction.

[17] Relevant to these proceedings is CPR 7.9(1)(a)(i), which refers to CPR 7.12 for types of service that generally do not require permission. As noted above, a party to litigation does not need permission to serve court documents outside the jurisdiction under CPR 7.12, namely, service through foreign governments, judicial,

consular, or central authorities of foreign states. The relevant provision as relates to these proceedings is CPR 7.12(3), which states:

“Court process to be served on a defendant in any country which is a party to the Hague Convention may be served–

- (a) through the authority designated under the Hague Convention in respect of that country; or
- (b) if the law of that country permits–
 - (i) in the case of court process issued in Belize, through its consular authority in that country; or
 - (ii) through the judicial authorities of that country.

[18] Consequently, as a general rule, a claimant does not require permission to serve court process on a defendant in any country that is a party to the Hague Convention. However, any such service must be carried out through the designated central authority in the member state to the Hague Service Convention or if the laws of the relevant member state permit, through Belize’s consular authority in the member state or through the country’s judicial authorities. I shall return to this issue below.

(ii) *Service under CPR 7.17, i.e., in ongoing proceedings in which court process has been served out of the jurisdiction*

[19] CPR 7.17(1) sets out the court process that can be served outside the jurisdiction without permission. It states:

“An application (other than an application originating a claim under Rule 8.1(6)), order or notice issued, made or given in any proceedings may be served out of the jurisdiction without the court’s permission if it is served in proceedings in which court process has been served out of the jurisdiction pursuant to Rule 7.2.” [Emphasis added]

[20] The title of CPR 7.17 is somewhat misleading. It states that the Rule provides for ‘Service of court documents other than court process’. I interpret CPR 7.17(1), when read with CPR 7.2(a), as indicating that permission to serve court process outside the jurisdiction is unnecessary for an application, order, or notice issued, made, or given if it relates to proceedings in which court process has already been served outside the jurisdiction without the court’s permission pursuant to CPR 7.2. In other words, there is no need to seek permission to serve court process arising from ongoing proceedings listed in CPR 7.2, which, by that provision, do not require permission for service outside the jurisdiction.

[21] It is also clear that CPR 7.17(1) excludes certain types of applications for which permission to serve out of the jurisdiction is required. Serving court process outside the jurisdiction of an application originating a claim under CPR 8.1(6) requires the court’s permission. CPR 8.1(6) provides:

A person who seeks a remedy–

- (a) before proceedings have been started;
- (b) in relation to proceedings which are taking place, or will take place, in another jurisdiction;
- (c) by an application for disclosure orders against a non-party (also known as Norwich Pharmacal Orders); or

- (d) by an application to enforce an arbitration award under Rule 43.10, must seek that remedy by an application under Part 11. [Emphasis added]

[22] In my view, CPR 7.17(1), read with CPR 8.1(6), requires an applicant seeking to enforce an arbitration award under CPR 43.10 to obtain permission to serve the originating court process outside the jurisdiction.

(iii) Service of court process relating to proceedings specified in CPR 7.3

[23] CPR 7.2(1)(b) states that court permission is not needed to serve out of the jurisdiction court process in proceedings specified in CPR 7.3.

[24] As relates to these proceedings, CPR 7.3 provides:

“Court process may be served out of the jurisdiction if a claim is made to enforce any judgment or arbitral award which was made by a foreign court or tribunal and is amenable to be enforced in the jurisdiction.”

[25] Read in isolation, CPR 7.3 provides that there is no need to obtain permission to serve outside the jurisdiction a claim to enforce a judgment or arbitral award issued by a foreign court or tribunal, which is amenable to enforcement in Belize. However, in my view, that would be a misinterpretation of CPR 7.2(1)(b) as read with CPR 7.3. To arrive at what I consider to be the correct interpretation of the Rules, CPR 7.2(1)(b) must be read together with CPR 8.1(6) and CPR 7.3. It is my view that when read together, these Rules mean that if a fixed date claim form is issued to enforce a foreign arbitral award in Belize and the court grants the claimant permission to serve its originating process on the defendant, any subsequent court process may be served on the defendant without needing further permission.

(c) CPR 7.6 – mandatory requirement to file a certificate for service out of the jurisdiction on filing court process to be served out of the jurisdiction

[26] As noted above, CPR 7.2(1)(a) and (b) permit service of court process out of the jurisdiction if the service is effected in compliance with CPR 7.9 or pursuant to CPR 7.17, or if the type of court process is specified in CPR 7.3. There is, however, an additional requirement, which is mislabelled as CPR 7.2(1)(b), but should have been labelled as CPR 7.2(1)(c). That rule provides that in any proceedings where court process may be served out of the jurisdiction without the permission of the court, a claimant must comply with CPR 7.6, which states as follows:

“Where court process is to be served out of the jurisdiction, the claimant must, at the same time as filing the court process, file and serve a certificate signed by the claimant or the claimant’s legal practitioner stating–

- (a) that, in the belief of the person signing the certificate, the claimant has a good cause of action;
- (b) the case or cases listed in Rule 7.3 on which the claimant relies;
- (c) that, in the belief of the person signing the certificate, the court is the appropriate forum for the trial; and
- (d) that, in the belief of the person signing the certificate, the proposed method of service does not infringe the

law of that foreign state.”

[27] As held in **Mango Springs Development Limited v Kessler**, Claim No. 309 of 2025, at para. 16

“CPR 7.6 is couched in mandatory terms and... for good reason. From a procedural perspective, CPR 7.6 gives the court office and the presiding judge notice that the originating process is [intended] to be served outside the jurisdiction. It also enables the court to make a preliminary determination on the issues of substantive law, which are listed in CPR 7.6(a) to (d).”

[28] Notably, CPR 7.2(1)(b) requires the certificate to be filed and served. Service of the certificate on the other party informs them that (a) the court process was issued without prior permission; and (b) the reasons given for the course of action.

(d) Permitted modes of service of court process served outside the jurisdiction

[29] CPR 7.9 outlines the general methods for serving court process on a party outside the jurisdiction, with or without permission. It provides:

- (1) Subject to the following paragraphs of this Rule, and Rule 7.10, if a court process is to be served out of the jurisdiction, it may be served—
 - (a) by a method provided for by—
 - (i) Rule 7.12 (service through foreign governments etc); or
 - (ii) Rule 7.14 (service on a State or Crown);
 - (b) in accordance with the law of the country in which it is to be served; or
 - (c) personally by the claimant or the claimant’s agent.
- (2) Nothing in this Part or in any court order authorises or requires any person to do anything in the country where the court process is to be served which is against the law of that country.

[30] CPR 7.9 specifies and limits the methods for serving the court’s process outside the jurisdiction. It reinforces the principle of comity in international law. The court’s jurisdiction, which is primarily, but not exclusively, territorial, must be exercised in accordance with that principle. Service of court process out of the jurisdiction is an exercise of sovereignty within a foreign state (**Bayat v Cecil** [2011] WLR D 51, at para. 61). It also helps prevent overreach when exercising extraterritorial jurisdiction and ensures the just resolution of disputes properly before the court.

[31] CPR 7.12 (3) provides for service under the Hague Service Convention. The Hague Service Convention is one of many bilateral and multilateral treaties for legal and judicial assistance between nations. Service under the Hague Service Convention can be carried out in three ways, namely (a) through the member state’s central authority under the Hague Convention; and (b) if permitted by the law of the Hague member state, through (i) the Belize consular authority in that country; or (ii) the state’s judicial authorities.

[32] Where a party to litigation has a 'good reason' for not utilising the options set out in CPR 7.9(1) to serve court process out of the jurisdiction, they are required to file an application for service to be effected by a method specified by the court. This is known as an application for 'specified service'. In this regard, CPR 7.10(1) provides:

"Where service under Rule 7.9 cannot be effected on the defendant for good reason, the claimant may apply for an order under this Rule that the court process be served by a method specified by the court."

[33] A litigant seeking permission to serve court process outside the jurisdiction using methods not specified in CPR 7.9 must plead and particularise the existence of, and provide evidence for, a 'good reason' for their preferred alternative and specified method of service. An applicant's pleadings must, therefore, demonstrate the existence of a good reason why the methods of serving court process outside the jurisdiction set out in CPR 7.9 are either ineffective or unavailable or would otherwise undermine the effective administration of justice. However, the desire for speed and expedition, i.e., to avoid delay or inconvenience, is not a good reason to seek an order for specific service eschewing use of the Hague Convention (see, for example, In **Knauf UK v British Gypsum Ltd** [2002] 1 WLR 907, at para. 47, which considered the issue in the context of the Hague Convention and the Brussels Convention (the Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters)).

[34] What qualifies as a 'good reason' under CPR 7.10(1) is a question of fact to be decided after considering all the circumstances of the case (see, for example, Lord Sumption's statement in **Barton v Wright Hassall LLP** [2018] 1 WLR 1119, at para. 9, regarding the issue of validating non-compliant service of a claim form).

[35] It follows that the court has broad discretion over applications to effect service outside the jurisdiction using methods not specified in CPR 7.9. This discretion arises from the court's inherent power to control its procedures, exercised in accordance with the overriding objective and considerations of comity. Moreover, when assessing whether the overall circumstances of a case provide a sufficient reason to justify a decision allowing service outside the jurisdiction by alternative means proposed by an applicant and not listed in CPR 7.9, the court will take a pragmatic rather than dogmatic approach.

[36] I should add that CPR 7.10(4) stipulate as follows:

An application for an order under this Rule may be made without notice but must be supported by evidence on affidavit–

- (a) specifying the method of service proposed;
- (b) providing full details as to why service under Rule 7.9 cannot reasonably be effected;
- (c) showing that such method of service is likely to enable the person to be served to ascertain the contents of the court process; and

(d) certifying that the method of service proposed is not contrary to the law of the country in which court process is to be served.

(e) *Where a treaty on the service of court process exists, what principles govern the determination of service by alternative methods not agreed upon by the contracting parties?*

[37] There is no binding precedent on the principles to be applied in determining whether an adequate case has been established justifying an order permitting service of court process by an alternative method not specified in CPR 9(1).

[38] In interpreting our Rules, I have considered, as the applicants have, how the courts in England and Wales have interpreted the English Civil Procedure Rules, in particular CPR 6.15(1), which is materially similar to our CPR 7.10. The English Civil Procedure Rule 6.15(1) provides:

“Where it appears to the court that there is a good reason to authorise service by a method or at a place not otherwise permitted by this Part, the court may make an order permitting service by an alternative method or an alternative place.” [Emphasis added]

[39] For ease of reference, our CPR 7.10(1) provides:

“Where service under Rule 7.9 cannot be effected on the defendant for good reason, the claimant may apply for an order under this Rule that the court process be served by a method specified by the court.” [Emphasis added]

[40] The applicant has urged the court to consider the opinion expressed by Paul Stanley J in ***Smarter Applications Ltd v Shenzhen H&T Intelligent Control Ltd*** [2025] EWHC 3067 (Comm), at para. 35, when determining whether, in this case, there is a ‘good reason’ to permit service by alternative methods instead of those agreed upon by Venezuela, a Hague Service Convention member state. I am grateful to the applicant’s counsel for bringing that authority to my attention. Paul Stanley J’s comprehensive review of applicable English case law provides useful guidance, while noting, of course, that each case must be resolved on its facts and to the extent that the principles enunciated in English caselaw are relevant to the circumstances in Belize.

[41] In considering the English Civil Procedure Rule 6.15(1), Paul Stanley J stated the following (at para. 35), which I find persuasive, on determining whether a good reason exists to permit service of legal process by an alternative procedure, that:

- ii) The fact that the Court is being asked to make an order for alternative service on a defendant domiciled in a [Hague Service Convention country] is a relevant factor in considering whether a good reason has been made out: see for example *Deutsche Bank AG v Sebastian Holdings Inc* [2014] EWHC 112 (Comm), [19] (‘a critically important distinction’, Cooke J).
- iii) In proceedings in which the HSC is engaged, there are a number of cases which have held that merely avoiding delay or inconvenience will not be sufficient to constitute ‘good reason’ (*Deutsche Bank AG v*

Sebastian Holdings Inc, [28]), *Société Générale v Goldas Kuyumculuk Sanayi* [2017] EWHC 667 (Comm), [49 (9)(a))].

- iv) In those cases where the country in question has stated its objection under Article 10 of the HSC to service otherwise than through its designated authority, it has been held that relief under Rule 6.15 will only be granted in 'exceptional circumstances' (*Société Générale*, [49(9)(b)]), approved at [2018] EWCA Civ 1093, [33-35]; *Marashen Limited v Kenvett Limited* [2017] EWHC 1706 (Ch), [57]; *Punjab National Bank (International) Ltd v Srinivasan* [2019] EWHC 89 (Ch)) or in 'special circumstances' (if that is different): *Russian Commercial Bank (Cyprus) Ltd v FedorKhoroshilov* [2020] EWHC 1164 (Comm), [96-97] .
- v) There has been some debate as to what the requirement of 'exceptional' or 'special circumstances' means, but it has generally been interpreted as requiring some factor sufficient to constitute good reason, notwithstanding the significance which is to be attached to the Article 10 HSC reservation (see for example *Koza Ltd v Akcil* [2018] EWHC 384 (Ch), [45-49], Richard Spearman QC).
- vi) However, it is clear that there are circumstances in which an order for alternative service will be appropriate in HSC cases (or to put matters another way, in which good reason for making such an order can be established notwithstanding the HSC factor)."

[42] I am also of the view that a good reason that would justify service of court process by alternative methods and not those stipulated by the Hague Service Convention member state for service of court process on its territory must be based on some objectively 'special' or 'exceptional' circumstance(s). While what constitutes special or exceptional circumstances is fact-specific, categories will no doubt progressively crystallise as caselaw evolves, including by analogy.

[43] I also find Marcus Smith J's opinion in ***Nokia Technologies OY v OnePlus Technology (Shenzhen) Co Ltd*** [2022] 1 All ER (Comm) 1384 persuasive. At para. 27, Marcus Smith J aptly noted that in extraterritorial cases, the Hague Service Convention is a "hugely relevant consideration", and at para. 31, he stated that this involves:

"...a balancing and consideration of the importance of properly conducting what are regular proceedings in this jurisdiction, against departing from the regular form of service stipulated by a foreign state for the service of persons within its borders. Put shortly it is the due administration of justice versus comity and it is where the interests of the former outweigh those of the latter that special circumstances or exceptional circumstances exist".

[44] At paras. 18-19, Marcus Smith J expressed the following statements, which I respectfully share as it applies to this jurisdiction, that:

- 18. "The reason alternative service and service generally is more fraught in cases involving proceedings and defendants out of the jurisdiction is simply because it involves the coercive processes of the English courts being foisted upon the defendant who is out of the jurisdiction. That is why one must tread more carefully in the cases of service out of the jurisdiction than in cases of service in the jurisdiction where it is simply a question of ensuring that proceedings and people completely under the control of the English court are properly dealt with in a fair and just way in accordance with the overriding objective.
- 19. In that context, Lord Clarke clearly recognised the importance of bilateral treaties and conventions in relation

to service out, noting at 34 that alternative service on parties and territories affected by such treaties or conventions ran the risk of subverting the provision[s] of those treaties. That, if I may say so, is entirely clear. If one entered into a convention with another state for the service of civil proceedings on persons in that state, then to disregard those provisions would be disrespectful and contrary to the rules of comity between nations.

- [45] The Hague Service Convention is, of course, respectfully, a multilateral treaty, and the reference to “one” in the Nokia Technologies OY case must be a reference to ‘a state’ and not an individual. This aside, Marcus Smith J’s statement is persuasive. Drawing on it and other case law as outlined above, I hold that to discharge his or her burden of proof, an applicant seeking a CPR 7.10 order must, drawing on the facts, assert that, and demonstrate with compelling reasons and evidence why, the balance between the proper administration of justice and respect for international comity tips in favour of an order permitting service of court process on a party within a Hague Service Convention member state by alternative methods rather than those accepted by the relevant Hague Service member state under that Convention.

(f) *Purpose of service*

- [46] Service of court process, particularly originating process: (a) informs the relevant party that legal proceedings have been initiated against them concerning the pleaded remedies, reliefs, or orders; (b) permits the party against whom the remedies, reliefs, or orders are sought to participate in the proceedings and be heard; and (c) allows the court to manage the litigation process (see also *Hoddinott v Persimmon Homes (Wessex) Ltd* [2008] 1 WLR 806, at para. 54; *Abela v Baadarani* [2013] 1 WLR 2043, at para. 37; *Olafsson v Gissurarson (No 2)* [2008] 1 WLR 2016, para 55).
- [47] It follows that an applicant who seeks to use an alternative method to serve court process on a named party to litigation outside the territory of Belize and in a Hague Service Convention member state must demonstrate that their preferred method will, more likely than not, result in the party receiving notice of the proceedings.
- [48] From the above, I derive the following, which I hope are uncontroversial principles, namely:
- (a) An applicant seeking an order for specified service and for an alternative method of service under CPR 7.10(1) on a defendant/respondent in a Hague Service Convention member state:
 - (i) bears the burden of proof, which is discharged on the balance of probabilities;
 - (ii) must assert and demonstrate the existence of a ‘good reason’ that justifies an order allowing service to be effected by a method other than that agreed upon by the member state of the Hague Service Convention in whose territory the service of court process on the defendant/respondent is to be carried out; and

- (iii) must affirm and demonstrate, with compelling reasons and evidence, why, considering all the circumstances of the case, the balance between the proper administration of justice and respect for international comity favours an order allowing service of court process on a party in a Hague Service Convention member state by means of an alternative method different from that accepted by the relevant Hague Service Convention member state under the Convention.
- (b) If the Hague Service Convention member state where service is to be carried out has objected to service by any means other than through its designated authority, the court will order specified service under CPR 7.10(1) only in exceptional or special circumstances.
- (c) An exceptional or special circumstance requires a factor that significantly constitutes a good reason - delay or inconvenience in using the methods outlined by the relevant Hague Member state for serving court process on its territory does not, without more, constitute a good reason.
- (d) The applicant must aver and demonstrate that the alternative specified method, which it seeks to utilise, is more likely than not to result in the defendant/respondent receiving notice of the commencement of legal proceedings and constitute appropriate and effective service on the defendant/respondent.
- (e) In determining a CPR 7.10(1) application for specified service, the court will adopt a pragmatic rather than dogmatic approach.

[49] In considering the applicant's CPR 7.10 application for specified service, I will rely on the above analysis and principles.

III. Discussion

[50] In its application, the applicant requests permission to serve its application for the appointment of a final receiver on PDV via email to:

- (a) Miguel Barraez, legal manager of the judgment debtor;
- (b) Alfredo de Jesus of De Jesus and De Jesus Paris (a law firm);
- (c) Joseph Pizzurro and George Kahale III of Curtis, Maller-Provost, Colt and Mosle LLP (New York) (a law firm);
- (d) Kurt W. Hansson of Paul Hastings LLP (a law firm).

[51] It is uncertain whether the named attorneys and/or their law firms presently represent the

defendants/respondents and are authorised to accept service of court process on their behalf. Whether this would constitute proper and adequate service in fact and law remains an open question. As previously mentioned, the applicant also intends to serve PDV by personally delivering its application for the appointment of a final receiver to Venezuela's ambassador to Belize, His Excellency, Ambassador Mr Gerardo Antonio Argote. Whether that would amount to proper and adequate service in fact and law is also an open question. However, I do not need to resolve these issues, as I am of the view that the applicant has not demonstrated a good reason to order alternative service under CPR 7.10(1).

- [52] The applicant justifies its application for service using the methods outlined above rather than through Venezuela's central authority, namely the Ministry of Foreign Affairs' Office of Consular Affairs, on several grounds. I will address, in turn, the reasons proffered.

(a) Venezuela's reservation to Articles 8 and 10 of the Hague Service Convention

- [53] The applicant avers that Venezuela has made reservations to Articles 8 and 10 of the Hague Service Convention. Article 8 of the Convention provides:

"Each Contracting State shall be free to effect service of judicial documents upon persons abroad, without application of any compulsion, directly through its diplomatic or consular agents. Any State may declare that it is opposed to such service within its territory, unless the document is to be served upon a national of the State in which the documents originate."

- [54] The applicant states that Venezuela registered a reservation to Article 8, objecting to service within its territory by diplomatic or consular agents of the State of origin—i.e., the State whose court process is intended to be served in Venezuela—except when such service is on a national of the country of origin.

- [55] Article 10 of the Convention provides:

"Provided the State of destination does not object, the present Convention shall not interfere with – a) the freedom to send judicial documents, by postal channels, directly to persons abroad, b) the freedom of judicial officers, officials or other competent persons of the State of origin to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination, c) the freedom of any person interested in a judicial proceeding to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination."

- [56] The applicant states that Venezuela registered a reservation to Article 10 and objects to the transmission of court process through postal channels.

- [57] In response to a question I raised during the hearing of oral submissions, Mr Stafford KC, quite rightly in my view, agreed that these reservations do not, on their own, constitute a good reason justifying a CPR 7.10(1)

Order for specified service. Hague Service Convention member states have a sovereign right to file reservations to certain provisions of the Convention and are not obliged to accept service of court process carried out in a manner to which they have legitimately objected as a member state. This is uncontroversial as a matter of public international law. It has not been argued that these reservations make service of court process in Venezuela impossible.

(b) Assertion that it is uncertain that service can be effected through Venezuela's Central Authority

- [58] As in the proceedings before Chabot J, the applicant states that it is doubtful whether service under the Hague Convention is even feasible because the United Kingdom's Central Authority under the Hague Service Convention, the Foreign Process Section (FPS), repeatedly informed its attorneys that it was unable to serve documents on the defendants in Venezuela in related proceedings. Furthermore, it is said that the applicant's local attorney informed the applicant that, in Belize, service of process under the Hague Service Convention is highly impractical and rarely used, because the difficulties faced by the Central Authority in the UK are likely to be the same for the Central Authority in Belize.
- [59] In support of its case, the applicant asserts that in 2023, the UK's FPS informed its attorneys that service between the FPS and Venezuela's Central Authority, through the transmission of documents between the two authorities, had proven impossible due to strikes and widespread dysfunction at Venezuela's Central Authority, stemming from an unstable political environment in that country.
- [60] The applicant further states that on five separate occasions between February 2020 and August 2021, the FPS informed the applicant's attorneys in related proceedings that it was no longer accepting requests for service in Venezuela.
- [61] After referencing affidavits filed in the proceedings before Chabot J, Dr Morgan, an attorney representing the applicant, stated in her affidavit dated 16 September 2025 that on 29 November 2024, Venezuela enacted a law called the Simon Bolivar Law (Gazette No. 6,859). The applicant asserts that this law makes it "a criminal offence for anyone in Venezuela to assist with the service of foreign process in Venezuela on the state or state-related or owned enterprises". The applicant refers to the Simon Bolivar Law as "the New Service Law". I will refer to the relevant legislation as the Simon Bolivar Law, in accordance with the translated version which indicates this is its official title.
- [62] In her second affidavit, deposed on 18 February 2026, Dr Morgan gives her opinion on the Simon Bolivar Law, stating:

“The practical effect of the New Service Law is that any acts of service of foreign process on Venezuelan soil is now criminalised, and the Claimant has had to resort to service methods that ensure that it is not procuring or causing any acts related to service to be done in Venezuela.”

- [63] I pose here to note that Dr Morgan’s opinion on Venezuelan law has not been presented as expert opinion evidence.
- [64] Additionally, Dr Morgan mentioned in her affidavit the difficulties the applicant faced when serving documents on the defendants in relation to proceedings in Guyana and Grenada. I accept that this is admissible evidence of fact.
- [65] Dr Morgan states that, regarding the proceedings in Guyana, the applicant attempted to serve Mr Miguel Barraez, the defendant’s legal manager, but he refused to accept the relevant court process. The details of that attempted service and any reasons Mr Barraez might have given for declining service on behalf of the defendants/respondents are not included in Dr Morgan’s affidavit. Apparently, afterwards, the applicant obtained an order for substituted service via email to the same addresses listed in these proceedings. I am unclear whether the relevant court (s) in Guyana considered the substituted service effective. However, even if they did, that would not be of primary relevance to these proceedings in Belize.
- [66] Regarding proceedings in Grenada, Dr Morgan states that the Rules there do not require permission to effect personal service in Venezuela. If that is the case, in this regard, Grenada’s Rules align with our CPR 7.9(1)(c). Due to unspecified difficulties in serving the court’s process, the applicants sought and obtained in Grenada an order for service by publication in a newspaper of general circulation in Venezuela. However, no newspaper was willing to publish the court process. Subsequently, the service order was varied to permit service by way of email to the same addresses specified in these proceedings.
- [67] The applicant requests the court to find that it is ‘doubtful’ that service of court process through the Hague Service Convention system is feasible, and that it has demonstrated the existence of special or exceptional circumstances based on the evidence presented before Chabot J and in the affidavits filed in these proceedings.

Analysis

- [68] I have taken a step back, as I must, to consider the applicant’s case. The applicant relies on two affidavits by Dr Morgan and several affidavits sworn by Mr Hayes in the 2023 proceedings before Chabot J, as well as a substantial bundle and written submissions, the quality of which I am more than grateful to counsel.

[69] The question I must consider is whether the applicant has demonstrated its entitlement to an order for specified service under CPR 7.10(1). Unfortunately, the answer is “No”; it has not. The applicant has not provided a ‘good reason’ justifying an order allowing it to effect service on PDV outside the mechanism agreed by Venezuela under the Hague Service Convention for serving court process within its territory or any other methods to which the applicant is entitled as a matter of Belizean law and the rules set out in the CPR. My reasons are as follows.

(i) No compelling case has been made why the applicant may not resort to Venezuela’s Central Authority

[70] As noted above, the applicant requests the court to find that it is doubtful whether service of court process via the Hague Service Convention is feasible because (a) the FPS has repeatedly informed it that it was unable to serve documents on the defendants in Venezuela; (b) the applicant’s counsel in Belize also informed its attorneys that service under the Hague Service Convention is highly impractical and rarely used due to the difficulties faced by the Central Authority in the UK, which are likely to be similar for the Central Authority in Belize.

[71] The system under the Hague Service Convention requires a party seeking to serve court process outside Belize to engage with Belize’s central authority, namely the Registrar of the High Court of Belize at the Ministry of Justice (Belize Central Authority), who, upon receipt of the court process, will transmit it, following the relevant formalities required under the Convention, to Venezuela’s central authority. This is similar in all material respects to the UK’s FPS, which is part of the High Court’s registry. The applicant has not provided a compelling case that is specific to its own or any other relevant litigant’s use of the Central Authority of Belize to transmit court process, both generally and specifically to Venezuela’s Central Authority under the Hague Service Convention. The evidence submitted by the applicant does not enable me to conclude that serving its court process by transmitting documents between Belize’s Central Authority and Venezuela’s Central Authority is impractical or fraught with challenges.

[72] The applicant relies on information received from the UK’s FPS on five occasions between February 2020 and August 2021, and on that central authority’s alleged suspension (presumably during the same period) of service operations with Venezuela’s central authority. This is certainly useful contextual information. However, it is outdated. Whatever the UK FPS’s experience and decisions between February 2020 and August 2021, it does not necessarily mean that the same challenges still exist today. To the extent that the applicant seeks to rely on its experience or that of its sister entities regarding the use of the Hague Service Convention for service in Venezuela via the FPS, relevant evidence for its current CPR 7.10(1) application should include information demonstrating whether the FPS has continued its alleged suspension of service to Venezuela and the reasons

thereof.

- [73] Furthermore, it does not follow that because the UK's FPS faced particular difficulties in serving court process in Venezuela four years ago, Belize's Central Authority would encounter the same challenges. Such a conclusion would be based on an unwarranted inference.
- [74] The applicant's case, as presented, and the evidence supporting it, does not tip the balance in favour of an objective conclusion that Venezuela's central authority is presently dysfunctional or ineffective, and that relying on it for service of the applicant's court process would undermine the effective administration of justice. Venezuela's central authority may certainly have been negatively affected by strikes and what has been described as "widespread dysfunction" in 2020/2021, a period that also coincided with the COVID pandemic. Whether the same challenges persist today must be based on evidence, not inference.
- [75] Further, as noted above, regarding Belize's central authority, the applicant relies on an opinion said to have been expressed by its local attorney that "in Belize, service of process via the Hague Service Convention is highly impractical and rarely used because the difficulties faced by the Central Authority in the UK are likely to be the same for the Central Authority in Belize." I am unsure about what is meant by "In Belize, service of process via the Hague Service Convention is highly impractical." Belize has a designated central authority for the purpose of the Hague Service Convention, namely the Registrar. The Registrar oversees the High Court and Court of Appeal registries. Any suggestion that it is (possibly) incapable of fulfilling its statutory role as Belize's central authority under the Hague Service Convention is regrettable. If it is true that the Registrar's Office had challenges in 2023 (and it is a big IF), there is a need for proof that the challenges, which must be specified, persist in 2026. Information on those challenges, if true, must come from official statements by the Registry itself.
- [76] It is also said that the "local attorney" opined that the Hague Service Convention is "rarely used" in Belize because the difficulties faced by the UK's FPS are likely to be the same for the Belize Central Authority under the Hague Service Convention. First, if that statement is accurate, it suggests that Belize's Central Authority has previously transmitted documents to Venezuela under the Hague Service Convention. If so, why was the Registrar not asked to provide a formal statement outlining challenges, if any, previously encountered in serving documents in Venezuela through that country's Central Authority? Such a statement would be highly relevant and probative evidence. Second, if it is rarely used, is that because of ineffectiveness or because of the nature of cases that come before the courts? Third, the opinion is plainly based on supposition, hence the sentence "the difficulties faced by the UK's FPS are likely to be the same for the Central Authority of Belize." Furthermore,

the attorney's opinion is not evidence of fact. At the time it was made, during the 2023 proceedings, it was, in my respectful view, inadmissible third-party opinion evidence (see section 44 of the Evidence Act). It has not been argued that the attorney's opinion was introduced into evidence and accepted as expert opinion evidence.

[77] Additionally, assuming, for the sake of argument, that the attorney's opinion was accurate in 2023, it does not mean it remains accurate today.

[78] Notably, in proceedings before the UK courts, the applicant's case is that it approached and communicated with the UK's FPS on numerous occasions. I hold that this was an entirely correct and understandable approach. If this approach was correct and a necessary step in the UK (and Singapore) before it sought orders permitting service by an alternative specified method, on what basis should this court hold that the applicant's non-engagement with this country's central authority under the Hague Service Convention is either unnecessary or that using it would undermine the effective administration of justice?

[79] That aside, the applicant also submits that "Venezuela enacted the [Simon Bolivar Law] on 29 November 2024. It argues that this law makes it a criminal offence for anyone in Venezuela to assist in the service of foreign process against the state or state-related or owned enterprises. The applicant provided a certified translation of the Simon Bolivar Law. Mr Stafford KC, in his oral submissions, argued that this was the most significant factor, which, taken together with the other factors above, establishes the existence of a good reason which justifies a CPR 7.10(1) order for specified service.

[80] I note that Article 7(5) of Simon Bolivar Law (as per the translation) provides that the following constitutes action contrary to the values and inalienable rights of the State:

"Participation, profit or benefit, direct or indirect in the execution of administrative or judicial measures, in foreign jurisdictions, aimed at the preventative seizure, freezing, seizure, auction or confiscation of assets of the Republic, or its territorially or functionally decentralized entities; when such measures are the consequence of any of the conducts provided for in this article and do not have the authorization or approval of authorities legitimately instituted in the Bolivarian Republic of Venezuela."

[81] The applicant has not submitted expert opinion evidence on Venezuelan law, specifically on the interpretation of Article 7(5) of the Simon Bolivar Law. Although the applicant claims that the law makes it an offence for "anyone" to assist with the service of court process in foreign proceedings, it has not argued that Article 7(5) of that law prevents Venezuela's Central Authority from fulfilling its obligations under the Hague Service Convention. Mr Stafford KC was quite right, in his oral submissions, not to take the applicant's case that far.

[82] I also note, without attempting to interpret Article 7(5) of the Simon Bolivar Law, that measures authorised by

the relevant authorities are exempt. If that is correct, it would mean that service of court process through Venezuela's central authority will not be in breach of the law.

[83] I am not persuaded that the applicant has demonstrated that the Simon Bolivar Law presents practical challenges to the service of its court process through the mechanism of the Belize Central Authority transmitting documents to Venezuela's Central Authority. There is not, on these facts as presented, any exceptional or special circumstance that justifies a CPR 7.10(1) Order for specified service.

[84] There is certainly an argument that in these proceedings, any of the following may potentially have supported a conclusion that there is a good reason to order service by a specific method, namely, relevant evidence showing that (a) the Belize central authority is unwilling, unable, or ill-equipped to transmit the applicant's court process to Venezuela's central authority; (b) the Belize Central Authority has in the recent past failed to effect service due to various challenges with or lack of cooperation by Venezuela's central authority; or (c) that the Simon Bolivar Law prevents Venezuela's central authority from effecting service under the Hague Convention. I have expressed myself tentatively because each CPR 7.10(1) application must be decided based on its own facts and circumstances, i.e., as pleaded and evidenced by the applicant.

(ii) Whether, in addition to service under the Hague Convention, the court should permit service using the methods the applicant proposes

[85] The following question arises from these proceedings. Should the court consider allowing the applicant, in addition to service through the Hague Service Convention, to effect service via the means outlined in its application due to the service-of-court-process challenges the applicant claims to have faced as a result of Venezuela's Simon Bolivar law in related proceedings in other jurisdictions?

[86] The first issue with that proposition is that such a decision would sit uneasily with my ruling above that special or exceptional circumstances are required for an order permitting specified service in relation to a Hague Service Convention member state, and that the applicant has not discharged its burden for a CPR 7.10(1) Order.

[87] Obviously, the applicant is at liberty to effect service on the defendants/respondents (a) through (as I have found) the Hague Convention Service (CPR 7.9(1)(a)(i)); (b) via a method permitted by the laws of Venezuela (CPR 7.9(1)(b), including potentially through its judicial system; or (c) through its agents and/or attorneys on the defendant's/respondent's agents authorised to accept legal process. In this regard, my decision is not a straitjacket. If these options are unavailable or impracticable and are demonstrated to be so, the applicant is at liberty to apply, providing good reasons for a CPR 7.10(1) Order for specific service.

IV. Conclusion

[88] Drawing on the above, I rule as follows:

1. The applicant's application for specified service under CPR 7.10(1) is dismissed.

**Mr Justice Hondora
Judge
High Court
Civil Division**