



## **Can you be taken to court by ‘invitation’ delivered at a postal address?**

Under Dutch law, a legal invitation to take someone to court – legally known as ‘*summons*’ in English or ‘*dagvaarding*’ in Dutch - must normally be delivered to the place of residence of the person for whom it is intended. The place of residence is the place where the person lives: that is, a place where he actually lives, and in the absence of a place to live, a place of his actual residence.

Dutch law also contains rules for the situation where persons don’t even have a known place of residence in The Netherlands. In those situations the ‘legal mailman’ – legally known as ‘*bailiff*’ in English or ‘*deurwaarder*’ in Dutch - delivers a summons at the place of actual stay. If neither a place of residence or actual stay in or outside The Netherlands is known, the summons will be ‘publicly’ served at the court where the case must serve. In the event of public service, an extract of the summons is published as soon as possible in the Government Gazette, stating the name and office address of the bailiff or lawyer from whom a copy of the summons can be obtained.

Practice shows that the public service of the summons is not effective. It takes too long, costs more money and moreover the chance is very small that the person who is summoned also becomes aware of this. The question is whether service at the postal address might be a better solution. The Supreme Court recently issued a judgment on this.

### **Considerations of the Supreme Court**

A postal address is an address where documents sent by the government for a person are received. It must be an existing address of a natural person or an institution, the so-called ‘letter address provider’. The letter address provider must ensure that mail from the government (letters or other documents, such as a tax forms, summons, etc.) reach the person in question. This is because he or she must always be reachable by the government and must also be physically traceable. That is why a postal address can never be a PO box.

The postal address is an address that is chosen to receive mail there. That is why the Supreme Court has determined that the summons may also be served at the postal address. If a postal address is known, there is therefore no place for public service unless the bailiff has to assume that the postal address is no longer correct and the documents will not reach the person concerned when they are served at the letter address.

**What does it mean for you?**

If you have a postal address in The Netherlands, it is very important that you keep an eye on the mail. For example, if you receive a summons at that address, you must act quickly, as the time limits for defense in The Netherlands are short.

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