



COMPANY SECRETARIAL AND CORPORATE GOVERNANCE

Process Agent for Service of Documents in Ireland

by **Colm Hanley**

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19th May 2021 | by Colm Hanley

A process agent often plays a key role in cross-border agreements and transactions between organisations, lending institutions, government agencies or other connected parties. The appointment of a process agent helps to avoid breaches and costly default judgments which may arise from the mishandling of legal process.

What is a Process Agent?

A process agent or agent for service of legal documents is an agent appointed for the service of legal process and provides an address for the acceptance of court papers, service of notices, proceedings, and other documents. The appointed process agent signs for any documents received under the terms of their appointment and forwards them for delivery to the addressees stipulated in the Service of Process appointment letter. Service at the address of the process agent constitutes service for legal procedures.

A process agent can act in a broad capacity for a company and/or individuals, including: acting as a process agent for court actions; receiving documents in connection with arbitration proceedings; and receiving notices under contracts where an independent party is needed.

Who Uses a Process Agent?

A Irish process agent often plays a key role for many foreign businesses dealing with suppliers, banks or lenders in Ireland that must appoint a process agent to accept service of legal documents in Ireland on their behalf. It may be required under the terms of the commercial agreement that a local process agent must be appointed.

International companies (non-Irish clients) enter into legal agreements governed by laws foreign to their home country or jurisdiction such as Ireland. If they do not have the necessary registered address to accept 'service of process' in Ireland they will appoint a process agent to accept service of process under legal agreements.

Overseas lawyers will often need to appoint a local process agent in Ireland to accept service of legal process from the Irish courts on behalf of overseas companies and individuals, or to serve notices to an Irish defendant to overseas legal proceedings.

Irish lenders may require an overseas borrower to have a local process agent to accept service of legal papers relating to a transaction or to whom they can deliver court proceedings if a borrower defaults on a loan.

The appointment of a process agent is common among industrial manufacturers, transportation/aviation, investment and commercial banking, communications, energy, and pharmaceuticals.

Example – Financing Transaction

In a cross-border financing transaction, the parties will decide upon the governing law which will preside over legal issues. Lenders will require the appointment of a process agent to be a contact with a physical address within that chosen governing law jurisdiction. The process agent will receive legal documents and notices related to the financing transaction and forward them to the designated contact. Before the deal closes, the process agent can provide evidence of the acceptance of documents.

Choosing a Process Agent in Ireland

There are significant benefits to appointing a professional process agent who is knowledgeable about the various types of legal processes, has expertise in corporate and commercial transactions, and possesses local compliance expertise.

We Can Help

At LK Shields Solicitors LLP, we have the expertise in corporate and commercial transactions together with excellent relations with the world's leading law firms with whom we regularly partner on the Irish aspect of international transactions.

If you would like more information of the appointment of a process agent in Ireland, please contact our company secretarial and corporate governance team at cosec@lkshields.ie.

About the Author



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Colm is a senior Company Secretary with expertise in company law, corporate governance, company secretarial matters, due diligence and client relationships.

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