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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 10**

**ACKNOWLEDGMENT OF SERVICE**

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**Acknowledgment of service**

**10.1.**—(1) This Part deals with the procedure for filing an acknowledgment of service.

(2) Where the claimant uses the procedure set out in Part 8 (alternative procedure for claims) this Part applies subject to the modifications set out in rule 8.3.

(3) A defendant may file an acknowledgment of service if—

- (a) he is unable to file a defence within the period specified in rule 15.4; or
- (b) he wishes to dispute the court's jurisdiction.

(Part 11 sets out the procedure for disputing the court's jurisdiction)

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**Commencement Information**

**II** [Rule 10.1](#) in force at 26.4.1999, see [Signature](#)

**Consequence of not filing an acknowledgment of service**

**10.2** If—

- (a) a defendant fails to file an acknowledgment of service within the period specified in rule 10.3; and
- (b) does not within that period file a defence in accordance with Part 15 or serve or file an admission in accordance with Part 14,

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The Civil Procedure Rules 1998, PART 10. (See end of Document for details)*

the claimant may obtain default judgment if Part 12 allows it.

#### Commencement Information

**I2** Rule 10.2 in force at 26.4.1999, see [Signature](#)

#### The period for filing an acknowledgment of service

- 10.3.**—(1) The general rule is that the period for filing an acknowledgment of service is—
- (a) where the defendant is served with a claim form which states that particulars of claim are to follow, 14 days after service of the particulars of claim; and
  - (b) in any other case, 14 days after service of the claim form.
- (2) The general rule is subject to the following rules—
- (a) [<sup>F1</sup>rule [<sup>F2</sup>6.35]] (which specifies how the period for filing an acknowledgment of service is calculated where the claim form is served out of the jurisdiction [<sup>F3</sup>under rule 6.32 or 6.33]); <sup>F4</sup>...
  - (b) rule [<sup>F5</sup>6.12(3)] (which requires the court to specify the period for responding to the particulars of claim when it makes an order under that rule) [<sup>F6</sup>]; and
  - (c) rule [<sup>F7</sup>6.37(5)] (which requires the court to specify the period within which the defendant may file an acknowledgment of service calculated by reference to [<sup>F8</sup>Practice Direction 6B] when it makes an order giving permission to serve a claim form out of the jurisdiction.)]

#### Textual Amendments

- F1** Words in rule 10.3(2)(a) substituted (2.5.2000) by [The Civil Procedure \(Amendment No. 2\) Rules 2000 \(S.I. 2000/940\)](#), rules 1, **6**
- F2** Word in rule 10.3(2)(a) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **8(a)(i)(aa)**
- F3** Words in rule 10.3(2)(a) inserted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **8(a)(i)(bb)**
- F4** Word in rule 10.3(2)(a) omitted (1.10.2005) by virtue of [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **17(a)**
- F5** Words in rule 10.3(2)(b) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **8(a)(ii)**
- F6** Rule 10.3(2)(c) and word inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **17(b)**
- F7** Word in rule 10.3(2)(c) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **8(a)(iii)(aa)**
- F8** Words in rule 10.3(2)(c) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **9**

#### Commencement Information

**I3** Rule 10.3 in force at 26.4.1999, see [Signature](#)

#### Notice to claimant that defendant has filed an acknowledgment of service

- 10.4** On receipt of an acknowledgment of service, the court must notify the claimant in writing.

**Commencement Information**

**I4** [Rule 10.4](#) in force at 26.4.1999, see [Signature](#)

**Contents of acknowledgment of service**

**10.5** An acknowledgment of service must—

- (a) be signed by the defendant or [<sup>F9</sup>the defendant’s] legal representative; and
- (b) include the defendant’s address for service.

[<sup>F10</sup>(Rule 6.23 makes provision in relation to addresses for service.)]

[<sup>F11</sup>(Rule 19.8A modifies this Part where a notice of claim is served under that rule to bind a person not a party to the claim)]

**Textual Amendments**

- F9** Words in [rule 10.5\(a\)](#) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **8(b)**
- F10** Words in [rule 10.5](#) substituted (6.4.2011) by [The Civil Procedure \(Amendment\) Rules 2011 \(S.I. 2011/88\)](#), rules 1, **7**
- F11** Words in [Pt. 10](#) inserted (26.3.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(a), **6**

**Commencement Information**

**I5** [Rule 10.5](#) in force at 26.4.1999, see [Signature](#)

**Status:**

Point in time view as at 01/10/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 10.