
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 6

SERVICE OF DOCUMENTS

[^{F1}II SERVICE OF THE CLAIM FORM IN THE JURISDICTION ^{F2} ...

Textual Amendments

- F1** Pt. 6 substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rule 1(2), [Sch. 1](#)
- F2** Words in [Pt. 6 Section 2](#) heading omitted (31.12.2020) by virtue of [The Civil Procedure Rules 1998 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/521\)](#), regs. 1(1), [4\(4\)](#) (with reg. 18) (as amended by S.I. 2020/1493, regs. 1(1), [9\(2\)\(b\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Methods of service

- 6.3.—**(1) A claim form may ^{F3}... be served by any of the following methods—
- (a) personal service in accordance with rule 6.5;
 - (b) first class post, document exchange or other service which provides for delivery on the next business day, in accordance with [^{F4}Practice Direction 6A];
 - (c) leaving it at a place specified in rule 6.7, 6.8, 6.9 or 6.10;
 - (d) fax or other means of electronic communication in accordance with [^{F5}Practice Direction 6A]; or
 - (e) any method authorised by the court under rule 6.15.
- (2) A company may be served—
- (a) by any method permitted under this Part; or
 - (b) by any of the methods of service [^{F6}permitted under] the Companies Act 2006.
- (3) A limited liability partnership may be served—
- (a) by any method permitted under this Part; or
 - (b) by any of the methods of service [^{F7}permitted under the Companies Act 2006 as applied with modification by regulations made under the Limited Liability Partnerships Act 2000.]

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Changes to legislation: There are currently no known outstanding effects for the *The Civil Procedure Rules 1998*,
 Cross Heading: II SERVICE OF THE CLAIM FORM IN THE JURISDICTION (See end of Document for details)

Textual Amendments

- F3** Words in rule 6.3(1) omitted (31.12.2020) by virtue of *The Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019* (S.I. 2019/521), regs. 1(1), **4(5)** (with reg. 18) (as amended by S.I. 2020/1493, regs. 1(1), 9(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in rule 6.3(1)(b) substituted (6.4.2010) by *The Civil Procedure (Amendment No.2) Rules 2009* (S.I. 2009/3390), rules 1(2), **5(b)(i)**
- F5** Words in rule 6.3(1)(d) substituted (6.4.2010) by *The Civil Procedure (Amendment No.2) Rules 2009* (S.I. 2009/3390), rules 1(2), **5(b)(i)**
- F6** Words in rule 6.3(2)(b) substituted (1.10.2009) by *The Civil Procedure (Amendment) Rules 2009* (S.I. 2009/2092), rules 1(2), **3(a)(i)**
- F7** Words in rule 6.3(3)(b) substituted (1.10.2009) by *The Civil Procedure (Amendment) Rules 2009* (S.I. 2009/2092), rules 1(2), **3(a)(ii)**

Who is to serve the claim form

6.4.—(1) [^{F8}The] court will serve the claim form except where—

- (a) a rule or practice direction provides that the claimant must serve it;
- (b) the claimant notifies the court that the claimant wishes to serve it; or
- (c) the court orders or directs otherwise.

(2) Where the court is to serve the claim form, it is for the court to decide which method of service is to be used.

(3) Where the court is to serve the claim form, the claimant must, in addition to filing a copy for the court, provide a copy for each defendant to be served.

(4) Where the court has sent—

- (a) a notification of outcome of postal service to the claimant in accordance with rule 6.18; or
- (b) a notification of non-service by a bailiff in accordance with rule 6.19,

the court will not try to serve the claim form again.

Textual Amendments

- F8** Word in rule 6.4(1) substituted (31.12.2020) by *The Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019* (S.I. 2019/521), regs. 1(1), **4(6)** (with reg. 18) (as amended by S.I. 2020/1493, regs. 1(1), 9(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)

Personal service

6.5.—(1) Where required by another Part, any other enactment, a practice direction or a court order, a claim form must be served personally.

(2) In other cases, a claim form may be served personally except—

- (a) where rule 6.7 applies; or
- (b) in any proceedings against the Crown.

(Part 54 contains provisions about judicial review claims and Part 66 contains provisions about Crown proceedings.)

(3) A claim form is served personally on—

- (a) an individual by leaving it with that individual;

- (b) a company or other corporation by leaving it with a person holding a senior position within the company or corporation; or
- (c) a partnership (where partners are being sued in the name of their firm) by leaving it with—
 - (i) a partner; or
 - (ii) a person who, at the time of service, has the control or management of the partnership business at its principal place of business.

(^{F9}Practice Direction 6A] sets out the meaning of “senior position”.)

Textual Amendments

F9 Words in rule 6.5 substituted (6.4.2010) by The Civil Procedure (Amendment No.2) Rules 2009 (S.I. 2009/3390), rules 1(2), 5(b)(ii)

Where to serve the claim form – general provisions

6.6.—(1) The claim form must be served within the jurisdiction except where rule [^{F10}6.7(2) ^{F11}... or] 6.11 applies or as provided by Section IV of this Part.

(2) The claimant must include in the claim form an address at which the defendant may be served. That address must include a full postcode ^{F12}..., unless the court orders otherwise.

(Paragraph 2.4 of [^{F13}Practice Direction 16] contains provisions about postcodes.)

(3) Paragraph (2) does not apply where an order made by the court under rule 6.15 (service by an alternative method or at an alternative place) specifies the place or method of service of the claim form.

Textual Amendments

F10 Words in rule 6.6(1) inserted (6.4.2010) by The Civil Procedure (Amendment No.2) Rules 2009 (S.I. 2009/3390), rules 1(2), 5(c)

F11 Words in rule 6.6(1) omitted (31.12.2020) by virtue of The Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/521), regs. 1(1), 4(7)(a) (with reg. 18) (as amended by S.I. 2020/1493, regs. 1(1), 9(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)

F12 Words in rule 6.6(2) omitted (31.12.2020) by virtue of The Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/521), regs. 1(1), 4(7)(b) (with reg. 18) (as amended by S.I. 2020/1493, regs. 1(1), 9(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)

F13 Words in rule 6.6(2) substituted (6.4.2010) by The Civil Procedure (Amendment No.2) Rules 2009 (S.I. 2009/3390), rules 1(2), 5(h)

[^{F14}Service on a solicitor ^{F15}... within the United Kingdom ^{F16}...

6.7.—(1) Solicitor within the jurisdiction: Subject to rule 6.5(1), where—

- (a) the defendant has given in writing the business address within the jurisdiction of a solicitor as an address at which the defendant may be served with the claim form; or
- (b) a solicitor acting for the defendant has notified the claimant in writing that the solicitor is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address within the jurisdiction,

the claim form must be served at the business address of that solicitor.

(“Solicitor” has the extended meaning set out in rule 6.2(d).)

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(2) **Solicitor in Scotland or Northern Ireland** ^{F17}...: Subject to rule 6.5(1) and the provisions of Section IV of this Part, and except where any other rule or practice direction makes different provision, where—

(a) the defendant has given in writing the business address in Scotland or Northern Ireland of a solicitor as an address at which the defendant may be served with the claim form;

[^{F18}(aa) a solicitor acting for the defendant has notified the claimant in writing that the solicitor is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address within Scotland or Northern Ireland;]

^{F19}(b)

^{F20}(c)

the claim form must be served at the business address of that solicitor.

^{F21}(3)

^{F21} ...

(For Production Centre Claims see paragraph [^{F22}2.3(7A)] of Practice Direction 7C; for Money Claims Online see paragraph 4(6) of Practice Direction 7E; and for Possession Claims Online see paragraph 5.1(4) of Practice Direction 55B.)]

Textual Amendments

- F14** Rule 6.7 substituted (6.4.2011) by The Civil Procedure (Amendment) Rules 2011 (S.I. 2011/88), rules 1, 4(g)
- F15** Words in rule 6.7 heading omitted (31.12.2020) by virtue of The Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/521), regs. 1(1), 4(8)(a)(i) (with reg. 18) (as amended by S.I. 2020/1493, regs. 1(1), 9(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in rule 6.7 heading omitted (31.12.2020) by virtue of The Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/521), regs. 1(1), 4(8)(a)(ii) (with reg. 18) (as amended by S.I. 2020/1493, regs. 1(1), 9(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in rule 6.7(2) omitted (31.12.2020) by virtue of The Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/521), regs. 1(1), 4(8)(b)(i) (with reg. 18) (as amended by S.I. 2020/1493, regs. 1(1), 9(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Rule 6.7(2)(aa) inserted (1.9.2011) by The Civil Procedure (Amendment No.2) Rules 2011 (S.I. 2011/1979), rules 1(2), 3(a)(i)
- F19** Rule 6.7(2)(b) omitted (31.12.2020) by virtue of The Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/521), regs. 1(1), 4(8)(b)(ii) (with reg. 18) (as amended by S.I. 2020/1493, regs. 1(1), 9(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Rule 6.7(2)(c) omitted (31.12.2020) by virtue of The Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/521), regs. 1(1), 4(8)(b)(ii) (with reg. 18) (as amended by S.I. 2020/1493, regs. 1(1), 9(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Rule 6.7(3) and words omitted (31.12.2020) by virtue of The Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/521), regs. 1(1), 4(8)(c) (with reg. 18) (as amended by S.I. 2020/1493, regs. 1(1), 9(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Word in rule 6.7 substituted (1.9.2011) by The Civil Procedure (Amendment No.2) Rules 2011 (S.I. 2011/1979), rules 1(2), 3(a)(ii)

Service of the claim form where [^{F23}before service] the defendant gives an address at which the defendant may be served

6.8. Subject to rules 6.5(1) and 6.7 ^{F24}...^{F25}, and except where any other rule or practice direction makes different provision]—

- (a) the defendant may be served with the claim form at an address [^{F26}at which the defendant resides or carries on business within the UK^{F27}...and] which the defendant has given for the purpose of being served with the proceedings; or
- (b) in any claim by a tenant against a landlord, the claim form may be served at an address given by the landlord under section 48 of the Landlord and Tenant Act 1987.

[^{F28}(For Production Centre Claims see paragraph [^{F29}2.3(7A)] of Practice Direction 7C; for Money Claims Online see paragraph 4(6) of Practice Direction 7E; and for Possession Claims Online see paragraph 5.1(4) of Practice Direction 55B.)

(For service out of the jurisdiction see rules 6.40 to 6.47.)]

Textual Amendments

- F23** Words in rule 6.8 heading inserted (6.4.2011) by The Civil Procedure (Amendment) Rules 2011 (S.I. 2011/88), rules 1, **4(h)(i)**
- F24** Words in rule 6.8 omitted (31.12.2020) by virtue of The Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/521), regs. 1(1), **4(9)(a)** (with reg. 18) (as amended by S.I. 2020/1493, regs. 1(1), 9(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in rule 6.8 inserted (1.9.2011) by The Civil Procedure (Amendment No.2) Rules 2011 (S.I. 2011/1979), rules 1(2), **3(b)(i)**
- F26** Words in rule 6.8(a) substituted (6.4.2011) by The Civil Procedure (Amendment) Rules 2011 (S.I. 2011/88), rules 1, **4(h)(iii)**
- F27** Words in rule 6.8(a) omitted (31.12.2020) by virtue of The Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/521), regs. 1(1), **4(9)(b)** (with reg. 18) (as amended by S.I. 2020/1493, regs. 1(1), 9(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in rule 6.8 inserted (6.4.2011) by The Civil Procedure (Amendment) Rules 2011 (S.I. 2011/88), rules 1, **4(h)(iv)**
- F29** Word in rule 6.8 substituted (1.9.2011) by The Civil Procedure (Amendment No.2) Rules 2011 (S.I. 2011/1979), rules 1(2), **3(b)(ii)**

Service of the claim form where the defendant does not give an address at which the defendant may be served

6.9.—(1) This rule applies where—

- (a) rule 6.5(1) (personal service);
- (b) rule 6.7 (service of claim form on solicitor ^{F30}...); and
- (c) rule 6.8 (defendant gives address at which the defendant may be served),

do not apply and the claimant does not wish to effect personal service under rule 6.5(2).

(2) Subject to paragraphs (3) to (6), the claim form must be served on the defendant at the place shown in the following table.

<i>Nature of defendant to be served</i>	<i>Place of service</i>
1. Individual	Usual or last known residence.

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<i>Nature of defendant to be served</i>	<i>Place of service</i>
2. Individual being sued in the name of a business	Usual or last known residence of the individual; or principal or last known place of business.
3. Individual being sued in the business name of a partnership	Usual or last known residence of the individual; or principal or last known place of business of the partnership.
4. Limited liability partnership	Principal office of the partnership; or any place of business of the partnership within the jurisdiction which has a real connection with the claim.
5. Corporation (other than a company) incorporated in England and Wales	Principal office of the corporation; or any place within the jurisdiction where the corporation carries on its activities and which has a real connection with the claim.
6. Company registered in England and Wales	Principal office of the company; or any place of business of the company within the jurisdiction which has a real connection with the claim.
7. Any other company or corporation	Any place within the jurisdiction where the corporation carries on its activities; or any place of business of the company within the jurisdiction.

(3) Where a claimant has reason to believe that the address of the defendant referred to in entries 1, 2 or 3 in the table in paragraph (2) is an address at which the defendant no longer resides or carries on business, the claimant must take reasonable steps to ascertain the address of the defendant's current residence or place of business ("current address").

(4) Where, having taken the reasonable steps required by paragraph (3), the claimant—

- (a) ascertains the defendant's current address, the claim form must be served at that address; or
- (b) is unable to ascertain the defendant's current address, the claimant must consider whether there is—
 - (i) an alternative place where; or
 - (ii) an alternative method by which, service may be effected.

(5) If, under paragraph (4)(b), there is such a place where or a method by which service may be effected, the claimant must make an application under rule 6.15.

(6) Where paragraph (3) applies, the claimant may serve on the defendant's usual or last known address in accordance with the table in paragraph (2) where the claimant—

- (a) cannot ascertain the defendant's current residence or place of business; and

(b) cannot ascertain an alternative place or an alternative method under paragraph (4)(b).

[^{F31}(For service out of the jurisdiction see rules 6.40 to 6.47.)]

Textual Amendments

- F30** Words in rule 6.9(1)(b) omitted (31.12.2020) by virtue of [The Civil Procedure Rules 1998 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/521\)](#), regs. 1(1), **4(10)** (with reg. 18) (as amended by [S.I. 2020/1493](#), regs. 1(1), 9(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in rule 6.9 inserted (6.4.2011) by [The Civil Procedure \(Amendment\) Rules 2011 \(S.I. 2011/88\)](#), rules 1, **4(i)(ii)**

Service of the claim form in proceedings against the Crown

6.10. In proceedings against the Crown—

- (a) service on the Attorney General must be effected on the Treasury Solicitor; and
- (b) service on a government department must be effected on the solicitor acting for that department.

([^{F32}Practice Direction 66] gives the list published under section 17 of the Crown Proceedings Act 1947 of the solicitors acting in civil proceedings (as defined in that Act) for the different government departments on whom service is to be effected, and of their addresses.)

Textual Amendments

- F32** Words in rule 6.10 substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **5(e)**

Service of the claim form by contractually agreed method

6.11.—(1) Where—

- (a) a contract contains a term providing that, in the event of a claim being started in relation to the contract, the claim form may be served by a method or at a place specified in the contract; and
- (b) a claim solely in respect of that contract is started,

the claim form may, subject to paragraph (2), be served on the defendant by the method or at the place specified in the contract.

(2) Where in accordance with the contract the claim form is to be served out of the jurisdiction, it may be served—

- (a) if permission to serve it out of the jurisdiction has been granted under rule 6.36; or
- (b) without permission under rule 6.32 or 6.33.

Service of the claim form relating to a contract on an agent of a principal who is out of the jurisdiction

6.12.—(1) The court may, on application, permit a claim form relating to a contract to be served on the defendant's agent where —

- (a) the defendant is out of the jurisdiction;

- (b) the contract to which the claim relates was entered into within the jurisdiction with or through the defendant's agent; and
 - (c) at the time of the application either the agent's authority has not been terminated or the agent is still in business relations with the defendant.
- (2) An application under this rule—
- (a) must be supported by evidence setting out—
 - (i) details of the contract and that it was entered into within the jurisdiction or through an agent who is within the jurisdiction;
 - (ii) that the principal for whom the agent is acting was, at the time the contract was entered into and is at the time of the application, out of the jurisdiction; and
 - (iii) why service out of the jurisdiction cannot be effected; and
 - (b) may be made without notice.
- (3) An order under this rule must state the period within which the defendant must respond to the particulars of claim.
- (4) Where the court makes an order under this rule—
- (a) a copy of the application notice and the order must be served with the claim form on the agent; and
 - (b) unless the court orders otherwise, the claimant must send to the defendant a copy of the application notice, the order and the claim form.
- (5) This rule does not exclude the court's power under rule 6.15 (service by an alternative method or at an alternative place).

Service of the claim form on children and protected parties

- 6.13.**—(1) Where the defendant is a child who is not also a protected party, the claim form must be served on—
- (a) one of the child's parents or guardians; or
 - (b) if there is no parent or guardian, an adult with whom the child resides or in whose care the child is.
- (2) Where the defendant is a protected party, the claim form must be served on—
- (a) one of the following persons with authority in relation to the protected party as—
 - (i) the attorney under a registered enduring power of attorney;
 - (ii) the donee of a lasting power of attorney; or
 - (iii) the deputy appointed by the Court of Protection; or
 - (b) if there is no such person, an adult with whom the protected party resides or in whose care the protected party is.
- (3) Any reference in this Section to a defendant or a party to be served includes the person to be served with the claim form on behalf of a child or protected party under paragraph (1) or (2).
- (4) The court may make an order permitting a claim form to be served on a child or protected party, or on a person other than the person specified in paragraph (1) or (2).
- (5) An application for an order under paragraph (4) may be made without notice.
- (6) The court may order that, although a claim form has been sent or given to someone other than the person specified in paragraph (1) or (2), it is to be treated as if it had been properly served.
- (7) This rule does not apply where the court has made an order under rule 21.2(3) allowing a child to conduct proceedings without a litigation friend.

(Part 21 contains rules about the appointment of a litigation friend and “child” and “protected party” have the same meaning as in rule 21.1.)

Deemed service

6.14. A claim form served [^{F33}within the United Kingdom] in accordance with this Part is deemed to be served on the second business day after completion of the relevant step under rule 7.5(1).

Textual Amendments

F33 Word in rule 6.14 inserted (6.4.2011) by [The Civil Procedure \(Amendment\) Rules 2011 \(S.I. 2011/88\)](#), rules 1, **4(j)**

Service of the claim form by an alternative method or at an alternative place

6.15.—(1) 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 at an alternative place.

(2) On an application under this rule, the court may order that steps already taken to bring the claim form to the attention of the defendant by an alternative method or at an alternative place is good service.

- (3) An application for an order under this rule—
- (a) must be supported by evidence; and
 - (b) may be made without notice.
- (4) An order under this rule must specify—
- (a) the method or place of service;
 - (b) the date on which the claim form is deemed served; and
 - (c) the period for—
 - (i) filing an acknowledgment of service;
 - (ii) filing an admission; or
 - (iii) filing a defence.

Power of court to dispense with service of the claim form

- 6.16.—(1)** The court may dispense with service of a claim form in exceptional circumstances.
- (2) An application for an order to dispense with service may be made at any time and—
- (a) must be supported by evidence; and
 - (b) may be made without notice.

Notice and certificate of service relating to the claim form

6.17.—(1) Where the court serves a claim form, the court will send to the claimant a notice which will include the date on which the claim form is deemed served under rule 6.14.

- (2) Where the claimant serves the claim form, the claimant—
- (a) must file a certificate of service within 21 days of service of the particulars of claim, unless all the defendants to the proceedings have filed acknowledgments of service within that time; and

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(b) may not obtain judgment in default under Part 12 unless a certificate of service has been filed.

(3) The certificate of service must state—

(a) where rule 6.7, 6.8, 6.9 or 6.10 applies, the category of address at which the claimant believes the claim form has been served; and

(b) the details set out in the following table.

<i>Method of service</i>	<i>Details to be certified</i>
1. Personal service	Date of personal service.
2. First class post, document exchange or other service which provides for delivery on the next business day	Date of posting, or leaving with, delivering to or collection by the relevant service provider.
3. Delivery of document to or leaving it at a permitted place	Date when the document was delivered to or left at the permitted place.
4. Fax	Date of completion of the transmission.
5. Other electronic method	Date of sending the e-mail or other electronic transmission.
6. Alternative method or place	As required by the court.

Notification of outcome of postal service by the court

6.18.—(1) Where—

(a) the court serves the claim form by post; and

(b) the claim form is returned to the court,

the court will send notification to the claimant that the claim form has been returned.

(2) The claim form will be deemed to be served unless the address for the defendant on the claim form is not the relevant address for the purpose of rules 6.7 to 6.10.

Notice of non-service by bailiff

6.19. Where—

(a) the court bailiff is to serve a claim form; and

(b) the bailiff is unable to serve it on the defendant,

the court will send notification to the claimant.]

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