
STATUTORY INSTRUMENTS

1991 No. 1247

The Family Proceedings Rules 1991

PART IV

PROCEEDINGS UNDER THE CHILDREN ACT 1989

Service

4.8.—(1) Subject to the requirement in rule 4.6(1)(b) of personal service, where service of a document is required under this Part (and not by a provision to which section 105(8) (Service of notice or other document under the Act) applies) it may be effected—

- (a) if the person to be served is not known by the person serving to be acting by solicitor—
 - (i) by delivering it to him personally, or
 - (ii) by delivering it at, or by sending it by first-class post to, his residence or his last known residence, or
- (b) if the person to be served is known by the person serving to be acting by solicitor—
 - (i) by delivering the document at, or sending it by first-class post to, the solicitor's address for service,
 - (ii) where the solicitor's address for service includes a numbered box at a document exchange, by leaving the document at that document exchange or at a document exchange which transmits documents on every business day to that document exchange, or
 - (iii) by sending a legible copy of the document by facsimile transmission to the solicitor's office.

(2) In this rule "first-class post" means first-class post which has been pre-paid or in respect of which pre-payment is not required.

(3) Where a child who is a party to proceedings to which this Part applies is required by these rules or other rules of court to serve a document, service shall be effected by—

- (a) the solicitor acting for the child, or
- (b) where there is no such solicitor, the guardian ad litem, or
- (c) where there is neither such a solicitor nor a guardian ad litem, the court.

(4) Service of any document on a child shall, subject to any direction of the court, be effected by service on—

- (a) the solicitor acting for the child, or
- (b) where there is no such solicitor, the guardian ad litem, or
- (c) where there is neither such a solicitor nor a guardian ad litem, with leave of the court, the child.

(5) Where the court refuses leave under paragraph (4)(c) it shall give a direction under paragraph (8).

- (6) A document shall, unless the contrary is proved, be deemed to have been served—
- (a) in the case of service by first-class post, on the second business day after posting, and
 - (b) in the case of service in accordance with paragraph (1)(b)(ii), on the second business day after the day on which it is left at the document exchange.

(7) At or before the first directions appointment in, or hearing of, proceedings to which this Part applies the applicant shall file a statement that service of—

- (a) a copy of the application has been effected on each respondent, and
- (b) notice of the proceedings has been effected under rule 4.4(3);

and the statement shall indicate—

- (i) the manner, date, time and place of service, or
- (ii) where service was effected by post, the date, time and place of posting.

(8) In proceedings to which this Part applies, the court may direct that a requirement of these rules or other rules of court to serve a document shall not apply or shall be effected in such manner as the court directs.