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## STATUTORY INSTRUMENTS

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# 1998 No. 3132

## The Civil Procedure Rules 1998

### PART 6

#### SERVICE OF DOCUMENTS

##### *I GENERAL RULES ABOUT SERVICE*

###### **Part 6 rules about service apply generally**

**6.1** The rules in this Part apply to the service of documents, except where—

- (a) any other enactment, a rule in another Part, or a practice direction makes a different provision; or
- (b) the court orders otherwise.

[<sup>F1</sup>(For service in possession claims, see Part 55).]

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###### **Textual Amendments**

- F1** Words in [rule 6.1](#) substituted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), [rules 1\(c\)](#), [9](#)
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###### **Commencement Information**

- I1** [Rule 6.1](#) in force at 26.4.1999, see [Signature](#)

###### **Methods of service—general**

**6.2.—(1)** A document may be served by any of the following methods—

- (a) personal service, in accordance with [rule 6.4](#);
- (b) first class post [<sup>F2</sup>(or an alternative service which provides for delivery on the next working day)];
- (c) leaving the document at a place specified in [rule 6.5](#);
- (d) through a document exchange in accordance with the relevant practice direction; or
- (e) by fax or other means of electronic communication in accordance with the relevant practice direction.

([Rule 6.8](#) provides for the court to permit service by an alternative method)

(2) A company may be served by any method permitted under this Part as an alternative to the methods of service set out in—

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- (a) section 725 of the Companies Act 1985(1) (service by leaving a document at or posting it to an authorised place);
- (b) section 695 of that Act (service on oversea companies); and
- (c) section 694A of that Act (service of documents on companies incorporated outside the UK and Gibraltar and having a branch in Great Britain).

#### Textual Amendments

**F2** Words in [rule 6.2\(1\)\(b\)](#) inserted (6.4.2006) by [The Civil Procedure \(Amendment No.4\) Rules 2005 \(S.I. 2005/3515\)](#), [rules 1, 4\(a\)](#)

#### Commencement Information

**I2** [Rule 6.2](#) in force at 26.4.1999, see [Signature](#)

### Who is to serve

**6.3.—(1)** The court will serve a document which it has issued or prepared except where—

- (a) a rule provides that a party must serve the document in question;
- (b) the party on whose behalf the document is to be served notifies the court that he wishes to serve it himself;
- (c) a practice direction provides otherwise;
- (d) the court orders otherwise; or
- (e) the court has failed to serve and has sent a notice of non-service to the party on whose behalf the document is to be served in accordance with [rule 6.11](#).

(2) Where the court is to serve a document, it is for the court to decide which of the methods of service specified in [rule 6.2](#) is to be used.

(3) Where a party prepares a document which is to be served by the court, that party must file a copy for the court, and for each party to be served.

#### Commencement Information

**I3** [Rule 6.3](#) in force at 26.4.1999, see [Signature](#)

### Personal service

**6.4.—(1)** A document to be served may be served personally, except as provided in [<sup>F3</sup>paragraphs (2) and (2A)].

(2) Where a solicitor—

- (a) is authorised to accept service on behalf of a party; and
- (b) has notified the party serving the document in writing that he is so authorised,

a document must be served on the solicitor, unless personal service is required by an enactment, rule, practice direction or court order.

[<sup>F4</sup>(2A) In civil proceedings by or against the Crown, as defined in [rule 66.1\(2\)](#), documents required to be served on the Crown may not be served personally.]

(3) A document is served personally on an individual by leaving it with that individual.

(4) A document is served personally on a company or other corporation by leaving it with a person holding a senior position within the company or corporation.

(The service practice direction sets out the meaning of “senior position”)

(5) A document is served personally on a partnership where partners are being sued in the name of their firm by leaving it with—

(a) a partner; or

(b) a person who, at the time of service, has the control or management of the partnership business at its principal place of business.

#### Textual Amendments

**F3** Words in rule 6.4(1) substituted (1.10.2005) by The Civil Procedure (Amendment No.3) Rules 2005 (S.I. 2005/2292), rules 1(c), **10(a)**

**F4** Rule 6.4(2A) inserted (1.10.2005) by The Civil Procedure (Amendment No.3) Rules 2005 (S.I. 2005/2292), rules 1(c), **10(b)**

#### Commencement Information

**I4** Rule 6.4 in force at 26.4.1999, see [Signature](#)

### Address for service

**6.5.—**(1) Except as provided by [<sup>F5</sup>Section III of this Part] (service out of the jurisdiction) a document must be served within the jurisdiction.

(“Jurisdiction” is defined in rule 2.3)

(2) A party must give an address for service within the jurisdiction.

[<sup>F6</sup>Such address must include a full postcode, unless the court orders otherwise.

(Paragraph 2.4 of the Practice Direction to Part 16 contains provision about the content of an address for service).]

(3) Where a party—

(a) does not give the business address of his solicitor as his address for service; and

(b) resides or carries on business within the jurisdiction,

he must give his residence or place of business as his address for service.

(4) Any document to be served—

(a) by first class post [<sup>F7</sup>(or an alternative service which provides for delivery on the next working day)];

(b) by leaving it at the place of service;

(c) through a document exchange; or

(d) by fax or by other means of electronic communication,

must be sent or transmitted to, or left at, the address for service given by the party to be served.

(5) Where—

(a) a solicitor is acting for the party to be served; and

(b) the document to be served is not the claim form;

the party’s address for service is the business address of his solicitor.

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(Rule 6.13 specifies when the business address of a defendant's solicitor may be the defendant's address for service in relation to the claim form)

(6) Where—

- (a) no solicitor is acting for the party to be served; and,
- (b) the party has not given an address for service,

the document must be sent or transmitted to, or left at, the place shown in the following table.

(Rule 6.2(2) sets out the statutory methods of service on a company)

<i>Nature of party to be served</i>	<i>Place of service</i>
Individual	<ul style="list-style-type: none"> <li>• Usual or last known residence.</li> </ul>
Proprietor of a business	<ul style="list-style-type: none"> <li>• Usual or last known residence; or</li> <li>• Place of business or last known place of business.</li> </ul>
Individual who is suing or being sued in the name of a firm	<ul style="list-style-type: none"> <li>• Usual or last known residence; or</li> <li>• Principal or last known place of business of the firm.</li> </ul>
Corporation incorporated in England and Wales other than a company	<ul style="list-style-type: none"> <li>• Principal office of the corporation; or</li> <li>• Any place within the jurisdiction where the corporation carries on its activities and which has a real connection with the claim.</li> </ul>
Company registered in England and Wales	<ul style="list-style-type: none"> <li>• Principal office of the company; or</li> <li>• Any place of business of the company within the jurisdiction which has a real connection with the claim.</li> </ul>
Any other company or corporation	<ul style="list-style-type: none"> <li>• Any place within the jurisdiction where the corporation carries on its activities; or</li> <li>• Any place of business of the company within the jurisdiction.</li> </ul>

(7) This rule does not apply where an order made by the court under rule 6.8 (service by an alternative method) specifies where the document in question may be served.

[<sup>F8</sup>(8) In civil proceedings by or against the Crown, as defined in rule 66.1(2)—

- (a) service on the Attorney General must be effected on the Treasury Solicitor;
- (b) service on a government department must be effected on the solicitor acting for that department as required by section 18 of the Crown Proceedings Act 1947.

(The practice direction to Part 66 gives the list published under section 17 of that Act of the solicitors acting for the different government departments on whom service is to be effected, and of their addresses.)]

[<sup>F9</sup>(Rule 42.1 provides that if the business address of his solicitor is given that solicitor will be treated as acting for that party)]

### Textual Amendments

- F5** Words in rule 6.5 substituted (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rules 1(b), **4(3)**
- F6** Words in rule 6.5(2) inserted (6.4.2006) by The Civil Procedure (Amendment No.3) Rules 2005 (S.I. 2005/2292), rules 1(a), **11(a)**
- F7** Words in rule 6.5(4)(a) inserted (6.4.2006) by The Civil Procedure (Amendment No.4) Rules 2005 (S.I. 2005/3515), rules 1, **4(b)**
- F8** Rule 6.5(8) inserted (1.10.2005) by The Civil Procedure (Amendment No.3) Rules 2005 (S.I. 2005/2292), rules 1(c), **11(b)**
- F9** Words in rule 6.5 inserted (2.10.2000) by The Civil Procedure (Amendment No. 4) Rules 2000 (S.I. 2000/2092), rules 1, **5**

### Commencement Information

- I5** Rule 6.5 in force at 26.4.1999, see [Signature](#)

## Service of documents on children and patients

**6.6.—(1)** The following table shows the person on whom a document must be served if it is a document which would otherwise be served on a child or a <sup>F10</sup>protected party—

<sup>F11</sup> Type of document	Nature of party	Persons to be served
Claim form	Child who is not also a protected party	<ul style="list-style-type: none"> <li>• One of the child's parents or guardians; or</li> <li>• if there is no parent or guardian, an adult with whom the child resides or in whose care the child is.</li> </ul>
Claim form	Protected party	<p>One of the following persons with authority in relation to the protected party as:</p> <ul style="list-style-type: none"> <li>(i) the attorney under a registered enduring power of attorney,</li> <li>(ii) the donee of a lasting power of attorney,</li> <li>(iii) the deputy appointed by the Court of Protection;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• if there is no such person, an adult with whom the protected party resides or in whose care the protected party is.</li> </ul>
Application for an order appointing a litigation friend, where a child or patient has no litigation friend	Child or protected party	See rule 21.8.
Any other document	Child or protected party	The litigation friend who is conducting the proceedings on

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<i>[<sup>F11</sup>Type of document</i>	<i>Nature of party</i>	<i>Persons to be served</i>
		behalf of the child or protected party.]

(2) The court may make an order permitting a document to be served on the child or [<sup>F12</sup>protected party], or on some person other than the person specified in the table in this rule.

(3) An application for an order under paragraph (2) may be made without notice.

(4) The court may order that, although a document has been served on someone other than the person specified in the table, the document is to be treated as if it had been properly served.

(5) 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)

#### Textual Amendments

- F10** Words in rule 6.6(1) substituted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **4(b)**
- F11** Rule 6.6(1) Table substituted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **4(c)**
- F12** Words in rule 6.6(2) substituted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **4(d)**

#### Commencement Information

- I6** [Rule 6.6](#) in force at 26.4.1999, see [Signature](#)

#### Deemed service

**6.7.—(1)** A document which is served in accordance with these rules or any relevant practice direction shall be deemed to be served on the day shown in the following table—

<i>Method of service</i>	<i>Deemed day of service</i>
First class post [ <sup>F13</sup> (or an alternative service which provides for delivery on the next working day)]	The second day after it was posted.
Document exchange	The second day after it was left at the document exchange.
Delivering the document to or leaving it at a permitted address	The day after it was delivered to or left at the permitted address.
Fax	<ul style="list-style-type: none"> <li>• If it is transmitted on a business day before 4 p.m, on that day; or</li> <li>• in any other case, on the business day after the day on which it is transmitted.</li> </ul>
Other electronic method	The second day after the day on which it is transmitted.

<sup>F14</sup> ...

- [<sup>F15</sup>(2) If a document is served personally—
- (a) after 5 p.m., on a business day; or
  - (b) at any time on a Saturday, Sunday or a Bank Holiday,

it will be treated as being served on the next business day.]

- (3) In this rule—
- “business day” means any day except Saturday, Sunday or a bank holiday; and
  - “bank holiday” includes Christmas Day and Good Friday.

#### Textual Amendments

- F13** Words in rule 6.7(1) Table inserted (6.4.2006) by [The Civil Procedure \(Amendment No.4\) Rules 2005 \(S.I. 2005/3515\)](#), rules 1, **4(c)**
- F14** Words in rule 6.7(1) omitted (1.10.2005) by virtue of [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **12**
- F15** Rule 6.7(2) substituted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **4(4)(b)**

#### Commencement Information

- I7** [Rule 6.7](#) in force at 26.4.1999, see [Signature](#)

### Service by an alternative method

**6.8.**—(1) Where it appears to the court that there is a good reason to authorise service by a method not permitted by these Rules, the court may make an order permitting service by an alternative method.

- (2) An application for an order permitting service by an alternative method—
- (a) must be supported by evidence; and
  - (b) may be made without notice.
- (3) An order permitting service by an alternative method must specify—
- (a) the method of service; and
  - (b) the date when the document will be deemed to be served.

#### Commencement Information

- I8** [Rule 6.8](#) in force at 26.4.1999, see [Signature](#)

### Power of court to dispense with service

- 6.9.**—(1) The court may dispense with service of a document.
- (2) An application for an order to dispense with service may be made without notice.

#### Commencement Information

- I9** [Rule 6.9](#) in force at 26.4.1999, see [Signature](#)

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## Certificate of service

**6.10** Where a rule, practice direction or court order requires a certificate of service, the certificate must <sup>[F16]</sup>state the details set out in the following table]

(b) <i>Method of service</i>	<i>Details to be certified</i>
Post	Date of posting
Personal	Date of personal service
Document exchange	Date of delivery to the document exchange
Delivery of document to or leaving it at a permitted place	Date when the document was delivered to or left at the permitted place
Fax	Date and time of transmission
Other electronic means	Date of transmission and the means used
Alternative method permitted by the court	As required by the court

### Textual Amendments

**F16** Words in [rule 6.10](#) substituted (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), [rules 1\(b\), 4](#)

### Commencement Information

**I10** [Rule 6.10](#) in force at 26.4.1999, see [Signature](#)

## <sup>[F17]</sup>Notification of outcome of postal service by the court

**6.11** Where—

- (a) a document to be served by the court is served by post; and
- (b) such document is returned to the court,

the court must send notification to the party who requested service stating that the document has been returned.

### Textual Amendments

**F17** Rules 6.11, 6.11A substituted for rule 6.11 (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), [rules 1\(c\), 13](#)

## Notice of non-service by bailiff

**6.11A** Where—

- (a) the court bailiff is to serve a document; and
- (b) the bailiff is unable to serve it,

the court must send notification to the party who requested service.]



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**Textual Amendments**

- F17** Rules 6.11, 6.11A substituted for rule 6.11 (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **13**

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