
Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: III SERVICE OF DOCUMENTS OTHER THAN THE CLAIM FORM IN THE UNITED KINGDOM. (See end of Document for details)

STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 6

SERVICE OF DOCUMENTS

[^{F1}III SERVICE OF DOCUMENTS OTHER THAN THE CLAIM FORM IN THE UNITED KINGDOM

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](#)

Methods of service

- 6.20.**—(1) A document may be served by any of the following methods—
- (a) personal service, in accordance with rule 6.22;
 - (b) first class post, document exchange or other service which provides for delivery on the next business day, in accordance with Practice Direction A supplementing this Part;
 - (c) leaving it at a place specified in rule 6.23;
 - (d) fax or other means of electronic communication in accordance with Practice Direction A supplementing this Part; or
 - (e) any method authorised by the court under rule 6.27.
- (2) A company may be served—
- (a) by any method permitted under this Part; or
 - (b) by any of the methods of service [^{F2}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 [^{F3}permitted under the Companies Act 2006 as applied with modification by regulations made under the Limited Liability Partnerships Act 2000.]

Textual Amendments

- F2** Words in rule 6.20(2)(b) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), [3\(b\)\(i\)](#)
- F3** Words in rule 6.20(3)(b) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), [3\(b\)\(ii\)](#)

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Who is to serve

6.21.—(1) A party to proceedings will serve a document which that party has prepared except where—

- (a) a rule or practice direction provides that the court will serve the document; or
- (b) the court orders otherwise.

(2) The court will serve a document which it has prepared except where—

- (a) a rule or practice direction provides that a party must serve the document;
- (b) the party on whose behalf the document is to be served notifies the court that the party wishes to serve it; or
- (c) the court orders otherwise.

(3) Where the court is to serve a document, it is for the court to decide which method of service is to be used.

(4) Where the court is to serve a document prepared by a party, that party must provide a copy for the court and for each party to be served.

Personal service

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

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

- (a) where the party to be served has given an address for service under rule 6.23(2)(a); or
- (b) in any proceedings by or against the Crown.

(3) A document may be served personally as if the document were a claim form in accordance with rule 6.5(3).

Address for service

6.23.—(1) A party to proceedings must give an address at which that party may be served with documents relating to those proceedings. The address must include a full postcode unless the court orders otherwise.

(Paragraph 2.4 of the practice direction supplementing Part 16 contains provisions about postcodes.)

(2) A party's address for service must be—

- (a) the business address within the United Kingdom of a solicitor acting for the party to be served; or
- (b) where there is no solicitor acting for the party to be served, an address within the United Kingdom at which the party resides or carries on business.

(3) Where there is no solicitor acting for the party to be served and the party does not have an address within the United Kingdom at which that party resides or carries on business, the party must give an address for service within the United Kingdom.

(Part 42 contains provisions about change of solicitor. Rule 42.1 provides that where a party gives the business address of a solicitor as that party's address for service, that solicitor will be considered to be acting for the party until the provisions of Part 42 are complied with.)

(4) Any document to be served in proceedings must be sent or transmitted to, or left at, the party's address for service under paragraph (2) or (3) unless it is to be served personally or the court orders otherwise.

(5) Where, in accordance with Practice Direction A supplementing this Part, a party indicates or is deemed to have indicated that they will accept service by fax, the fax number given by that party must be at the address for service.

(6) Where a party indicates in accordance with Practice Direction A supplementing this Part that they will accept service by electronic means other than fax, the e-mail address or electronic identification given by that party will be deemed to be at the address for service.

(7) In proceedings by or against the Crown, service of any document in the proceedings on the Crown must be effected in the same manner prescribed in rule 6.10 as if the document were a claim form.

(8) This rule does not apply where an order made by the court under rule 6.27 (service by an alternative method or at an alternative place) specifies where a document may be served.

Change of address for service

6.24. Where the address for service of a party changes, that party must give notice in writing of the change as soon as it has taken place to the court and every other party.

Service on children and protected parties

6.25.—(1) An application for an order appointing a litigation friend where a child or protected party has no litigation friend must be served in accordance with rule 21.8(1) and (2).

(2) Any other document which would otherwise be served on a child or a protected party must be served on the litigation friend conducting the proceedings on behalf of the child or protected party.

(3) The court may make an order permitting a document to be served on the child or protected party or on some person other than the person specified in rule 21.8 or paragraph (2).

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

(5) The court may order that, although a document has been sent or given to someone other than the person specified in rule 21.8 or paragraph (2), the document is to be treated as if it had been properly served.

(6) 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.

Deemed Service

6.26. A document, other than a claim form, served in accordance with these Rules or any relevant practice direction is deemed to be served on the day shown in the following table—

<i>Method of service</i>	<i>Deemed date of service</i>
1. First class post (or other service which provides for delivery on the next business day)	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day.
2. Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day.

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<i>Method of service</i>	<i>Deemed date of service</i>
3. Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30p.m., on that day; or in any other case, on the next business day after that day.
4. Fax	If the transmission of the fax is completed on a business day before 4.30p.m., on that day; or in any other case, on the next business day after the day on which it was transmitted.
5. Other electronic method	If the e-mail or other electronic transmission is sent on a business day before 4.30p.m., on that day; or in any other case, on the next business day after the day on which it was sent.
6. Personal service	If the document is served personally before 4.30p.m. on a business day, on that day; or in any other case, on the next business day after that day.

(Paragraphs 10.1 to 10.7 of Practice Direction A supplementing this Part contain examples of how the date of deemed service is calculated.)

Service by an alternative method or at an alternative place

6.27. Rule 6.15 applies to any document in the proceedings as it applies to a claim form and reference to the defendant in that rule is modified accordingly.

Power to dispense with service

6.28.—(1) The court may dispense with service of any document which is to be served in the proceedings.

(2) An application for an order to dispense with service must be supported by evidence and may be made without notice.

Certificate of service

6.29. Where a rule, practice direction or court order requires a certificate of service, the certificate must state the details required by the following table—

<i>Method of Service</i>	<i>Details to be certified</i>
1. Personal service	Date and time 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.

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<i>Method of Service</i>	<i>Details to be certified</i>
3. Delivery of document to or leaving it at a permitted place	Date and time of when the document was delivered to or left at the permitted place.
4. Fax	Date and time of completion of the transmission.
5. Other electronic method	Date and time of sending the e-mail or other electronic transmission.
6. Alternative method or place permitted by the court	As required by the court.]

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