
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 6

SERVICE OF DOCUMENTS

*[^{F1}IV SERVICE OF THE CLAIM FORM AND OTHER
DOCUMENTS OUT OF THE JURISDICTION*

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](#)

Scope of this Section

6.30. This Section contains rules about—

- (a) service of the claim form and other documents out of the jurisdiction;
- (b) when the permission of the court is required and how to obtain that permission; and
- (c) the procedure for service.

(“Jurisdiction” is defined in rule 2.3(1).)

Interpretation

6.31. For the purposes of this Section—

- (a) “the Hague Convention” means the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters signed at the Hague on 15 November 1965;
- (b) “the 1982 Act” means the Civil Jurisdiction and Judgments Act 1982;
- (c) “Civil Procedure Convention” means the Brussels and Lugano Conventions (as defined in section 1(1) of the 1982 Act) and any other Convention (including the Hague Convention) entered into by the United Kingdom regarding service out of the jurisdiction;
- (d) “the Judgments Regulation” means Council Regulation [\(EC\) No. 44/2001](#) of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, as amended from time to time and as applied by the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;
- (e) “the Service Regulation” means Regulation [\(EC\) No. 1393/2007](#) of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of

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judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No. 1348/2000, as amended from time to time and as applied by the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents on civil and commercial matters;

- (f) “Commonwealth State” means a state listed in Schedule 3 to the British Nationality Act 1981;
- (g) “Contracting State” has the meaning given by section 1(3) of the 1982 Act;
- (h) “Convention territory” means the territory or territories of any Contracting State to which the Brussels or Lugano Conventions (as defined in section 1(1) of the 1982 Act) apply; and
- (i) “domicile” is to be determined—
 - (i) in relation to a Convention territory, in accordance with sections 41 to 46 of the 1982 Act; and
 - (ii) in relation to a Member State, in accordance with the Judgments Regulation and paragraphs 9 to 12 of Schedule 1 to the Civil Jurisdiction and Judgments Order 2001.
- [^{F2}(j) “the Lugano Convention” means the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark and signed by the European Community on 30th October 2007.]

Textual Amendments

- F2** Rule 6.31(j) inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), regs. 1(1), 29 (with reg. 48)

Service of the claim form where the permission of the court is not required - Scotland and Northern Ireland

6.32.—(1) The claimant may serve the claim form on a defendant in Scotland or Northern Ireland where each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine under the 1982 Act and—

- (a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom; and
- (b) (i) the defendant is domiciled in the United Kingdom;
- (ii) the proceedings are within paragraph 11 of Schedule 4 to the 1982 Act; or
- (iii) the defendant is a party to an agreement conferring jurisdiction, within paragraph 12 of Schedule 4 to the 1982 Act.

(2) The claimant may serve the claim form on a defendant in Scotland or Northern Ireland where each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine under any enactment other than the 1982 Act notwithstanding that—

- (a) the person against whom the claim is made is not within the jurisdiction; or
- (b) the facts giving rise to the claim did not occur within the jurisdiction.

Service of the claim form where the permission of the court is not required - out of the United Kingdom

6.33.—^{F3}(1) The claimant may serve the claim form on the defendant out of the United Kingdom where each claim against the defendant to be served and included in the claim form is a claim which the court has power to determine under the 1982 Act or the Lugano Convention and—

- (a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Convention territory; and
- (b) (i) the defendant is domiciled in the United Kingdom or in any Convention territory;
(ii) the proceedings are within article 16 of Schedule 1 to the 1982 Act or article 22 of the Lugano Convention; or
(iii) the defendant is a party to an agreement conferring jurisdiction, within article 17 of Schedule 1 to the 1982 Act or article 23 of the Lugano Convention.]

(2) The claimant may serve the claim form on a defendant out of the United Kingdom where each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine under the Judgments Regulation and—

- (a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Member State; and
- (b) (i) the defendant is domiciled in the United Kingdom or in any Member State;
(ii) the proceedings are within article 22 of the Judgments Regulation; or
(iii) the defendant is a party to an agreement conferring jurisdiction, within article 23 of the Judgments Regulation.

(3) The claimant may serve the claim form on a defendant out of the United Kingdom where each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine other than under the 1982 Act or ^{F4}the Lugano Convention or] the Judgments Regulation, notwithstanding that—

- (a) the person against whom the claim is made is not within the jurisdiction; or
- (b) the facts giving rise to the claim did not occur within the jurisdiction.

Textual Amendments

F3 Rule 6.33(1) substituted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), regs. 1(1), **30** (with reg. 48)

F4 Words in rule 6.33(3) inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), regs. 1(1), **31** (with reg. 48)

Notice of statement of grounds where the permission of the court is not required for service

6.34.—(1) Where the claimant intends to serve a claim form on a defendant under rule 6.32 or 6.33, the claimant must—

- (a) file with the claim form a notice containing a statement of the grounds on which the claimant is entitled to serve the claim form out of the jurisdiction; and
- (b) serve a copy of that notice with the claim form.

(2) Where the claimant fails to file with the claim form a copy of the notice referred to in paragraph (1)(a), the claim form may only be served—

- (a) once the claimant files the notice; or
- (b) if the court gives permission.

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Period for responding to the claim form where permission was not required for service

6.35.—(1) This rule sets out the period for—

- (a) filing an acknowledgment of service;
- (b) filing an admission; or
- (c) filing a defence,

where a claim form has been served out of the jurisdiction under rule 6.32 or 6.33.

(Part 10 contains rules about acknowledgments of service, Part 14 contains rules about admissions and Part 15 contains rules about defences.)

Service of the claim form on a defendant in Scotland or Northern Ireland

(2) Where the claimant serves on a defendant in Scotland or Northern Ireland under rule 6.32, the period—

- (a) for filing an acknowledgment of service or admission is 21 days after service of the particulars of claim; or
- (b) for filing a defence is—
 - (i) 21 days after service of the particulars of claim; or
 - (ii) where the defendant files an acknowledgment of service, 35 days after service of the particulars of claim.

(Part 7 provides that particulars of claim must be contained in or served with the claim form or served separately on the defendant within 14 days after service of the claim form.)

Service of the claim form on a defendant in a Convention territory within Europe or a Member State

(3) Where the claimant serves the claim form on a defendant in a Convention territory within Europe or a Member State under rule 6.33, the period—

- (a) for filing an acknowledgment of service or admission, is 21 days after service of the particulars of claim; or
- (b) for filing a defence is—
 - (i) 21 days after service of the particulars of claim; or
 - (ii) where the defendant files an acknowledgment of service, 35 days after service of the particulars of claim.

Service of the claim form on a defendant in a Convention territory outside Europe

(4) Where the claimant serves the claim form on a defendant in a Convention territory outside Europe under rule 6.33, the period—

- (a) for filing an acknowledgment of service or admission, is 31 days after service of the particulars of claim; or
- (b) for filing a defence is—
 - (i) 31 days after service of the particulars of claim; or
 - (ii) where the defendant files an acknowledgment of service, 45 days after service of the particulars of claim.

Service on a defendant elsewhere

(5) Where the claimant serves the claim form under rule 6.33 in a country not referred to in paragraph (3) or (4), the period for responding to the claim form is set out in Practice Direction B supplementing this Part.

Service of the claim form where the permission of the court is required

6.36. In any proceedings to which rule 6.32 or 6.33 does not apply, the claimant may serve a claim form out of the jurisdiction with the permission of the court if any of the grounds set out in paragraph 3.1 of Practice Direction B supplementing this Part apply.

Application for permission to serve the claim form out of the jurisdiction

6.37.—(1) An application for permission under rule 6.36 must set out—

- (a) which ground in paragraph 3.1 of Practice Direction B supplementing this Part is relied on;
- (b) that the claimant believes that the claim has a reasonable prospect of success; and
- (c) the defendant's address or, if not known, in what place the defendant is, or is likely, to be found.

(2) Where the application is made in respect of a claim referred to in paragraph 3.1(3) of Practice Direction B supplementing this Part, the application must also state the grounds on which the claimant believes that there is between the claimant and the defendant a real issue which it is reasonable for the court to try.

(3) The court will not give permission unless satisfied that England and Wales is the proper place in which to bring the claim.

(4) In particular, where—

- (a) the application is for permission to serve a claim form in Scotland or Northern Ireland; and
- (b) it appears to the court that the claimant may also be entitled to a remedy in Scotland or Northern Ireland, the court, in deciding whether to give permission, will—
 - (i) compare the cost and convenience of proceeding there or in the jurisdiction; and
 - (ii) (where relevant) have regard to the powers and jurisdiction of the Sheriff court in Scotland or the county courts or courts of summary jurisdiction in Northern Ireland.

(5) Where the court gives permission to serve a claim form out of the jurisdiction—

- (a) it will specify the periods within which the defendant may—
 - (i) file an acknowledgment of service;
 - (ii) file or serve an admission;
 - (iii) file a defence; or
 - (iv) file any other response or document required by a rule in another Part, any other enactment or a practice direction; and
- (b) it may—
 - (i) give directions about the method of service; and
 - (ii) give permission for other documents in the proceedings to be served out of the jurisdiction.

(The periods referred to in paragraphs (5)(a)(i), (ii) and (iii) are those specified in the Table in Practice Direction B supplementing this Part.)

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Service of documents other than the claim form - permission

6.38.—(1) Unless paragraph (2) or (3) applies, where the permission of the court is required for the claimant to serve the claim form out of the jurisdiction, the claimant must obtain permission to serve any other document in the proceedings out of the jurisdiction.

(2) Where—

(a) the court gives permission for a claim form to be served on a defendant out of the jurisdiction; and

(b) the claim form states that particulars of claim are to follow,

the permission of the court is not required to serve the particulars of claim.

(3) The permission of the court is not required if a party has given an address for service in Scotland or Northern Ireland.

Service of application notice on a non-party to the proceedings

6.39.—(1) Where an application notice is to be served out of the jurisdiction on a person who is not a party to the proceedings rules 6.35 and 6.37(5)(a)(i), (ii) and (iii) do not apply.

(2) Where an application is served out of the jurisdiction on a person who is not a party to the proceedings, that person may make an application to the court under Part 11 as if that person were a defendant, but rule 11(2) does not apply.

(Part 11 contains provisions about disputing the court’s jurisdiction.)

Methods of service - general provisions

6.40.—(1) This rule contains general provisions about the method of service of a claim form or other document on a party out of the jurisdiction.

Where service is to be effected on a party in Scotland or Northern Ireland

(2) Where a party serves any document on a party in Scotland or Northern Ireland, it must be served by a method permitted by Section II (and references to “jurisdiction” in that Section are modified accordingly) or Section III of this Part and rule 6.23(4) applies.

Where service is to be effected on a defendant out of the United Kingdom

(3) Where the claimant wishes to serve a claim form or any other document on a defendant out of the United Kingdom, it may be served—

(a) by any method provided for by—

(i) rule 6.41 (service in accordance with the Service Regulation);

(ii) rule 6.42 (service through foreign governments, judicial authorities and British Consular authorities); or

(iii) rule 6.44 (service of claim form or other document on a State);

(b) by any method permitted by a Civil Procedure Convention; or

(c) by any other method permitted by the law of the country in which it is to be served.

(4) Nothing in paragraph (3) or in any court order authorises or requires any person to do anything which is contrary to the law of the country where the claim form or other document is to be served.

(A list of the countries with whom the United Kingdom has entered into a Civil Procedure Convention, and a link to the relevant Convention, may be found on the Foreign and Commonwealth Office website at—

<http://www.fco.gov.uk/en/about-the-fco/publications/treaties/lists-treaties/bilateral-civil-procedure.>)

Service in accordance with the Service Regulation

6.41.—(1) This rule applies where the claimant wishes to serve the claim form or other document in accordance with the Service Regulation.

- (2) The claimant must file—
 - (a) the claim form or other document;
 - (b) any translation; and
 - (c) any other documents required by the Service Regulation.
- (3) When the claimant files the documents referred to in paragraph (2), the court officer will—
 - (a) seal (GL) the copy of the claim form; and
 - (b) forward the documents to the Senior Master.
- (4) Rule 6.47 does not apply to this rule.

(The Service Regulation is annexed to Practice Direction B supplementing this Part.)

(Article 20(1) of the Service Regulation provides that the Regulation prevails over other provisions contained in any other agreement or arrangement concluded by Member States.)

Service through foreign governments, judicial authorities and British Consular authorities

6.42.—(1) Where the claimant wishes to serve a claim form or any other document on a defendant in any country which is a party to a Civil Procedure Convention providing for service in that country, it may be served—

- (a) through the authority designated under the Hague Convention (where relevant) in respect of that country; or
- (b) if the law of that country permits—
 - (i) through the judicial authorities of that country, or
 - (ii) through a British Consular authority in that country (subject to any provisions of the applicable convention about the nationality of persons who may be served by such a method).

(2) Where the claimant wishes to serve a claim form or any other document on a defendant in any country with respect to which there is no Civil Procedure Convention providing for service in that country, the claim form or other document may be served, if the law of that country so permits—

- (a) through the government of that country, where that government is willing to serve it; or
 - (b) through a British Consular authority in that country.
- (3) Where the claimant wishes to serve the claim form or other document in—
- (a) any Commonwealth State which is not a party to the Hague Convention;
 - (b) the Isle of Man or the Channel Islands; or
 - (c) any British overseas territory,

the methods of service permitted by paragraphs (1)(b) and (2) are not available and the claimant or the claimant's agent must effect service direct, unless Practice Direction B supplementing this Part provides otherwise.

(A list of British overseas territories is reproduced in paragraph 5.2 of Practice Direction B supplementing this Part.)

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Procedure where service is to be through foreign governments, judicial authorities and British Consular authorities

6.43.—(1) This rule applies where the claimant wishes to serve a claim form or any other document under rule 6.42(1) or 6.42(2).

- (2) Where this rule applies, the claimant must file—
 - (a) a request for service of the claim form or other document specifying one or more of the methods in rule 6.42(1) or 6.42(2);
 - (b) a copy of the claim form or other document;
 - (c) any other documents or copies of documents required by Practice Direction B supplementing this Part; and
 - (d) any translation required under rule 6.45.
 - (3) Where the claimant files the documents specified in paragraph (2), the court officer will—
 - (a) seal (GL) the copy of the claim form or other document; and
 - (b) forward the documents to the Senior Master.
 - (4) The Senior Master will send documents forwarded under this rule—
 - (a) where the claim form or other document is being served through the authority designated under the Hague Convention, to that authority; or
 - (b) in any other case, to the Foreign and Commonwealth Office with a request that it arranges for the claim form or other document to be served.
 - (5) An official certificate which—
 - (a) states that the method requested under paragraph (2)(a) has been performed and the date of such performance;
 - (b) states, where more than one method is requested under paragraph (2)(a), which method was used; and
 - (c) is made by—
 - (i) a British Consular authority in the country where the method requested under paragraph (2)(a) was performed;
 - (ii) the government or judicial authorities in that country; or
 - (iii) the authority designated in respect of that country under the Hague Convention,
- is evidence of the facts stated in the certificate.

(6) A document purporting to be an official certificate under paragraph (5) is to be treated as such a certificate, unless it is proved not to be.

Service of claim form or other document on a State

6.44.—(1) This rule applies where a claimant wishes to serve the claim form or other document on a State.

- (2) In this rule, “State” has the meaning given by section 14 of the State Immunity Act 1978.
- (3) The claimant must file in the Central Office of the Royal Courts of Justice—
 - (a) a request for service to be arranged by the Foreign and Commonwealth Office;
 - (b) a copy of the claim form or other document; and
 - (c) any translation required under rule 6.45.
- (4) The Senior Master will send the documents filed under this rule to the Foreign and Commonwealth Office with a request that it arranges for them to be served.

(5) An official certificate by the Foreign and Commonwealth Office stating that a claim form has been duly served on a specified date in accordance with a request made under this rule is evidence of that fact.

(6) A document purporting to be such a certificate is to be treated as such a certificate, unless it is proved not to be.

(7) Where—

- (a) section 12(6) of the State Immunity Act 1978 applies; and
- (b) the State has agreed to a method of service other than through the Foreign and Commonwealth Office,

the claim form or other document may be served either by the method agreed or in accordance with this rule.

(Section 12(6) of the State Immunity Act 1978 provides that section 12(1) enables the service of a claim form or other document in a manner to which the State has agreed.)

Translation of claim form or other document

6.45.—(1) Except where paragraph (4) or (5) applies, every copy of the claim form or other document filed under rule 6.43 (service through foreign governments, judicial authorities etc.) or 6.44 (service of claim form or other document on a State) must be accompanied by a translation of the claim form or other document.

(2) The translation must be—

- (a) in the official language of the country in which it is to be served; or
- (b) if there is more than one official language of that country, in any official language which is appropriate to the place in the country where the claim form or other document is to be served.

(3) Every translation filed under this rule must be accompanied by a statement by the person making it that it is a correct translation, and the statement must include that person's name, address and qualifications for making the translation.

(4) The claimant is not required to file a translation of a claim form or other document filed under rule 6.43 (service through foreign governments, judicial authorities etc.) where the claim form or other document is to be served—

- (a) in a country of which English is an official language; or
- (b) on a British citizen (within the meaning of the British Nationality Act 1981),

unless a Civil Procedure Convention requires a translation.

(5) The claimant is not required to file a translation of a claim form or other document filed under rule 6.44 (service of claim form or other document on a State) where English is an official language of the State in which the claim form or other document is to be served.

(The Service Regulation contains provisions about the translation of documents.)

Undertaking to be responsible for expenses

6.46. Every request for service filed under rule 6.43 (service through foreign governments, judicial authorities etc.) or rule 6.44 (service of claim form or other document on a State) must contain an undertaking by the person making the request—

- (a) to be responsible for all expenses incurred by the Foreign and Commonwealth Office or foreign judicial authority; and

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- (b) to pay those expenses to the Foreign and Commonwealth Office or foreign judicial authority on being informed of the amount.

Proof of service before obtaining judgment

6.47. Where—

- (a) a hearing is fixed when the claim form is issued;
- (b) the claim form is served on a defendant out of the jurisdiction; and
- (c) that defendant does not appear at the hearing,

the claimant may not obtain judgment against the defendant until the claimant files written evidence that the claim form has been duly served in accordance with this Part.]

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