
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 6

SERVICE OF DOCUMENTS

II SERVICE OF THE CLAIM FORM IN THE JURISDICTION

[^{F1}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.)]

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](#)

Status:

Point in time view as at 01/10/2008.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 6.13.