
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 6

SERVICE OF DOCUMENTS

[^{F1}III SPECIAL PROVISIONS ABOUT SERVICE OUT OF THE JURISDICTION

[^{F1}Service out of the jurisdiction where the permission of the court is required

6.20 In any proceedings to which rule 6.19 does not apply, a claim form may be served out of the jurisdiction with the permission of the court if—

- (1) a claim is made for a remedy against a person domiciled within the jurisdiction;

General grounds

(2) a claim is made for an injunction^(g1) ordering the defendant to do or refrain from doing an act within the jurisdiction;

(3) a claim is made against someone on whom the claim form has been or will be served and—

- (a) there is between the claimant and that person a real issue which it is reasonable for the court to try; and
(b) the claimant wishes to serve the claim form on another person who is a necessary or proper party to that claim;

[
^{F2}(3A) a claim is a Part 20 claim and the person to be served is a necessary or proper party to the claim against the Part 20 claimant;]

Claims for interim remedies

(4) a claim is made for an interim remedy under section 25(1) of the 1982 Act;

Claims in relation to contracts

(5) a claim is made in respect of a contract where the contract—

- (a) was made within the jurisdiction;
(b) was made by or through an agent trading or residing within the jurisdiction;
(c) is governed by English law; or
(d) contains a term to the effect that the court shall have jurisdiction to determine any claim in respect of the contract;

(6) a claim is made in respect of a breach of contract committed within the jurisdiction;

(7) a claim is made for a declaration that no contract exists where, if the contract was found to exist, it would comply with the conditions set out in paragraph (5);

Claims in tort

(8) a claim is made in tort where—

Status: Point in time view as at 02/12/2002. This version of this provision has been superseded.

*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 6.20. (See end of Document for details)*

- (a) damage was sustained within the jurisdiction; or
- (b) the damage sustained resulted from an act committed within the jurisdiction;

Enforcement

- (9) a claim is made to enforce any judgment or arbitral award;

Claims about property within the jurisdiction

- (10) the whole subject matter of a claim relates to property located within the jurisdiction;

Claims about trusts etc.

(11) a claim is made for any remedy which might be obtained in proceedings to execute the trusts of a written instrument where—

- (a) the trusts ought to be executed according to English law; and
- (b) the person on whom the claim form is to be served is a trustee of the trusts;

(12) a claim is made for any remedy which might be obtained in proceedings for the administration of the estate of a person who died domiciled within the jurisdiction;

(13) a claim is made in probate proceedings which includes a claim for the rectification of a will;

(14) a claim is made for a remedy against the defendant as constructive trustee where the defendant's alleged liability arises out of acts committed within the jurisdiction;

(15) a claim is made for restitution where the defendant's alleged liability arises out of acts committed within the jurisdiction;

^{F3} ...

Claims by the Inland Revenue

(16) a claim is made by the Commissioners of the Inland Revenue relating to duties or taxes against a defendant not domiciled in Scotland or Northern Ireland;

Claim for costs order in favour of or against third parties

(17) a claim is made by a party to proceedings for an order that the court exercise its power under section 51 of the Supreme Court Act 1981 to make a costs order in favour of or against a person who is not a party to those proceedings;

(Rule 48.2 sets out the procedure where the court is considering whether to exercise its discretion to make a costs order in favour of or against a non-party)

^{F4} **Admiralty claims**

- (17A) a claim is—
 - (a) in the nature of salvage and any part of the services took place within the jurisdiction; or
 - (b) to enforce a claim under section 153, 154 or 175 of the Merchant Shipping Act 1995.]

Claims under various enactments

- (18) a claim [^{F5}is] made under an enactment specified in the relevant practice direction.]

Textual Amendments

- F1** Pt. 6 Section 3 inserted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), 4(5), [Sch. 1 Pt. 2](#)
- F2** Rule 6.20(3A) inserted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, [3](#) (with rule 39)
- F3** Words in rule 6.20 omitted (25.3.2002) by virtue of [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), [7\(a\)](#)
- F4** Rule 6.20(17A) inserted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), [7\(b\)](#)

Status: Point in time view as at 02/12/2002. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 6.20. (See end of Document for details)

F5 Word in rule 6.20(18) inserted (31.5.2001) by The Civil Procedure (Amendment No. 2) Rules 2001 (S.I. 2001/1388), rules 1(c), 4

Status:

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Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 6.20.