
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 6

SERVICE OF DOCUMENTS

*IV SERVICE OF THE CLAIM FORM AND OTHER
DOCUMENTS OUT OF THE JURISDICTION*

[^{F1}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 [^{F2}Practice Direction 6B] 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 [^{F3}Practice Direction 6B], 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 [^{F4}County Court] 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 [^{F5}may give directions about the method of service].

(The periods referred to in paragraphs (5)(a)(i), (ii) and (iii) are those specified in the Table in [F6Practice Direction 6B].)

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**
- F2** Words in rule 6.37(1)(a) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **5(g)(i)**
- F3** Words in rule 6.37(2) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **5(g)(i)**
- F4** Words in Rules substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **4(a)(ii)**; S.I. 2014/954, art. 2(a)
- F5** Words in rule 6.37(5)(b) substituted (1.10.2022) by [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\)](#), rules 1(1), **7(5)**
- F6** Words in rule 6.37 substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **5(g)(ii)**

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 6.37.