
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 4

SERVICE OF DOCUMENTS

Proof of service in magistrates' courts

4.2.—(1) The service on any person of a summons, process, notice or document required or authorised to be served in any proceedings before a magistrates' court, and the handwriting or seal of a justice of the peace or other person on any warrant, summons, notice, process or documents issued or made in any such proceedings, may be proved in any legal proceedings by a document purporting to be a solemn declaration made before a justice of the peace, commissioner for oaths, clerk of a magistrates' court or registrar of a county court or a sheriff or sheriff clerk (in Scotland) or a clerk of petty sessions (in Northern Ireland).

(2) The service of any process or other document required or authorised to be served may be proved in any proceedings before a magistrates' court by a document purporting to be a certificate signed by the person by whom the service was effected.

(3) References in paragraph (2) of this rule to the service of any process shall, in their application to a witness summons, be construed as including references to the payment or tender to the witness of his costs and expenses.

(4) Any process or other document produced by the court computer system on a given day shall be sufficient evidence that the process or other document was sent to the person to whom it is addressed within 2 days of it being produced, unless the contrary is proved.

[Note. Formerly rule 67 of the Magistrates' Courts Rules 1981.]