
STATUTORY INSTRUMENTS

2009 No. 1211

The Armed Forces (Summary Appeal Court) Rules 2009

PART 2

SERVICE OF DOCUMENTS

Interpretation of Part 2

4.—(1) References in this Part to service under these Rules include service under any enactment applied by these Rules.

(2) References in this Part to a requirement that a document be served on a person include any requirement that the document be supplied to the person, however expressed.

(3) References in this Part to a person's agreement to the service of a document in a particular way include his agreement that any document of a description specified by him may be served in that way.

Service on a person to whom proceedings relate

5.—(1) Where under these Rules any document is to be served on a person to whom any proceedings relate, it may be served—

- (a) on him personally;
- (b) by post in a letter addressed to him at his unit;
- (c) if he is not subject to service law—
 - (i) by leaving it at his usual or last known place of abode; or
 - (ii) by post in a letter addressed to his usual or last known place of abode;
- (d) by post in a letter addressed to his legal representative's place of business; or
- (e) by DX, fax, electronic mail or other electronic means to his legal representative, where his legal representative—
 - (i) has given a DX box number, fax number or electronic mail or other electronic means address; and
 - (ii) has not refused to accept service by that means.

(2) In this rule references to the person's legal representative are to any person of whose name and address the court administration officer has been notified under rule 41(4).

Service on the court administration officer

6. Where under these Rules any document is to be served on the court administration officer, it may be served—

- (a) by post, DX, fax, electronic mail or other electronic means to any office of the Military Court Service; or
- (b) on a member of that Service personally, with his agreement.

Service on the Director

7. Where under these Rules any document is to be served on the Director, it may be served—
- (a) by post, DX, fax, electronic mail or other electronic means to—
 - (i) the principal office of the Service Prosecuting Authority; or
 - (ii) with the agreement of a prosecuting officer, that Authority's main office in Germany; or
 - (b) on a prosecuting officer personally, with his agreement.

Service on other individuals

8. Where under these Rules any document is to be served on an individual other than a person to whom proceedings relate, the court administration officer or the Director, it may be served—
- (a) on the individual personally;
 - (b) if he is subject to service law, by post in a letter addressed to him at his unit;
 - (c) if he is not subject to service law—
 - (i) by leaving it at his usual or last known place of abode; or
 - (ii) by post in a letter addressed to his usual or last known place of abode.

Service on a corporation

9. Where under these Rules any document is to be served on a corporation within the meaning of the Companies Act 2006 ^{M1}, it may be served—
- (a) by post to—
 - (i) the corporation's principal office in the United Kingdom;
 - (ii) if the corporation has no readily identifiable principal office in the United Kingdom, any place in the United Kingdom where it carries on its activities or business; or
 - (iii) if the corporation has no principal office in the United Kingdom and does not carry on its activities or business in the United Kingdom, its principal office; or
 - (b) by DX, fax, electronic mail or other electronic means, where the corporation—
 - (i) has given a DX box number, fax number or electronic mail or other electronic means address; and
 - (ii) has not refused to accept service by that means.

Marginal Citations

M1 2006 c. 46.

Service by another method

- 10.—(1) A judge advocate may direct that a document may be served by a method other than those mentioned in rules 5 to 9.
- (2) A direction under this rule—
- (a) must specify—
 - (i) the method to be used; and
 - (ii) the date by which the document must be served; and

(b) may specify the time on that date by which the document must be served.

(3) The court may treat a document as served if the addressee responds to it, even if it was not served in accordance with these Rules.

Service by commanding officer

11. Where a document to be served on a person is sent or delivered to his commanding officer, his commanding officer must arrange for the document to be served on him personally as soon as is reasonably practicable.

Service by fax or electronic means

12. Where a document is served by fax, electronic mail or other electronic means, the person serving it need not provide a paper copy as well.

Date of service

13. Unless the contrary is shown, a document served on a person (otherwise than personally) shall be assumed to have been served—

- (a) in the case of a document sent by post from the United Kingdom to an address within the United Kingdom, on the fifth day after the day on which it was despatched;
- (b) in the case of a document sent by post—
 - (i) from the United Kingdom or Germany to an address within Germany, or
 - (ii) from Germany to an address within the United Kingdom, on the tenth day after the day on which it was despatched;
- (c) in the case of any other document sent by post, on the tenth day after the day on which it was despatched;
- (d) in the case of a document served by DX, on the fifth day after the day on which it was left at the addressee's DX box number or despatched;
- (e) in the case of a document served by fax, electronic mail or other electronic means, on the day after it was transmitted; and
- (f) in any case, on the day on which the addressee responds to it if that is earlier.

Proof of service

14.—(1) Where—

- (a) under any of rules 5 to 9 or a direction under rule 10, a document may be served by a particular method, and
- (b) a certificate is produced which—
 - (i) states that the document was so served, and
 - (ii) is signed by a person who purports to have so served the document,

the document shall be assumed to have been so served, unless the contrary is shown.

(2) Where a certificate is produced which—

- (a) states that a document was despatched, left at a DX box number or transmitted on a particular day, and
- (b) is signed by a person who purports to have despatched, left or transmitted the document,

for the purposes of rule 13 the document shall be assumed to have been despatched, left or transmitted on that day, unless the contrary is shown.

(3) This rule is subject to any provision requiring proof on oath.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces (Summary Appeal Court) Rules 2009, PART 2.