
STATUTORY INSTRUMENTS

2019 No. 1367

The Magistrates' Courts (Amendment) Rules 2019

Insertion of rule 115

10. At the end of the rules insert—

“Service of orders

115.—(1) Subject to paragraph (6), in proceedings commenced by complaint, unless any enactment otherwise provides for service of an order, the designated officer for the court shall serve a copy of that order on the defendant as soon as reasonably practicable after an order or interim order has been made.

(2) The designated officer may serve the copy by—

- (a) handing it to the defendant in person or, where the defendant is a corporation, to a person holding a senior position in that corporation;
- (b) posting it to the defendant at an address where it is reasonably believed that the defendant will receive it or, where the defendant is a corporation, the address for service in accordance with paragraph (3);
- (c) where the defendant has given an electronic address and has not refused to accept service at that address, sending it by electronic means to the address which the defendant has given;
- (d) where the defendant is legally represented, serving it on the defendant's legal representative in the same manner as it could be served on the defendant under sub-paragraphs (a), (b) and (c);
- (e) where the defendant is in custody, sending it to his or her custodian, addressed to the defendant; or
- (f) any other method specified by the court.

(3) Where the defendant is a corporation, the address for service under this rule is the defendant's principal office, and if there is no readily identifiable principal office, then any place where it carries on its activities or business.

(4) An order served in accordance with paragraph (2) shall be deemed to have been received by the defendant—

- (a) if handed to the defendant or the defendant's legal representative in accordance with paragraph (1)(a), when so handed;
- (b) if sent by electronic means in accordance with paragraph (1)(c) or (d), one day after being sent; or
- (c) in any other case, three business days after being posted, sent or given,

unless something different is shown.

(5) Unless something different is shown, a document produced by a computer system for dispatch by post is to be taken as having been sent by post, or the equivalent of post, to the addressee on the third business day after the day on which it was produced.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) This rule does not apply to liability orders.”.