
STATUTORY INSTRUMENTS

2019 No. 1367

The Magistrates' Courts (Amendment) Rules 2019

Substitution of rule 99

8. For rule 99 (service of summons, etc.) substitute—

“Service of summons

99.—(1) Subject to paragraph (7), a summons requiring a person to appear before a magistrates' court may be served by—

- (a) handing it to the person in person or, where the person is a corporation, to a person holding a senior position in that corporation;
- (b) posting it to the person at an address where it is reasonably believed that the person will receive it or, where the person is a corporation, the address for service in accordance with paragraph (2);
- (c) addressing it to the person and leaving it for the person at an address where it is reasonably believed that the person will receive it;
- (d) where the person 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 person has given;
- (e) where the person to be served is given access to an electronic address at which a document may be deposited and has not refused to accept service by the deposit of a document at that address, by depositing it at that address and making it possible for the recipient to read the document, or view or listen to its content, as the case may be, and notifying the recipient of the deposit of the document (which notice may be given by electronic means);
- (f) where the person is in custody, sending it to his or her custodian, addressed to the person;
- (g) where the person has given a document exchange (DX) box number, and has not refused to accept service by DX, addressing it to the person at that DX box number and leaving it at that document exchange;
- (h) where the person is legally represented, serving it on the person's legal representative in the same manner as it could be served on the person under subparagraphs (a), (b), (c) and (g);
- (i) where the person is legally represented and the person's legal representative has given an electronic address, sending it to that address;
- (j) where the person to be served is legally represented and the legal representative is given access to an electronic address at which a document may be deposited, by depositing it at that address and making it possible for the recipient to read the document, or view or listen to its content, as the case may be, and notifying the recipient of the deposit of the document (which notice may be given by electronic means); or

(k) any other method specified by the court.

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

(3) Where under any enactment other than the Act of 1980 or these Rules a summons is required to be served in any particular manner—

(a) the summons will, if served in accordance with paragraph (1), be deemed to have been as effectively served as if served in that particular manner; and

(b) if the summons is served in that particular manner, nothing in this rule invalidates such service.

(4) A summons served in accordance with paragraph (1) shall be deemed to have been received by the person—

(a) if handed to the person or the person's legal representative in accordance with paragraph (1)(a) or (h), when so handed;

(b) if sent by electronic means in accordance with paragraph (1)(d) or (i), one day after being sent;

(c) if served in accordance with paragraph (1)(k), on a date specified by the court;

(d) in any other case, three business days after it was posted, left, or sent in accordance with paragraph (1)(b), (c), (f) or (g),

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.

(6) A witness summons may only be served in accordance with paragraph (1)(a), (d) or (f).

(7) This rule does not apply in relation to a judgment summons (for which rule 58 requires service on the judgment debtor personally).”.