
STATUTORY INSTRUMENTS

1981 No. 1687

The County Court Rules 1981

ORDER 7

SERVICE OF DOCUMENTS

PART II

DEFAULT AND FIXED DATE SUMMONSES

Recovery of land

15.—(1) Where, in the case of a summons for the recovery of land which is to be served by bailiff, the court is of opinion that it is impracticable to serve the summons in accordance with any of the foregoing provisions of this Part of this Order, the summons may be served in a manner authorised by this rule.

(2) The summons may be served on any person on the premises who is the husband or wife of the defendant or on any person who has or appears to have the authority of the defendant—

(a) to reside or carry on business in the premises or to manage them on behalf of the defendant or to receive any rents or profits of the premises or to pay any outgoings in respect of the premises; or

(b) to safeguard or deal with the premises or with the furniture or other goods on the premises, and service on any such person shall be effected in the manner required by these rules with respect to a fixed date summons.

(3) Paragraph (2) shall apply to a man and woman who are living with each other in the same household as husband and wife as it applies to the parties to a marriage.

(4) Where the premises are vacant or are occupied only by virtue of the presence of furniture or other goods, the summons may be served by affixing it to some conspicuous part of the premises.

(5) Unless the court otherwise orders, service of a summons in accordance with this rule shall be good service on the defendant, but if a claim for the recovery of money is joined with the claim for recovery of land, the court shall order the summons to be marked “not served” with respect to the money claim unless in special circumstances the court thinks it just to hear and determine both claims.