
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 6

SERVICE

CHAPTER 3

**SERVICE OF DOCUMENTS OTHER THAN AN APPLICATION FOR A MATRIMONIAL
ORDER OR CIVIL PARTNERSHIP ORDER IN THE UNITED KINGDOM**

Method of service

6.23. A document may be served by any of the following methods—

- (a) personal service, in accordance with rule 6.25;
- (b) first class post, document exchange or other service which provides for delivery on the next business day, in accordance with Practice Direction 6A;
- (c) leaving it at a place specified in rule 6.26; or
- (d) fax or other means of electronic communication in accordance with Practice Direction 6A.

(Rule 6.35 provides for the court to permit service by an alternative method or at an alternative place.)

Who is to serve

6.24.—(1) A party to proceedings will serve a document which that party has prepared, or which the court has prepared or issued on behalf of that party, except where—

- (a) a rule or practice direction provides that the court will serve the document; or
- (b) the court directs otherwise.

(2) Where a court officer is to serve a document, it is for the court to decide which method of service is to be used.

(3) Where the court officer is to serve a document prepared by a party, that party must provide a copy for the court and for each party to be served.

Personal service

6.25.—(1) Where required by another Part, any other enactment, a practice direction or a court order, a document must be served personally.

(2) In other cases, a document may be served personally except where the party to be served has given an address for service under rule 6.26(2)(a).

- (3) A document is served personally on an individual by leaving it with that individual.

Address for service

6.26.—(1) A party to proceedings must give an address at which that party may be served with documents relating to those proceedings.

(2) Subject to paragraph (4), a party's address for service must be—

- (a) the business address either within the United Kingdom or any other EEA state of a solicitor acting for the party to be served; or
- (b) where there is no solicitor acting for the party to be served, an address within the United Kingdom at which the party resides or carries on business.

(“EEA state” is defined in Schedule 1 to the Interpretation Act 1978.)

(3) Where there is no solicitor acting for the party to be served and the party does not have an address within the United Kingdom at which that party resides or carries on business, the party must, subject to paragraph (4), give an address for service within the United Kingdom.

(4) A party who—

- (a) has been served with an application for a matrimonial or civil partnership order outside the United Kingdom; and
- (b) apart from acknowledging service of the application, does not take part in the proceedings,

need not give an address for service within the United Kingdom.

(5) Any document to be served in proceedings must be sent, or transmitted to, or left at, the party's address for service unless it is to be served personally or the court orders otherwise.

(6) Where, in accordance with Practice Direction 6A, a party indicates or is deemed to have indicated that they will accept service by fax, the fax number given by that party must be at the address for service.

(7) Where a party indicates in accordance with Practice Direction 6A, that they will accept service by electronic means other than fax, the e-mail address or electronic identification given by that party will be deemed to be at the address for service.

(8) This rule does not apply where an order made by the court under rule 6.35 (service by an alternative method or at an alternative place) specifies where a document may be served.

Change of address for service

6.27. Where the address for service of a party changes, that party must give notice in writing of the change, as soon as it has taken place, to the court and every other party.

Service of an application form commencing proceedings on children and protected parties

6.28.—(1) This rule applies to the service of an application form commencing proceedings other than an application for a matrimonial or civil partnership order.

(2) An application form commencing proceedings which would otherwise be served on a child or protected party must be served—

- (a) where the respondent is a child, in accordance with rule 6.14(1); and
- (b) where the respondent is a protected party, in accordance with rule 6.14(2).

Service of other documents on or by children and protected parties where a litigation friend has been or will be appointed

6.29.—(1) This rule applies to—

- (a) a protected party; or

(b) a child to whom the provisions of rule 16.5 and Chapter 5 of Part 16 apply (litigation friends).

(2) An application for an order appointing a litigation friend where a protected party or child has no litigation friend must be served in accordance with rule 15.8 or rule 16.13 as the case may be.

(3) Any other document which would otherwise be served on or by a child or protected party must be served on or by the litigation friend conducting the proceedings on behalf of the child or protected party.

Service on or by children where a children’s guardian has been or will be appointed under rule 16.4

6.30.—(1) This rule applies to a child to whom the provisions of rule 16.4 and Chapter 7 apply.

(2) An application for an order appointing a children’s guardian where a child has no children’s guardian must be served in accordance with rule 16.26.

(3) Any other document which would otherwise be served on or by a child must be served on or by the children’s guardian conducting the proceedings on behalf of the child.

Service on or by children where a children’s guardian has been appointed under rule 16.3

6.31.—(1) This rule applies where a children’s guardian has been appointed for a child in accordance with rule 16.3.

(2) Any document which would otherwise be served on the child must be served on—

- (a) the solicitor appointed by the court in accordance with section 41(3) of the 1989 Act; and
- (b) the children’s guardian.

(3) Any document which would otherwise be served by the child must be served by—

- (a) the solicitor appointed by the court in accordance with section 41(3) of the 1989 Act or by the children’s guardian; or
- (b) if no solicitor has been appointed as mentioned in paragraph (a), the children’s guardian.

Supplementary provisions relating to service on children and protected parties

6.32.—(1) The court may direct that a document be served on a protected party or child or on some person other than a person upon whom it would be served under rules 6.28 to 6.31 above.

(2) The court may direct that, although a document has been sent or given to someone other than a person upon whom it should be served under rules 6.28 to 6.31 above, the document is to be treated as if it had been properly served.

(3) This rule and rules 6.28 to 6.31 do not apply where the court has made an order under rule 16.6 allowing a child to conduct proceedings without a children’s guardian or litigation friend.

Supplementary provision relating to service on children

6.33.—(1) This rule applies to proceedings to which Part 12 applies.

(2) Where a rule requires—

- (a) a document to be served on a party;
- (b) a party to be notified of any matter; or
- (c) a party to be supplied with a copy of a document,

in addition to the persons to be served in accordance with rules 6.28 to 6.32, the persons or bodies mentioned in paragraph (3) must be served, notified or supplied with a copy of a document, as applicable, unless the court directs otherwise.

- (3) The persons or bodies referred to in paragraph (2) are—
- (a) such of the following who are appointed in the proceedings—
- (i) the children’s guardian (if the children’s guardian is not otherwise to be served);
 - (ii) the welfare officer;
 - (iii) the children and family reporter;
 - (iv) the officer of the Service, Welsh family proceedings officer or local authority officer acting under a duty referred to in rule 16.38; and
- (b) a local authority preparing a report under section 14A(8) or (9) of the 1989 Act.

Deemed service

6.34. A document, other than an application for a matrimonial or civil partnership order, served in accordance with these rules or a practice direction is deemed to be served on the day shown in the following table—

<i>Method of service</i>	<i>Deemed day of service</i>
First class post (or other service which provides for delivery on the next business day)	The second day after it was posted, left with, delivered to or collected by the relevant service provider, provided that day is a business day; or, if not, the next business day after that day.
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider, provided that day is a business day; or, if not, the next business day after that day.
Delivering the document to or leaving it at a permitted address.	If it is delivered to or left at the permitted address on a business day before 4.30p.m., on that day; or in any other case, on the next business day after that day.
Fax.	If the transmission of the fax is completed on a business day before 4.30p.m., on that day; or, in any other case, the next business day after the day on which it was transmitted.
Other electronic method.	If the e-mail or other electronic transmission is sent on a business day before 4.30p.m., on that day; or in any other case, on the next business day after the day on which it was sent.
Personal service	If the document is served personally before 4.30p.m. on a business day, on that day; or, in any other case, on the next business day after that day.

(Practice Direction 6A contains examples of how the date of deemed service is calculated.)

Service by an alternative method or at an alternative place

6.35. Rule 6.19 applies to any document in proceedings as it applies to an application for a matrimonial or civil partnership order and reference to the respondent in that rule is modified accordingly.

Power to dispense with service

6.36. The court may dispense with the service of any document which is to be served in proceedings.

Certificate of service

6.37.—(1) Where a rule, practice direction or court order requires a certificate of service, the certificate must state the details set out in the following table—

<i>Method of service</i>	<i>Details to be certified</i>
Personal service.	Date and time of personal service and method of identifying the person served.
First class post, document exchange or other service which provides for delivery on the next business day.	Date of posting, leaving with, delivering to or collection by the relevant service provider.
Delivery of document to or leaving it at a permitted place.	Date and time when the document was delivered to or left at the permitted place.
Fax.	Date and time of completion of transmission.
Other electronic method	Date and time of sending the email or other electronic transmission.
Alternative method or place permitted by court	As required by the court.

(2) An applicant who is required to file a certificate of service of an application form must do so at or before the earlier of—

- (a) the first directions appointment in; or
- (b) the hearing of,

the proceedings unless a rule or practice direction provides otherwise.

(Rule 17.2 requires a certificate of service to contain a statement of truth.)

Notification of outcome of service by the court

6.38. Where—

- (a) a document to be served by a court officer is served by post or other service which provides for delivery on the next working day; and
- (b) the document is returned to the court,

the court officer will send notification to the party who requested service that the document has been returned.

Notification of non-service by bailiff

6.39. Where—

- (a) the bailiff is to serve a document; and
 - (b) the bailiff is unable to serve it,
- the court officer must send notification to the party who requested service.