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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 4**

**SERVICE OF DOCUMENTS**

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**When this Part applies**

- 4.1.**—<sup>F1</sup>(1) The rules in this Part apply to the service of—
- (a) every document in a case to which these Rules apply; and
  - (b) any document which other legislation allows or requires to be served in accordance with these Rules.]
- (2) The rules apply subject to any special rules in other legislation (including other Parts of these Rules) or in the Practice Direction.
- (3) In this Part, ‘the relevant court office’ means—
- (a) in relation to a case in a magistrates’ court or in the Crown Court, an office—
    - (i) at which that court’s business is administered, and
    - (ii) the address or electronic address of which is advertised by the Lord Chancellor at the date of service as that at which that type of document must be served;

- (b) in relation to an application to a High Court judge for permission to serve a draft indictment—
  - (i) in London, the Queen’s Bench Listing Office, Royal Courts of Justice, Strand, London WC2A 2LL,
  - (ii) elsewhere, the office at which court staff administer the business of any court then constituted of a High Court judge, and
  - (iii) in either case, the electronic address which is advertised by the Lord Chancellor at the date of service as that at which such an application must be served;
- (c) in relation to an extradition appeal case in the High Court—
  - (i) the Administrative Court Office, Royal Courts of Justice, Strand, London WC2A 2LL, and
  - (ii) the electronic address which is advertised by the Lord Chancellor at the date of service as that at which that type of document must be served; and
- (d) where the recipient is the Registrar of Criminal Appeals—
  - (i) the Criminal Appeal Office, Royal Courts of Justice, Strand, London WC2A 2LL, and
  - (ii) the electronic address which is advertised by the Lord Chancellor at the date of service as that at which that type of document must be served.

<sup>F2</sup>[Note. The following provisions allow or require the service of documents in accordance with Criminal Procedure Rules—

- (a) *section 243 of the Road Traffic Act 1960 (notice requiring identification of driver);*
- (b) *section 29(A1) of the Misuse of Drugs Act 1971 (notice or other document required by Act to be served);*
- (c) *paragraph 8(3) of the Schedule to the Prices Act 1974 (notice of intended prosecution);*
- (d) *paragraph 10 of Schedule 4 to the Salmon and Freshwater Fisheries Act 1975 (surrender of licence to court officer);*
- (e) *section 5(1) of the Isle of Man Act 1979 (summons or process requiring a person in the Isle of Man to attend a criminal court in England and Wales);*
- (f) *section 82(5F) of the Magistrates’ Courts Act 1980 (notice of hearing to consider issue of warrant of commitment);*
- (g) *section 72 of the Public Passenger Vehicles Act 1981 (notice requiring identification of driver);*
- (h) *section 19(4A) of the Video Recordings Act 1984 (copy of certificate of examination);*
- (i) *section 83(4) of the Weights and Measures Act 1985 (notice of intended prosecution for offence);*
- (j) *sections 164(10) and 172(7) of the Road Traffic Act 1988 (notice requiring verification of date of birth; notice requiring identification of driver);*
- (k) *sections 1(1ZA), 12(1) and (3), 16(6), 25(7) and 85(A2) of the Road Traffic Offenders Act 1988 (notice of intended prosecution; notice requiring identification of driver; analyst’s certificate; notice requiring attendance of analyst; notice requiring verification of date of birth; other specified documents);*
- (l) *section 35(7) of the Transport and Works Act 1992 (documentary evidence as to breath and other specimens);*
- (m) *section 60(11) of, and paragraphs 4(5) and 5(3) of Schedule 5 to, the Powers of Criminal Courts (Sentencing) Act 2000 (attendance centre order); and*

(n) *section 27(1) of the Criminal Justice and Police Act 2001 (notice in connection with proposed closure of premises).]]*

- F1** Rule 4.1(1) substituted (15.8.2022) by [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\)](#), rules 2(c), **6(a)(i)**
- F2** Words in rule 4.1 substituted (15.8.2022) by [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\)](#), rules 2(c), **6(a)(ii)**

**Commencement Information**

- I1** Rule 4.1 in force at 5.10.2020, see Preamble

**Methods of service**

**4.2.**—(1) A document may be served by any of the methods described in rules 4.3 to 4.6 (subject to rules 4.7 and 4.10), or in rule 4.8.

(2) Where a document may be served by electronic means under rule 4.6, the general rule is that the person serving it must use that method.

**Commencement Information**

- I2** Rule 4.2 in force at 5.10.2020, see Preamble

**Service by handing over a document**

**4.3.**—(1) A document may be served on—

- (a) an individual by handing it to him or her;
- (b) a corporation by handing it to a person holding a senior position in that corporation;
- (c) an individual or corporation who is legally represented in the case by handing it to that legal representative;
- (d) the prosecution by handing it to the prosecutor or to the prosecution representative; and
- (e) the court officer or the Registrar of Criminal Appeals by handing it to a court officer with authority to accept it at the relevant court office.

(2) If an individual is under 18, a copy of a document served under paragraph (1)(a) must be handed to his or her parent, or another appropriate adult, unless no such person is readily available.

(3) Unless the court otherwise directs, for the purposes of paragraph (1)(c) or (d) (service by handing a document to a party's representative) 'representative' includes an advocate appearing for that party at a hearing.

*[Note. Some legislation treats a body that is not a corporation as if it were one for the purposes of rules about service of documents. See for example section 143 of the Adoption and Children Act 2002(1).]*

**Commencement Information**

- I3** Rule 4.3 in force at 5.10.2020, see Preamble

### Service by leaving or posting a document

**4.4.—**(1) A document may be served by addressing it to the person to be served and leaving it at the appropriate address for service under this rule, or by sending it to that address by first class post or by the equivalent of first class post.

(2) The address for service under this rule on—

- (a) an individual is an address where it is reasonably believed that he or she will receive it;
- (b) a corporation is its principal office, and if there is no readily identifiable principal office then any place where it carries on its activities or business;
- (c) an individual or corporation who is legally represented in the case is that legal representative's office;
- (d) the prosecution is the prosecutor's office;
- (e) the court officer or the Registrar of Criminal Appeals is the relevant court office.

*[Note. In addition to service in England and Wales for which these rules provide, service outside England and Wales may be allowed under other legislation. See—*

- (a) *section 39 of the Criminal Law Act 1977*(2) (service of summons, etc. in Scotland and Northern Ireland);
- (b) *section 1139(4) of the Companies Act 2006*(3) (service of copy summons, etc. on company's registered office in Scotland and Northern Ireland);
- (c) *sections 3, 4, 4A and 4B of the Crime (International Co-operation) Act 2003*(4) (service of summons, etc. outside the United Kingdom) and rules 49.1 and 49.2; and
- (d) *section 1139(2) of the Companies Act 2006 (service on overseas company).]*

#### Commencement Information

**I4** Rule 4.4 in force at 5.10.2020, see Preamble

### Service by document exchange

**4.5.—**(1) This rule applies where—

- (a) the person to be served—
  - (i) has given a document exchange (DX) box number, and
  - (ii) has not refused to accept service by DX; or
- (b) the person to be served is legally represented in the case and the legal representative has given a DX box number.

(2) A document may be served by—

- (a) addressing it to that person or legal representative, as appropriate, at that DX box number; and
- (b) leaving it at—
  - (i) the document exchange at which the addressee has that DX box number, or

(2) 1977 c. 45; sub-section (1) was substituted by section 331 of, and paragraph 6 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44). Sub-section (3) was amended by section 83 of, and paragraph 79 of Schedule 7 to, the Criminal Justice (Scotland) Act 1980 (c. 62).

(3) 2006 c. 46.

(4) 2003 c. 32; sections 4A and 4B were inserted by section 331 of, and paragraph 16 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44).

(ii) a document exchange at which the person serving it has a DX box number.

(3) Where the person to be served under this rule is the court officer, the address for service is the relevant court office.

**Commencement Information**

**I5** Rule 4.5 in force at 5.10.2020, see Preamble

**Service by electronic means**

**4.6.**—(1) This rule applies where—

(a) the person to be served—

(i) has given an electronic address and has not refused to accept service at that address,  
or

(ii) 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; or

(b) the person to be served is legally represented in the case and the legal representative—

(i) has given an electronic address, or

(ii) is given access to an electronic address at which a document may be deposited.

(2) A document may be served—

(a) by sending it by electronic means to the address which the recipient has given; or

(b) by depositing it at an address to which the recipient has been given access and—

(i) in every case, making it possible for the recipient to read the document, or view or  
listen to its content, as the case may be,

(ii) unless the court otherwise directs, making it possible for the recipient to make and  
keep an electronic copy of the document, and

(iii) notifying the recipient of the deposit of the document (which notice may be given  
by electronic means).

[<sup>F3</sup>(3) Where the person to be served under this rule is the court officer—

(a) the address for service is the relevant court office; and

(b) if service is by deposit under paragraph (2)(b), notice of that deposit—

(i) must be given only where arrangements for use of the electronic address advertised  
under rule 4.1(3) so require, and

(ii) if so required, must be given in accordance with those arrangements.]

(4) Where a document is served under this rule the person serving it need not provide a paper copy as well.

**F3** Rule 4.6(3) substituted (3.4.2023) by [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **4(a)**

**Commencement Information**

**I6** Rule 4.6 in force at 5.10.2020, see Preamble

**Documents that must be served by specified methods**

**4.7.**—<sup>F4</sup>(...) An application or written statement, and notice, under rule 48.9 alleging contempt of court may be served—

- (a) on an individual, only under rule 4.3(1)(a) (by handing it to him or her); and
- (b) on a corporation, only under rule 4.3(1)(b) (by handing it to a person holding a senior position in that corporation).

<sup>F5</sup>(2) .....

- F4** Rule 4.7(1) renumbered as rule 4.7 (15.8.2022) by [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\)](#), rules 2(c), **6(b)(ii)**
- F5** Rule 4.7(2) omitted (15.8.2022) by virtue of [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\)](#), rules 2(c), **6(b)(i)**

**Commencement Information**

**I7** Rule 4.7 in force at 5.10.2020, see Preamble

**Service by person in custody**

**4.8.**—(1) A person in custody may serve a document by handing it to the custodian addressed to the person to be served.

- (2) The custodian must—
  - (a) endorse it with the time and date of receipt;
  - (b) record its receipt; and
  - (c) forward it promptly to the addressee.

**Commencement Information**

**I8** Rule 4.8 in force at 5.10.2020, see Preamble

**Service by another method**

- 4.9.**—(1) The court may allow service of a document by a method—
  - (a) other than those described in rules 4.3 to 4.6 and in rule 4.8; and
  - (b) other than one specified by rule 4.7, where that rule applies.
- (2) An order allowing service by another method must specify—
  - (a) the method to be used; and
  - (b) the date on which the document will be served.

**Commencement Information**

**I9** Rule 4.9 in force at 5.10.2020, see Preamble

**Documents that may not be served on a legal representative**

**4.10.** Unless the court otherwise directs, service on a party’s legal representative of any of the following documents is not service of that document on that party—

- (a) a summons, requisition, single justice procedure notice or witness summons;
- (b) notice of an order under section 25 of the Road Traffic Offenders Act 1988<sup>(5)</sup>;
- (c) a notice of registration under section 71(6) of that Act<sup>(6)</sup>;
- (d) notice of a hearing to review the postponement of the issue of a warrant of detention or imprisonment under section 77(6) of the Magistrates' Courts Act 1980<sup>(7)</sup>;
- (e) notice under section 86 of that Act<sup>(8)</sup> of a revised date to attend a means inquiry;
- (f) any notice or document served under Part 14 (Bail and custody time limits);
- (g) notice under rule 24.15(a) of when and where an adjourned hearing will resume;
- (h) notice under rule 28.5(3) of an application to vary or discharge a compensation order;
- (i) notice under rule 28.10(2)(c) of the location of the sentencing or enforcing court;
- (j) a collection order, or notice requiring payment, served under rule 30.2(a); or
- (k) an application or written statement, and notice, under rule 48.9 alleging contempt of court.

#### Commencement Information

**110** Rule 4.10 in force at 5.10.2020, see Preamble

#### Date of service

- 4.11.**—(1) A document served under rule 4.3 or rule 4.8 is served on the day it is handed over.
- (2) Unless something different is shown, a document served on a person by any other method is served—
- (a) in the case of a document left at an address, on the next business day after the day on which it was left;
  - (b) in the case of a document sent by first class post or by the equivalent of first class post, on the second business day after the day on which it was posted or despatched;
  - (c) in the case of a document served by document exchange, on the second business day after the day on which it was left at a document exchange allowed by rule 4.5;
  - (d) in the case of a document served by electronic means—
    - (i) on the day on which it is sent under rule 4.6(2)(a), if that day is a business day and if it is sent by no later than 2.30pm that day (or 4.30pm that day in an extradition appeal case in the High Court, or 5pm that day if it is an application for permission to refer a sentencing case to which Part 41 (Reference to the Court of Appeal of point of law or unduly lenient sentencing) applies),
    - (ii) on the day on which notice of its deposit is given under rule 4.6(2)(b), if that day is a business day and if that notice is given by no later than 2.30pm that day (or 4.30pm that day in an extradition appeal case in the High Court, or 5pm that day if it is an application for permission to refer a sentencing case to which Part 41 (Reference to the Court of Appeal of point of law or unduly lenient sentencing) applies),<sup>F6</sup>...

(5) 1988 c. 53; section 25 was amended by section 90 of, and paragraphs 140 and 142 of Schedule 13 to, the Access to Justice Act 1999 (c. 22), section 165 of, and paragraph 118 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) and section 109 of, and paragraph 311 of Schedule 8 to, the Courts Act 2003 (c. 39).

(6) 1988 c. 53; section 71(6) was amended by section 109 of, and paragraph 317 of Schedule 8 to, the Courts Act 2003 (c. 39).

(7) 1980 c. 43; section 77(6) was substituted by section 109 of, and paragraph 218 of Schedule 8 to, the Courts Act 2003 (c. 39).

(8) 1980 c. 43; section 86 was amended by section 51(2) of the Criminal Justice Act 1982 (c. 48) and section 97(3) of the Access to Justice Act 1999 (c. 22).

[<sup>F7</sup>(iii)] on the day of its deposit under rule 4.6(2)(b), if that day is a business day and if under rule 4.6(3)(b) no notice of deposit is required, or]

[<sup>F8</sup>(iv)] otherwise, on the next business day after it was sent [<sup>F9</sup>, deposited] or such notice was given; and

(e) in any case, on the day on which the addressee responds to it, if that is earlier.

(3) 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 first class post, or by the equivalent of first class post, to the addressee on the business day after the day on which it was produced.

(4) Where a document is served on or by the court officer or the Registrar of Criminal Appeals, ‘business day’ does not include a day on which the relevant court office is closed.

- F6** Word in rule 4.11(2)(d)(ii) omitted (3.4.2023) by virtue of [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **4(b)(i)**
- F7** Rule 4.11(2)(d)(iii) inserted (3.4.2023) by [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **4(b)(iv)**
- F8** Rule 4.11(2)(d)(iii) renumbered as rule 4.11(2)(d)(iv) (3.4.2023) by [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **4(b)(ii)**
- F9** Word in rule 4.11(2)(d)(iv) inserted (3.4.2023) by [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **4(b)(iii)**

#### Commencement Information

- I11** Rule 4.11 in force at 5.10.2020, see Preamble

### Proof of service

**4.12.** The person who serves a document may prove that by signing a certificate explaining how and when it was served.

#### Commencement Information

- I12** Rule 4.12 in force at 5.10.2020, see Preamble

### Court’s power to give directions about service

**4.13.—**(1) The court may specify the time as well as the date by which a document must be—

- (a) served under rule 4.3 (Service by handing over a document) or rule 4.8 (Service by person in custody); or
- (b) sent or deposited by electronic means, if it is served under rule 4.6.

(2) The court may treat a document as served if the addressee responds to it even if it was not served in accordance with the rules in this Part.

#### Commencement Information

- I13** Rule 4.13 in force at 5.10.2020, see Preamble



**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, PART 4.