
STATUTORY INSTRUMENTS

1997 No. 1051

The Criminal Justice Act 1987 (Preparatory Hearings) Rules 1997

Service of documents

10.—(1) Any notice or other document which is required by these Rules to be served on any person may be served personally on that person or sent to him by post in a letter addressed to him at his usual or last known residence or place of business in England or Wales; in the case of a company, such a letter may also be addressed to the company at its registered office in England or Wales (if it has such a registered office).

(2) If the person to be served is acting by a solicitor, the notice or other document may be served by delivering it, or sending it by post, to the solicitor's address for service.

(3) Where there is inscribed on the writing paper of the person to be served with a notice or other document or on the writing paper of his solicitor (where the person to be served is acting by a solicitor) a document exchange box number, and that person or his solicitor (as the case may be) has not indicated in writing to the person serving the document that he is unwilling to accept service through a document exchange, service of the notice or document may be effected by leaving the notice or document addressed to the numbered box of that person or his solicitor at the document exchange in question or at a document exchange which transmits documents every business day to that document exchange; and any document which is left at a document exchange in accordance with this paragraph shall, unless the contrary is proved, be deemed to have been served on the second business day following the day on which it is left.

(4) In this rule—

- (a) “document exchange” means any document exchange for the time being approved by the Lord Chancellor for the purposes of the service of documents under Order 65 rule 5(1) of the Rules of the Supreme Court 1965(1);
- (b) “business day” means a day other than a day which is to be excluded for the purposes of reckoning a period of 7 days or less as referred to in rule 1(3); and
- (c) “solicitor” includes a body corporate which is recognised by the Council of the Law Society under section 9 of the Administration of Justice Act 1985(2) (a “recognised body”) and, in the case of a recognised body, (notwithstanding anything in the Solicitors' Incorporated Practices Order 1991(3)), the reference in paragraph (2) above to the solicitor's address for service shall be construed as a reference to the address specified by the recognised body as its address for the purposes of the proceedings relating to the application for a preparatory hearing under section 7(2) of the Act and/or the order for such a hearing under section 7(1) of the Act(4) (including an address specified for the general purposes of the criminal proceedings in relation to which the application or order

(1) S.I. 1965/1776; the relevant amending instruments are S.I. 1986/632 and S.I. 1990/2599.

(2) 1985 c. 61.

(3) S.I. 1991/2684; the Order modified rule 9(2) of the Criminal Justice Act 1987 (Preparatory Hearings) Rules 1988 which Rules are revoked and re-enacted by these Rules, rule 10(2) of these Rules being in the same terms as rule 9(2). By virtue of the Interpretation Act 1978 (c. 30), section 17(2)(a), article 4(n) of the Order (modifying references to the address etc. of a solicitor) would, apart from rule 10(4)(c) of these Rules, have applied to rule 10(2) of these Rules.

(4) Section 7(1) of the Act was amended by the Criminal Justice and Public Order Act 1994 (c. 33), Schedule 9, paragraph 30.

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for a preparatory hearing is made), or, in the absence of such a specified address, to its registered office.