
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 4

SERVICE OF DOCUMENTS

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Service of summons, etc issued by a magistrates' court

4.1.—(1) Service of a summons issued by a justice of the peace on a person other than a corporation may be effected—

- (a) by delivering it to the person to whom it is directed;
- (b) by leaving it for him with some person at his last known or usual place of abode; or
- (c) by sending it by post in a letter addressed to him at his last known or usual place of abode.

(2) Service for the purposes of the Magistrates' Courts Act 1980(1) of a summons issued by a justice of the peace on a corporation may be effected by delivering it at, or sending it by post to, the registered office of the corporation, if that office is in the United Kingdom, or, if there is no registered office in the United Kingdom, any place in the United Kingdom where the corporation trades or conducts its business.

(3) Except where another rule contains provision to the contrary, paragraph (2) shall have effect in relation to a document (other than a summons) issued by a justice of the peace as it has effect in relation to a summons so issued, but with the substitution of references to England and Wales for the references to the United Kingdom.

(4) Any summons or other document served in manner authorised by the preceding provisions of this rule shall, for the purposes of any enactment other than the 1980 Act or these Rules requiring a summons or other document to be served in any particular manner, be deemed to have been as effectively served as if it had been served in that manner; and nothing in this rule shall render invalid the service of a summons or other document in that manner.

(5) Paragraph (1)(c) shall not authorise the service by post of a summons requiring the attendance of any person to give evidence or produce a document or thing.

(6) Where this rule or any other of these Rules provides that a summons or other document may be sent by post to a person's last known or usual place of abode that rule shall have effect as if it

provided also for the summons or other document to be sent in the manner specified in the rule to an address given by that person for that purpose.

[Note. Formerly rule 99 of the Magistrates' Courts Rules 1981(2). As to the form of a summons, see rule 7.7. For further rules of service applicable in particular circumstances see rules 7.5 (notice of order under section 25 of the Road Traffic Offenders Act 1988(3)), 19.2 (application for reconsideration of police bail), 34.6 (hearsay evidence), 35.7 (evidence of bad character), 37.6 (notice of intention to cite previous convictions), 40.3 (tainted acquittals), 52.1 (notice of fine), 52.7 (minute of order of court), 55.4 (notice of registration under section 71(6) of the 1988 Act(4)) and 64.5 (appeal by case stated).]

Proof of service in magistrates' courts

4.2.—(1) The service on any person of a summons, process, notice or document required or authorised to be served in any proceedings before a magistrates' court, and the handwriting or seal of a justice of the peace or other person on any warrant, summons, notice, process or documents issued or made in any such proceedings, may be proved in any legal proceedings by a document purporting to be a solemn declaration made before a justice of the peace, commissioner for oaths, clerk of a magistrates' court or registrar of a county court or a sheriff or sheriff clerk (in Scotland) or a clerk of petty sessions (in Northern Ireland).

(2) The service of any process or other document required or authorised to be served may be proved in any proceedings before a magistrates' court by a document purporting to be a certificate signed by the person by whom the service was effected.

(3) References in paragraph (2) of this rule to the service of any process shall, in their application to a witness summons, be construed as including references to the payment or tender to the witness of his costs and expenses.

(4) Any process or other document produced by the court computer system on a given day shall be sufficient evidence that the process or other document was sent to the person to whom it is addressed within 2 days of it being produced, unless the contrary is proved.

[Note. Formerly rule 67 of the Magistrates' Courts Rules 1981.]

Service of documents in Crown Court proceedings

4.3. Except where any other rule contains provision to the contrary, any notice or other document which is required by these Rules to be given to any person in respect of Crown Court proceedings may be served personally on that person or sent to him by post at his usual or last known residence or place of business in England or Wales or, in the case of a company, at the company's registered office in England or Wales.

[Note. Formerly rule 28 of the Crown Court Rules 1982(5). For further rules of service applicable in particular circumstances see rules 13.6 (dismissal of charges transferred or sent), 15.8 (preparatory hearings), 34.6 (hearsay evidence), 35.7 (evidence of bad character), 40.3 (tainted acquittals), 41.17 (retrial following acquittal) and 57.11 to 57.14 (proceedings under the Proceeds of Crime Act 2002(6)). As to service of documents in an appeal to the Court of Appeal see rule 68.1 and the rules listed in the explanatory note to that rule.]

(2) S.I. 1982/552; amending instruments relevant to this Part are S.I. 1993/1183 and 2003/1236.

(3) 1988 c. 53; section 25 was amended by paragraphs 140 and 142 of Schedule 13 to the Access to Justice Act 1999 (c. 22), paragraph 118 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) and paragraph 311 of Schedule 8 to the Courts Act 2003 (c. 39).

(4) Section 71(6) was amended by paragraphs 140 and 150 of Schedule 13 to the Access to Justice Act 1999 (c. 22) and paragraph 317 of Schedule 8 to the Courts Act 2003 (c. 39).

(5) S.I. 1982/1109.

(6) 2002 c. 29.

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