

SCHEDULE 4

Rule 1.2(2)

Service of documents

1.—(1) This Schedule sets out the requirements for service where a document is required to be served.

(2) Service is to be carried out in accordance with Part 6 of the CPR⁽¹⁾ as that Part applies to either a “claim form” or a “document other than the claim form” except where this Schedule provides otherwise or the court otherwise approves or directs.

(3) However, where a document is required or permitted to be served at a company’s registered office service may be effected at a previous registered office in accordance with section 87(2) of the Companies Act.

(4) In the case of an overseas company service may be effected in any manner provided for by section 1139(2) of the Companies Act.

(5) If for any reason it is impracticable to effect service as provided for in paragraphs (2) to (4) then service may be effected in such other manner as the court may approve or direct.

(6) The third column of the table below sets out which documents are treated as “claim forms” for the purposes of applying Part 6 of the CPR and which are “documents other than the claim form” (called in this Schedule “other documents”).

(7) The fourth column of the table sets out modifications to Part 6 of the CPR which apply to the service of documents listed in the first and second columns.

(8) Part 6 of the CPR applies to the service of documents outside the jurisdiction with such modifications as the court may approve or direct.

Service of winding-up petitions

2.—(1) A winding-up petition must be served at a company’s registered office by handing it to a person at that address who—

- (a) at the time of service acknowledges being a director, other officer or employee of the company;
- (b) is, to the best of the knowledge and belief of the person serving the petition, a director, other officer or employee of the company; or
- (c) acknowledges being authorised to accept service of documents on the company’s behalf.

(2) However if there is no one of the kind mentioned in sub-paragraph (1) at the registered office, the petition may be served by depositing it at or about the registered office in such a way that it is likely to come to the notice of a person attending the office.

(3) Sub-paragraph (4) applies if—

- (a) for any reason it is not practicable to serve a petition at a company’s registered office;
- (b) the company has no registered office; or
- (c) the company is an unregistered company.

(4) Where this paragraph applies the petition may be served—

- (a) by leaving it at the company’s last known principal place of business in England and Wales in such a way that it is likely to come to the attention of a person attending there; or

(1) Part 6 is amended by S.I.s [2000/221](#), [2005/2292](#), [2008/2178](#), [2009/2092](#), [2009/3131](#), [2009/3390](#), [2011/88](#), [2011/1979](#) and [2014/2948](#) and Official Journals No. L 351, 20.12.2012, p.1 and No. L 299, 16.11.2005, p.62.

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- (b) on the secretary or a director, manager or principal officer of the company, wherever that person may be found.

Service of administration application (paragraph 12 of Schedule B1)

3.—(1) An application to the court for an administration order must be served by delivering the documents as follows—

- (a) on the company at its registered office or if service at its registered office is not practicable at its last known principal place of business in England and Wales;
- (b) on any other person at that person’s proper address.

(2) A person’s proper address is any which he has previously notified as the address for service, but if the person has not notified such an address then the documents may be served at that person’s usual or last known address.

(3) Paragraph (4) sets out the proper address for service for an authorised deposit-taker who—

- (a) has appointed, or is or may be entitled to appoint, an administrative receiver of the company; or
- (b) is, or may be, entitled to appoint an administrative receiver of the company under paragraph 14 of Schedule B1; and
- (c) has not notified an address for service.

(4) The proper address for service is—

- (a) that of an office of the authorised-deposit taker where the applicant knows the company maintains a bank account; or
- (b) where the applicant doesn’t know of any such office, the registered office; or
- (c) if there is no such registered office the usual or last known address.

Service on joint office-holders

4. Service of a document on one of joint office-holders is to be treated as service on all of them.

Service of orders staying proceedings

5.—(1) This paragraph applies where the court makes an order staying an action, execution or other legal process against—

- (a) the property of a company; or
- (b) the property or person of an individual debtor or bankrupt.

(2) The order may be served within the jurisdiction by serving a sealed copy at the address for service of—

- (a) the claimant; or
- (b) another party having the carriage of the proceedings to be stayed.

Certificate of service

6.—(1) The service of an application or petition must be verified by a certificate of service.

(2) The certificate of service must—

- (a) identify the application or petition;
- (b) identify the company, where the application or petition relates to a company;
- (c) identify the debtor, where the application relates to an individual;

- (d) identify the applicant or petitioner;
- (e) specify—
- (i) the court or hearing centre in which the application was made or at which the petition was filed, and the court reference number,
 - (ii) the date of the application or petition,
 - (iii) whether the copy served was a sealed copy,
 - (iv) the person(s) served, and
 - (v) the manner of service and the date of service; and
- (f) be verified by a statement of truth.

(3) Where substituted service has been ordered, the certificate must be accompanied by a sealed copy of the order for substituted service.

Table of requirements for service

<i>Rule section)</i>	<i>(or Document</i>	<i>Whether treated as claim form or other document</i>	<i>Modifications to Part 6 of the CPR which apply unless the court directs otherwise</i>
3.8	Administration application	Claim form	Service in accordance with paragraph 3 of this Schedule. The applicant must serve the application.
3.16 (& Para 15 of Sch B1)	Notice of intention to appoint administrator by a floating charge holder	Claim form	The appointer must serve the notice.
3.23 (& para 26 of Sch B1)(2)	Notice of intention to appoint administrator by company or directors	Claim form	Service on the company at its registered office or if that is not practicable, at its last known principal place of business in England and Wales.
7.3	Statutory demand on a company under section 123(1) or 222(1)(a) (unregistered companies)		[Note: the requirements for service of a statutory demand are set out in sections 123(1) and 222(1)(a) respectively.]
7.9 and 7.29	Winding-up petition	Claim form	Service in accordance with paragraph 2 of this Schedule. The petitioner must serve the petition.

(2) Paragraph 26 subparagraph (2) is amended by paragraph 6 of Schedule 6 to the Deregulation Act 2015 (c.20).

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<i>Rule section) (or</i>	<i>Document</i>	<i>Whether treated as claim form or other document</i>	<i>Modifications to Part 6 of the CPR which apply unless the court directs otherwise</i>
7.34	Court order for additional deposit to be paid – provisional liquidator	Other document	
7.99	Court order to enforce payment of a call	Other document	
7.102	Court order for public examination served on examinee	Other document	
10.2	Statutory demand (bankruptcy)	Other document	Service in accordance with rule 10.2.
10.14	Bankruptcy petition (creditor's)	Claim form	Personal service. The petitioner must serve the petition.
10.29	Court order – change of carriage of petition	Other document	
10.50	Court order for additional deposit to be paid – interim receiver	Other document	
10.99	Court order for public examination served on bankrupt	Other document	
10.119	Court order for disclosure by HMRC	Other document	
10.126	Notice to recipient of after acquired property	Other document	
10.166	Court order for post redirection	Other document	
11.3	Application for debt relief restrictions order (DRRO) or bankruptcy restrictions order (BRO)	Claim form	The applicant must serve the application.
11.4	Service of evidence for DRRO or BRO	Other document	
12.9	Applications to court generally (where service required)	Claim form	The applicant must serve the application.
12.19	Court order for private examination	Other document	Personal service. The applicant must serve the order.
12.28(2)	Witness statement of evidence	Other document	

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<i>Rule (or section)</i>	<i>Document</i>	<i>Whether treated as claim form or other document</i>	<i>Modifications to Part 6 of the CPR which apply unless the court directs otherwise</i>
12.37(7)	Application for block transfer order	Claim form	The applicant must serve the application.
12.42	Notice requiring person to assess costs by detailed assessment	Other document	
12.48	Application for costs	Claim form	The applicant must serve the application.
19.4 (& sections 179 and 317)	Notice of disclaimer (leasehold property)	Other document	
19.5 (& section 318)	Notice of disclaimer (dwelling house)	Other document	
21.2	Application for conversion into winding up /bankruptcy under EC Regulation	Claim form	The applicant must serve the application.
Paragraph 5(1) of this Schedule	Order staying proceedings	Other document	The applicant must serve the order.