

## SCHEDULE 1

### **The Rules of the Supreme Court (Northern Ireland) 1980** GENERAL AND ADMINISTRATIVE PROVISIONS

## ORDER 65

### SERVICE OF DOCUMENTS

#### **When personal service required**

1.—(1) Any document which by virtue of these Rules is required to be served on any person need not be served, personally unless the document is one which by an express provision of these Rules or by order of the Court is required to be so served.

(2) Paragraph (1) shall not affect the power of the Court under any provision of these Rules to dispense with the requirement for personal service.

[E.r. 1]

#### **Personal service : how effected**

2. Personal service of a document is effected by leaving a copy of the document with the person to be served.

[E.r. 2]

#### **Service on body corporate**

3.—(1) Personal service of a document on a body corporate may, in cases for which provision is not otherwise made by any statutory provision, be effected by serving it in accordance with rule 2 on the mayor, chairman or president of the body, or the town clerk, clerk, secretary, treasurer or other similar officer thereof.

(2) Where a writ is served on a body corporate in accordance with Order 10, rule 1(2), that rule shall have effect as if for the reference to the usual or last known address of the defendant there were substituted a reference to the registered or principal office of the body corporate.

[E.r. 3]

#### **Substituted service**

4.—(1) If, in the case of any document which by virtue of any provision of these Rules is required to be served personally or is a document to which Order 10, rule 1 applies, it appears to the Court that it is impracticable for any reason to serve that document in the manner prescribed, the Court may make an order for substituted service of that document.

(2) An application for an order for substituted service may be made by an affidavit stating the facts on which the application is founded.

(3) Substituted service of a document, in relation to which an order is made under this rule, is effected by taking such steps as the Court may direct to bring the document to the notice of the person to be served.

[E.r. 4]

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Ordinary service : how effected**

5.—(1) Service of any document, not being a document which by virtue of any provision of these Rules is required to be served personally, of a document to which Order 10, rule 1, applies may be effected—

- (a) by leaving the document at the proper address of the person to be served, or
- (b) by post, or
- (c) in such other matter as the Court may direct.

(2) For the purposes of this rule, and of section 7 of the Interpretation Act 1978(1), in its application to this rule, the proper address of any person on whom a document is to be served in accordance with this rule shall be the address for service of that person, but if at the time when service is effected that person had no address for service his proper address for the purposes aforesaid shall be—

- (a) in any case, the business address of the solicitor (if any) who is acting for him in the proceedings in connection with which service of the document in question is to be effected, or
- (b) in the case of an individual, his usual or last known address, or
- (c) in the case of individuals who are suing or being sued in the name of a firm, the principal or last known place of business of the firm within the jurisdiction, or
- (d) in the case of a body corporate, the registered or principal office of the body.

(3) Nothing in this rule shall be taken as prohibiting the personal service of any document or as affecting any statutory provision which provides for the manner in which documents may be served on bodies corporate.

[E.r. 5]

### **Service on Minister, etc., in proceedings which are not by or against the Crown**

6. Where for the purpose of or in connection with any proceedings in the Supreme Court, not being civil proceedings by or against the Crown within the meaning of Part II of the Crown Proceedings Act 1947(2), any document is required by any statutory provision or these Rules to be served on the Minister or Head of a government department which is an authorised department for the purposes of that Act, or on such a department or on the Attorney General, section 18 of the said Act of 1947 and Order 77, rule 4, shall apply in relation to the service of the document as they apply in relation to the service of documents required to be served on the Crown for the purpose of or in connection with any civil proceedings by or against the Crown.

[E.r. 6]

### **Effect of service after certain hours**

7. Any document (other than a writ of summons or other originating process) service of which is effected under rule 2 or under rule 5(1)(a) after twelve noon on a Saturday or after four in the afternoon on any other weekday shall, for the purpose of computing any period of time after service of that document, be deemed to have been served on the Monday following that Saturday or on the day following that other weekday, as the case may be.

[E.r. 7]

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(1) 1978 c. 30  
(2) 1947 c. 44

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**Affidavit of service**

8. Except as provided in Order 10, rule 1(3)(b) and Order 81, rule 3(2)(b) an affidavit of service of any document must state by whom the document was served, the day of the week and date on which it was served, where it was served and how.

[E.r. 8]

**No service required in certain cases**

9. Where by virtue of these Rules any document is required to be served on any person but is not required to be served personally or in accordance with Order 10, Rule 1(2) and at the time when service is to be effected that person is in default as to entry of appearance or has no address for service the document need not be served on that person unless the Court otherwise directs or any of these Rules otherwise provides.

[E.r. 9]