



State Immunity Act 1978

1978 CHAPTER 33

PART I

PROCEEDINGS IN UNITED KINGDOM BY OR AGAINST OTHER STATES

Procedure

12 Service of process and judgments in default of appearance.

- (1) Any writ or other document required to be served for instituting proceedings against a State shall be served by being transmitted through [^{F1}the Foreign, Commonwealth and Development Office] to the Ministry of Foreign Affairs of the State and service shall be deemed to have been effected when the writ or document is received at the Ministry.
- (2) Any time for entering an appearance (whether prescribed by rules of court or otherwise) shall begin to run two months after the date on which the writ or document is received as aforesaid.
- (3) A State which appears in proceedings cannot thereafter object that subsection (1) above has not been complied with in the case of those proceedings.
- (4) No judgment in default of appearance shall be given against a State except on proof that subsection (1) above has been complied with and that the time for entering an appearance as extended by subsection (2) above has expired.
- (5) A copy of any judgment given against a State in default of appearance shall be transmitted through [^{F2}the Foreign, Commonwealth and Development Office] to the Ministry of Foreign Affairs of that State and any time for applying to have the judgment set aside (whether prescribed by rules of court or otherwise) shall begin to run two months after the date on which the copy of the judgment is received at the Ministry.
- (6) Subsection (1) above does not prevent the service of a writ or other document in any manner to which the State has agreed and subsections (2) and (4) above do not apply where service is effected in any such manner.

Changes to legislation: There are currently no known outstanding effects for the State Immunity Act 1978, Section 12. (See end of Document for details)

- (7) This section shall not be construed as applying to proceedings against a State by way of counter-claim or to an action in rem; and subsection (1) above shall not be construed as affecting any rules of court whereby leave is required for the service of process outside the jurisdiction.

Textual Amendments

- F1** Words in s. 12(1) substituted (30.9.2020) by [The Transfer of Functions \(Secretary of State for Foreign, Commonwealth and Development Affairs\) Order 2020 \(S.I. 2020/942\)](#), art. 1(2), **Sch. para. 5**
- F2** Words in s. 12(5) substituted (30.9.2020) by [The Transfer of Functions \(Secretary of State for Foreign, Commonwealth and Development Affairs\) Order 2020 \(S.I. 2020/942\)](#), art. 1(2), **Sch. para. 5**

Modifications etc. (not altering text)

- C1** Ss. 12, 13, 14(3)(4) extended by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), ss. 31(4), 53, **Sch. 13 Pt. II para. 7**

Changes to legislation:

There are currently no known outstanding effects for the State Immunity Act 1978, Section 12.