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STATUTORY INSTRUMENTS

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**1980 No. 629**

**The Rules of the Supreme Court (Amendment) 1980**

*Service of process abroad and State immunity*

6. Order 13 shall be amended by inserting, after rule 7, the following rule:—

**“Judgment against a State**

7A.—(1) Where the defendant is a State, as defined in section 14 of the State Immunity Act 1978 (“the Act”), the plaintiff shall not be entitled to enter judgment under this Order except with the leave of the Court.

(2) An application for leave to enter judgment shall be supported by an affidavit—

- (a) stating the grounds of the application,
- (b) verifying the facts relied on as excepting the State from the immunity conferred by section 1 of the Act, and
- (c) verifying that the writ, or notice of the writ, has been served by being transmitted through the Foreign and Commonwealth Office to the Ministry of Foreign Affairs of the State, or in such other manner as may have been agreed to by the State, and that the time for acknowledging service, as extended by section 12(2) of the Act (by two months) where applicable, has expired.

(3) The application may be made *ex parte* but the Court hearing the application may direct a summons to be issued and served on that State, for which purpose such a direction shall include leave to serve the summons and a copy of the affidavit out of the jurisdiction.

(4) Unless the Court otherwise directs, an affidavit for the purposes of this Rule may contain statements of information or belief with the sources and grounds thereof, and the grant of leave to enter judgment under this Order shall include leave to serve out of the jurisdiction—

- (a) a copy of the judgment, and
- (b) a copy of the affidavit, where not already served.

(5) The procedure for effecting service out of the jurisdiction pursuant to leave granted in accordance with the Rule shall be the same as for the service of notice of the writ under Order 11, rule 7(1), except where section 12(6) of the Act applies and an alternative method of service has been agreed.”