
STATUTORY INSTRUMENTS

1981 No. 552

The Magistrates' Courts Rules 1981

SUMMONS

Form of summons

98.—(1) A summons shall be signed by the justice issuing it or state his name and be authenticated by the signature of the clerk of a magistrates' court.

(2) A summons requiring a person to appear before a magistrates' court to answer to an information or complaint shall state shortly the matter of the information or complaint and shall state the time and place at which the defendant is required by the summons to appear.

(3) A single summons may be issued against a person in respect of several informations or complaints; but the summons shall state the matter of each information or complaint separately and shall have effect as several summonses, each issued in respect of one information or complaint.

Service of summons, etc.

99.—(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; or
- (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) If the person summoned fails to appear, service of a summons in manner authorised by sub-paragraph (b) or (c) of paragraph (1) shall not be treated as proved unless it is proved that the summons came to his knowledge; and for that purpose any letter or other communication purporting to be written by him or on his behalf in such terms as reasonably to justify the inference that the summons came to his knowledge shall be admissible as evidence of that fact;

Provided that this paragraph shall not apply to any summons in respect of a summary offence served in manner authorised by the said sub-paragraph (c) in a registered letter or by recorded delivery service.

(3) Service for the purposes of the Act of 1980 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.

(4) Paragraph (3) 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.

(5) 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 Act of 1980 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.

- (6) Sub-paragraph (c) of paragraph (1) shall not authorise the service by post of—
 - (a) a summons requiring the attendance of any person to give evidence or produce a document or thing; or
 - (b) a summons issued under any enactment relating to the liability of members of the naval, military or air forces of the Crown for the maintenance of their wives and children, whether legitimate or illegitimate.
- (7) In the case of a summons issued on an application for an order under section 16 or 17(1) of the Act of 1978 (powers of court to make orders for the protection of a party to a marriage or a child of the family) service of the summons shall not be effected in manner authorised by sub-paragraph (b) or (c) of paragraph (1) unless a justice of the peace is satisfied by evidence on oath that prompt personal service of the summons is impracticable and allows service to be effected in such manner.
- (8) 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.
- (9) This rule shall not apply to a judgment summons.