
STATUTORY INSTRUMENTS

1983 No. 1716

The County Court (Amendment No. 2) Rules 1983

Service of process

2. Order 7 shall be amended by substituting, for rule 10, the following new rule:—

“**10.**—(1) Subject to the provisions of any Act or rule (including the following paragraphs of this rule), service of a summons shall be effected—

- (a) by the plaintiff delivering the summons to the defendant personally; or
- (b) by an officer of the court sending it by first-class post to the defendant at the address stated in the request for the summons.

(2) Unless the plaintiff or his solicitor otherwise requests, service shall be effected in accordance with paragraph (1)(b).

(3) Where a summons is served in accordance with paragraph (1)(b), the date of service shall, unless the contrary is shown, be deemed to be the seventh day after the date on which the summons was sent to the defendant.

(4) Where a summons has been sent by post in accordance with paragraph (1)(b) to the address stated in the request for the summons and has been returned to the court office undelivered, notice of non-service shall be sent pursuant to rule 6(2) together with a notice informing the plaintiff that he may request bailiff service at that address and, if such service is requested, it shall be effected by a bailiff of the court—

- (a) inserting the summons, enclosed in an envelope addressed to the defendant, through the letterbox at the address stated in the request for the summons, or
- (b) delivering the summons to some person, apparently not less than 16 years old, at the address stated in the request for the summons, or
- (c) delivering the summons to the defendant personally.

(5) Service of a fixed date summons shall be effected not less than 21 days before the return day; but, without prejudice to the power to abridge that period under Order 13, rule 4, service may be effected at any time before the return day on the plaintiff satisfying the registrar by affidavit that the defendant is about to remove from the address stated in the request for the summons.”.

3. Order 7 shall be further amended by substituting, for rule 13, the following new rule:—

“**13.**—(1) Subject to the following paragraphs of this rule, where partners are sued in the name of their firm, service of a summons shall be good service on all the partners, whether any of them is out of England and Wales or not, if the summons is:—

- (a) delivered by the plaintiff to a partner personally, or
- (b) served by an officer of the court sending it by first-class post to the firm at the address stated in the request for the summons.

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(2) Where the partnership has to the knowledge of the plaintiff been dissolved before the commencement of the action, the summons shall be served upon every person within England and Wales sought to be made liable.

(3) Rule 10(2) and (3) shall apply in relation to service by post under paragraph (1)(b) as they apply in relation to service under rule 10.

(4) Rule 10(4) shall apply in relation to service under this rule as it applies in relation to service under rule 10, but with the reference to paragraph (1)(b) being read as a reference to the same paragraph in this rule and with the substitution for paragraphs (b) and (c) of the following paragraphs—

“(b) delivering the summons at the principal place of the partnership business within the district within which the summons is to be served to any person having, or appearing to have, at the time of service, the control or management of the business there, or

(c) delivering the summons to a partner personally.””

4. Order 7, rule 18(1) and (3)(a) shall be amended by substituting, for the words “under rule 10(1)(b)”, the words “under rule 10(4)(b)”.

5. Order 37, rule 3(1) shall be amended by substituting, for the words “in accordance with” to the words “after judgment”, the words “in accordance with Order 7, rule 10(1)(b) or (4)(a) or 13(1)(b) or (4) and after judgment”.