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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 6**

**SERVICE OF DOCUMENTS**

***[<sup>F1</sup>III SPECIAL PROVISIONS ABOUT SERVICE OUT OF THE JURISDICTION***

**[<sup>F1</sup>Service out of the jurisdiction where the permission of the court is required**

**6.20** In any proceedings to which rule 6.19 does not apply, a claim form may be served out of the jurisdiction with the permission of the court if—

- (1) a claim is made for a remedy against a person domiciled within the jurisdiction;

***General grounds***

(2) a claim is made for an injunction<sup>(g1)</sup> ordering the defendant to do or refrain from doing an act within the jurisdiction;

- (3) a claim is made against someone on whom the claim form has been or will be served and—

(a) there is between the claimant and that person a real issue which it is reasonable for the court to try; and

(b) the claimant wishes to serve the claim form on another person who is a necessary or proper party to that claim;

[  
<sup>F2</sup>(3A) a claim is a Part 20 claim and the person to be served is a necessary or proper party to the claim against the Part 20 claimant;]

***Claims for interim remedies***

- (4) a claim is made for an interim remedy under section 25(1) of the 1982 Act;

***Claims in relation to contracts***

- (5) a claim is made in respect of a contract where the contract—

(a) was made within the jurisdiction;

(b) was made by or through an agent trading or residing within the jurisdiction;

(c) is governed by English law; or

(d) contains a term to the effect that the court shall have jurisdiction to determine any claim in respect of the contract;

- (6) a claim is made in respect of a breach of contract committed within the jurisdiction;

(7) a claim is made for a declaration that no contract exists where, if the contract was found to exist, it would comply with the conditions set out in paragraph (5);

***Claims in tort***

- (8) a claim is made in tort where—

*Status: Point in time view as at 03/07/2000. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, Section 6.20. (See end of Document for details)*

- (a) damage was sustained within the jurisdiction; or
- (b) the damage sustained resulted from an act committed within the jurisdiction;

**Enforcement**

- (9) a claim is made to enforce any judgment or arbitral award;

**Claims about property within the jurisdiction**

- (10) the whole subject matter of a claim relates to property located within the jurisdiction;

**Claims about trusts etc.**

(11) a claim is made for any remedy which might be obtained in proceedings to execute the trusts of a written instrument where—

- (a) the trusts ought to be executed according to English law; and
- (b) the person on whom the claim form is to be served is a trustee of the trusts;

(12) a claim is made for any remedy which might be obtained in proceedings for the administration of the estate of a person who died domiciled within the jurisdiction;

(13) a claim is made in probate proceedings which includes a claim for the rectification of a will;

(14) a claim is made for a remedy against the defendant as constructive trustee where the defendant's alleged liability arises out of acts committed within the jurisdiction;

(15) a claim is made for restitution where the defendant's alleged liability arises out of acts committed within the jurisdiction;

(Probate proceedings are defined in the Contentious Probate Proceedings practice direction supplementing Part 49)

**Claims by the Inland Revenue**

(16) a claim is made by the Commissioners of the Inland Revenue relating to duties or taxes against a defendant not domiciled in Scotland or Northern Ireland;

**Claim for costs order in favour of or against third parties**

(17) a claim is made by a party to proceedings for an order that the court exercise its power under section 51 of the Supreme Court Act 1981 to make a costs order in favour of or against a person who is not a party to those proceedings;

(Rule 48.2 sets out the procedure where the court is considering whether to exercise its discretion to make a costs order in favour of or against a non-party)

**Claims under various enactments**

- (18) a claim made under an enactment specified in the relevant practice direction.]

**Textual Amendments**

- F1** Pt. 6 Section 3 inserted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), 4(5), **Sch. 1 Pt. 2**
- F2** [Rule 6.20\(3A\)](#) inserted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **3** (with rule 39)

**Status:**

Point in time view as at 03/07/2000. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 6.20.