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STATUTORY INSTRUMENTS

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**2011 No. 88**

**The Civil Procedure (Amendment) Rules 2011**

**Amendments to the Civil Procedure Rules 1998**

**4. In Part 6—**

- (a) In the table of contents—
  - (i) in the entry for the heading of Section II, at end insert “or in specified circumstances within the EEA”;
  - (ii) in the entry for the heading of rule 6.7, substitute “Service on a solicitor or European Lawyer within the United Kingdom or in any other EEA state”;
  - (iii) in the entry for the heading of rule 6.8, after “where” insert “before service”;
  - (iv) in the entry for the heading of Section III, at end insert “or in specified circumstances within the EEA”;
  - (v) in the entry for the heading of rule 6.23, at end insert “to be given after proceedings are started”;
- (b) in rule 6.2—
  - (i) at the end of sub-paragraph (c), delete “and”;
  - (ii) at the end of sub-paragraph (d), for “.” substitute “; and”;
  - (iii) after sub-paragraph (d) insert—
    - “(e) “European Lawyer” has the meaning set out in article 2 of the [European Communities \(Services of Lawyers\) Order 1978 \(S. I. 1978/1910\)](#).  
(The European Communities (Services of Lawyers) Order 1978 is annexed to Practice Direction 6A.)”;
- (c) in the heading to Section II, at end insert “or in specified circumstances within the EEA”;
- (d) in rule 6.3(1), after “A claim form may” insert “(subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties)”;
- (e) in rule 6.4(1), for “The” substitute “Subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties, the”;
- (f) in rule 6.6—
  - (i) in paragraph (1), after “rule 6.7(2)” insert “, 6.7(3)”;
  - (ii) in paragraph (2), after “full postcode” insert “or its equivalent in any EEA state (if applicable)”;
- (g) for rule 6.7 substitute—

**“Service on a solicitor or European Lawyer within the United Kingdom or in any other EEA state**

**6.7.—(1) Solicitor within the jurisdiction:** Subject to rule 6.5(1), where—

- (a) the defendant has given in writing the business address within the jurisdiction of a solicitor as an address at which the defendant may be served with the claim form; or
- (b) a solicitor acting for the defendant has notified the claimant in writing that the solicitor is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address within the jurisdiction,

the claim form must be served at the business address of that solicitor.

(“Solicitor” has the extended meaning set out in rule 6.2(d).)

**(2) Solicitor in Scotland or Northern Ireland or EEA state other than the United Kingdom:** Subject to rule 6.5(1) and the provisions of Section IV of this Part, and except where any other rule or practice direction makes different provision, where—

- (a) the defendant has given in writing the business address in Scotland or Northern Ireland of a solicitor as an address at which the defendant may be served with the claim form;
- (b) the defendant has given in writing the business address within any other EEA state of a solicitor as an address at which the defendant may be served with the claim form; or
- (c) a solicitor acting for the defendant has notified the claimant in writing that the solicitor is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address within any other EEA state,

the claim form must be served at the business address of that solicitor.

**(3) European Lawyer in any EEA state:** Subject to rule 6.5(1) and the provisions of Section IV of this Part, and except where any other rule or practice direction makes different provision, where—

- (a) the defendant has given in writing the business address of a European Lawyer in any EEA state as an address at which the defendant may be served with the claim form; or
- (b) a European Lawyer in any EEA state has notified the claimant in writing that the European Lawyer is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address of the European Lawyer,

the claim form must be served at the business address of that European Lawyer.

(“European Lawyer” has the meaning set out in rule 6.2(e).)

(For Production Centre Claims see paragraph 2.3(7) of Practice Direction 7C; for Money Claims Online see paragraph 4(6) of Practice Direction 7E; and for Possession Claims Online see paragraph 5.1(4) of Practice Direction 55B.)”.

(h) in rule 6.8—

- (i) in the heading, after “where” insert “before service”;
- (ii) after “rules 6.5(1) and 6.7” insert “and the provisions of Section IV of this Part”;
- (iii) in sub-paragraph (a), for “within the jurisdiction” substitute “at which the defendant resides or carries on business within the UK or any other EEA state and”;
- (iv) at end insert—

“(For Production Centre Claims see paragraph 2.3(7) of Practice Direction 7C; for Money Claims Online see paragraph 4(6) of Practice Direction 7E; and for Possession Claims Online see paragraph 5.1(4) of Practice Direction 55B.)

“(For service out of the jurisdiction see rules 6.40 to 6.47.)”;

- (i) in rule 6.9—
  - (i) in paragraph (1)(b), after “solicitor” insert “or European Lawyer”;
  - (ii) at end insert—

“(For service out of the jurisdiction see rules 6.40 to 6.47.)”;
- (j) in rule 6.14, after “A claim form served” insert “within the United Kingdom”;
- (k) in the heading to Section III, at end insert “or in specified circumstances within the EEA”;
- (l) in rule 6.20(1), for “A” substitute “Subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties, a”;
- (m) in rule 6.21(1), for “A” substitute “Subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties, a”;
- (n) in rule 6.22—
  - (i) in paragraph (2)(a), after “rule 6.23” delete “(2)(a)”;
  - (ii) at end insert—

“(For service out of the jurisdiction see rules 6.40 to 6.47.)”;
- (o) in rule 6.23—
  - (i) in the heading, at end insert “to be given after proceedings are started”;
  - (ii) in paragraph (1), after “full postcode” insert “or its equivalent in any EEA state (if applicable)”;
  - (iii) for paragraph (2), substitute—

“(2) Except where any other rule or practice direction makes different provision, a party’s address for service must be—

    - (a) the business address either within the United Kingdom or any other EEA state of a solicitor acting for the party to be served; or
    - (b) the business address in any EEA state of a European Lawyer nominated to accept service of documents; or
    - (c) where there is no solicitor acting for the party or no European Lawyer nominated to accept service of documents —
      - (i) an address within the United Kingdom at which the party resides or carries on business; or
      - (ii) an address within any other EEA state at which the party resides or carries on business.
- (iv) in paragraph (3), for the words from “there” to “business” substitute “none of sub-paragraphs (2)(a), (b) or (c) applies”;

“(For Production Centre Claims see paragraph 2.3(7) of Practice Direction 7C; for Money Claims Online see paragraph 4(6) of Practice Direction 7E; and for Possession Claims Online see paragraph 5.1(4) of Practice Direction 55B.)”;

- (v) in paragraph (4), for “Any” substitute “Subject to the provisions of Section IV of this Part (where applicable), any”;
- (vi) at end insert—
  - “(For service out of the jurisdiction see rules 6.40 to 6.47.)”;
- (p) in rule 6.26, after “claim form, served” insert “within the United Kingdom”;
- (q) in rule 6.40—
  - (i) in paragraph (2), for “any document” substitute “a claim form or other document”;
  - (ii) in paragraph (3)—
    - (aa) in the heading and where it subsequently occurs, for “defendant”, substitute “party”;
    - (bb) for “the claimant” substitute “a party”;
    - (cc) after “claim form or” in the first place where it occurs delete “any”;
    - (dd) after “Convention” insert “or Treaty”;
  - (iii) for the parentheses that follow the rule, substitute—
    - “(The texts of the Civil Procedure Treaties which the United Kingdom has entered into may be found on the Foreign and Commonwealth Office website at <http://www.fco.gov.uk/en/publications-and-documents/treaties/lists-treaties/bilateral-civil-procedure>.)”
- (r) in rule 6.41—
  - (i) in paragraph (1), for “the claimant” substitute “a party”;
  - (ii) in paragraph (2), for “claimant” substitute “party”;
  - (iii) in paragraph (3)—
    - (aa) for “the claimant” substitute “a party”;
    - (bb) for the words after “will” to the end substitute “forward the relevant documents to the Senior Master”;
  - (iv) in the second set of parentheses that follow the rule, at end insert “The Regulation does not apply to service in EEA states that are not member states of the EU.”;
- (s) in rule 6.42—
  - (i) in paragraph (1)—
    - (aa) for “the claimant” substitute “a party”;
    - (bb) delete “on a defendant”;
    - (cc) after “Civil Procedure Convention” insert “or Treaty”;
    - (dd) after “Hague Convention” insert “or any other Civil Procedure Convention or Treaty”;
  - (ii) in paragraph (2)—
    - (aa) for “the claimant” substitute “a party”;
    - (bb) delete “on a defendant”;
    - (cc) after “Convention” insert “or Treaty”;
  - (iii) in paragraph (3)—
    - (aa) for “the claimant” the first time it occurs substitute “a party”;

- (bb) after “Hague Convention” insert “or is such a party but HM Government has not declared acceptance of its accession to the Convention”;
- (cc) for “the claimant” the second time it occurs substitute “the party”;
- (dd) for “claimant’s” substitute “party’s”;
- (t) in rule 6.43—
  - (i) in paragraph (1), for “the claimant” substitute “a party”;
  - (ii) in paragraph (2), for “the claimant” substitute “that party”;
  - (iii) in paragraph (3), for “the claimant” substitute “a party”;
  - (iv) in paragraph (4), after “Hague Convention” insert “or any other Civil Procedure Convention or Treaty”;
  - (v) in paragraph (5), for “the Hague Convention” substitute “a Civil Procedure Convention or Treaty”;
- (u) in rule 6.44—
  - (i) in paragraphs (1) and (3), for “claimant” substitute “party”;
  - (ii) in paragraph (5), after “claim form” insert “or other document”; and
- (v) in rule 6.45—
  - (i) in paragraph (4)—
    - (aa) for “The claimant” substitute “A party”;
    - (bb) after “Convention” insert “or Treaty”;
  - (ii) in paragraph (5), for “The claimant” substitute “A party”.