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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 4**

**SERVICE OF DOCUMENTS**

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**Contents of this Part**

When this Part applies	rule 4.1
Methods of service	rule 4.2
Service by handing over a document	rule 4.3
Service by leaving or posting a document	rule 4.4
Service by document exchange	rule 4.5
Service by electronic means	rule 4.6
Documents that must be served by specified methods	rule 4.7
Service by person in custody	rule 4.8
Service by another method	rule 4.9
Documents that may not be served on a legal representative	rule 4.10
Date of service	rule 4.11
Proof of service	rule 4.12
Court's power to give directions about service	rule 4.13

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**When this Part applies**

**4.1.**—(1) The rules in this Part apply—

- (a) to the service of every document in a case to which these Rules apply; and
- (b) for the purposes of section 12 of the Road Traffic Offenders Act 1988<sup>(1)</sup>, to the service of a requirement to which that section applies.

(2) The rules apply subject to any special rules in other legislation (including other Parts of these Rules) or in the Practice Direction.

(3) In this Part, ‘the relevant court office’ means—

- (a) in relation to a case in a magistrates’ court or in the Crown Court, an office—
  - (i) at which that court’s business is administered, and

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(1) 1988 c. 53; section 12 was amended by article 3 of, and paragraphs 29 and 30 of the Schedule to, S.I. 2004/2035.

- (ii) the address or electronic address of which is advertised by the Lord Chancellor at the date of service as that at which that type of document must be served;
- (b) in relation to an application to a High Court judge for permission to serve a draft indictment—
  - (i) in London, the Queen’s Bench Listing Office, Royal Courts of Justice, Strand, London WC2A 2LL,
  - (ii) elsewhere, the office at which court staff administer the business of any court then constituted of a High Court judge, and
  - (iii) in either case, the electronic address which is advertised by the Lord Chancellor at the date of service as that at which such an application must be served;
- (c) in relation to an extradition appeal case in the High Court—
  - (i) the Administrative Court Office, Royal Courts of Justice, Strand, London WC2A 2LL, and
  - (ii) the electronic address which is advertised by the Lord Chancellor at the date of service as that at which that type of document must be served; and
- (d) where the recipient is the Registrar of Criminal Appeals—
  - (i) the Criminal Appeal Office, Royal Courts of Justice, Strand, London WC2A 2LL, and
  - (ii) the electronic address which is advertised by the Lord Chancellor at the date of service as that at which that type of document must be served.

*[Note. Section 12 of the Road Traffic Offenders Act 1988 allows the court to accept the documents to which it refers as evidence of a driver’s identity where a requirement to state that identity has been served under section 172 of the Road Traffic Act 1988(2) or under section 112 of the Road Traffic Regulation Act 1984(3).]*

### **Methods of service**

**4.2.**—(1) A document may be served by any of the methods described in rules 4.3 to 4.6 (subject to rules 4.7 and 4.10), or in rule 4.8.

(2) Where a document may be served by electronic means under rule 4.6, the general rule is that the person serving it must use that method.

### **Service by handing over a document**

**4.3.**—(1) A document may be served on—

- (a) an individual by handing it to him or her;
- (b) a corporation by handing it to a person holding a senior position in that corporation;
- (c) an individual or corporation who is legally represented in the case by handing it to that legal representative;
- (d) the prosecution by handing it to the prosecutor or to the prosecution representative; and
- (e) the court officer or the Registrar of Criminal Appeals by handing it to a court officer with authority to accept it at the relevant court office.

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(2) 1988 c. 52; section 172 was substituted by section 21 of the Road Traffic Act 1991 (c. 40) and amended by paragraph 24 of Schedule 3 to the Vehicle Excise and Registration Act 1994 (c. 22) and the Statute Law (Repeals) Act 2004 (c. 14).

(3) 1984 c. 27; section 112 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 4 of, and paragraph 6 of the Schedule to, the Parking Act 1989 (c. 16).

(2) If an individual is under 18, a copy of a document served under paragraph (1)(a) must be handed to his or her parent, or another appropriate adult, unless no such person is readily available.

(3) Unless the court otherwise directs, for the purposes of paragraph (1)(c) or (d) (service by handing a document to a party's representative) 'representative' includes an advocate appearing for that party at a hearing.

*[Note. Some legislation treats a body that is not a corporation as if it were one for the purposes of rules about service of documents. See for example section 143 of the Adoption and Children Act 2002(4).]*

### **Service by leaving or posting a document**

**4.4.**—(1) A document may be served by addressing it to the person to be served and leaving it at the appropriate address for service under this rule, or by sending it to that address by first class post or by the equivalent of first class post.

(2) The address for service under this rule on—

- (a) an individual is an address where it is reasonably believed that he or she will receive it;
- (b) a corporation is its principal office, and if there is no readily identifiable principal office then any place where it carries on its activities or business;
- (c) an individual or corporation who is legally represented in the case is that legal representative's office;
- (d) the prosecution is the prosecutor's office;
- (e) the court officer or the Registrar of Criminal Appeals is the relevant court office.

*[Note. In addition to service in England and Wales for which these rules provide, service outside England and Wales may be allowed under other legislation. See—*

- (a) *section 39 of the Criminal Law Act 1977(5) (service of summons, etc. in Scotland and Northern Ireland);*
- (b) *section 1139(4) of the Companies Act 2006(6) (service of copy summons, etc. on company's registered office in Scotland and Northern Ireland);*
- (c) *sections 3, 4, 4A and 4B of the Crime (International Co-operation) Act 2003(7) (service of summons, etc. outside the United Kingdom) and rules 49.1 and 49.2; and*
- (d) *section 1139(2) of the Companies Act 2006 (service on overseas company).]*

### **Service by document exchange**

**4.5.**—(1) This rule applies where—

- (a) the person to be served—
  - (i) has given a document exchange (DX) box number, and
  - (ii) has not refused to accept service by DX; or
- (b) the person to be served is legally represented in the case and the legal representative has given a DX box number.

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(4) 2002 c. 38.

(5) 1977 c. 45; sub-section (1) was substituted by section 331 of, and paragraph 6 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44). Sub-section (3) was amended by section 83 of, and paragraph 79 of Schedule 7 to, the Criminal Justice (Scotland) Act 1980 (c. 62).

(6) 2006 c. 46.

(7) 2003 c. 32; sections 4A and 4B were inserted by section 331 of, and paragraph 16 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44).

- (2) A document may be served by—
  - (a) addressing it to that person or legal representative, as appropriate, at that DX box number; and
  - (b) leaving it at—
    - (i) the document exchange at which the addressee has that DX box number, or
    - (ii) a document exchange at which the person serving it has a DX box number.
- (3) Where the person to be served under this rule is the court officer, the address for service is the relevant court office.

### Service by electronic means

- 4.6.**—(1) This rule applies where—
- (a) the person to be served—
    - (i) has given an electronic address and has not refused to accept service at that address, or
    - (ii) is given access to an electronic address at which a document may be deposited and has not refused to accept service by the deposit of a document at that address; or
  - (b) the person to be served is legally represented in the case and the legal representative—
    - (i) has given an electronic address, or
    - (ii) is given access to an electronic address at which a document may be deposited.
- (2) A document may be served—
- (a) by sending it by electronic means to the address which the recipient has given; or
  - (b) by depositing it at an address to which the recipient has been given access and—
    - (i) in every case, making it possible for the recipient to read the document, or view or listen to its content, as the case may be,
    - (ii) unless the court otherwise directs, making it possible for the recipient to make and keep an electronic copy of the document, and
    - (iii) notifying the recipient of the deposit of the document (which notice may be given by electronic means).
- (3) Where the person to be served under this rule is the court officer, the address for service is the relevant court office.
- (4) Where a document is served under this rule the person serving it need not provide a paper copy as well.

### Documents that must be served by specified methods

- 4.7.**—(1) An application or written statement, and notice, under rule 48.9 alleging contempt of court may be served—
- (a) on an individual, only under rule 4.3(1)(a) (by handing it to him or her); and
  - (b) on a corporation, only under rule 4.3(1)(b) (by handing it to a person holding a senior position in that corporation).
- (2) For the purposes of section 12 of the Road Traffic Offenders Act 1988<sup>(8)</sup>, a notice of a requirement under section 172 of the Road Traffic Act 1988<sup>(9)</sup> or under section 112 of the Road Traffic Regulation Act 1984<sup>(10)</sup> to identify the driver of a vehicle may be served—

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(8) 1988 c. 53; section 12 was amended by article 3 of, and paragraphs 29 and 30 of the Schedule to, S.I. 2004/2035.

- (a) on an individual, only by post under rule 4.4(1) and (2)(a); and
- (b) on a corporation, only by post under rule 4.4(1) and (2)(b).

### **Service by person in custody**

**4.8.**—(1) A person in custody may serve a document by handing it to the custodian addressed to the person to be served.

- (2) The custodian must—
  - (a) endorse it with the time and date of receipt;
  - (b) record its receipt; and
  - (c) forward it promptly to the addressee.

### **Service by another method**

- 4.9.**—(1) The court may allow service of a document by a method—
  - (a) other than those described in rules 4.3 to 4.6 and in rule 4.8; and
  - (b) other than one specified by rule 4.7, where that rule applies.
- (2) An order allowing service by another method must specify—
  - (a) the method to be used; and
  - (b) the date on which the document will be served.

### **Documents that may not be served on a legal representative**

**4.10.** Unless the court otherwise directs, service on a party's legal representative of any of the following documents is not service of that document on that party—

- (a) a summons, requisition, single justice procedure notice or witness summons;
- (b) notice of an order under section 25 of the Road Traffic Offenders Act 1988(**11**);
- (c) a notice of registration under section 71(6) of that Act(**12**);
- (d) notice of a hearing to review the postponement of the issue of a warrant of detention or imprisonment under section 77(6) of the Magistrates' Courts Act 1980(**13**);
- (e) notice under section 86 of that Act(**14**) of a revised date to attend a means inquiry;
- (f) any notice or document served under Part 14 (Bail and custody time limits);
- (g) notice under rule 24.15(a) of when and where an adjourned hearing will resume;
- (h) notice under rule 28.5(3) of an application to vary or discharge a compensation order;
- (i) notice under rule 28.10(2)(c) of the location of the sentencing or enforcing court;
- (j) a collection order, or notice requiring payment, served under rule 30.2(a); or
- (k) an application or written statement, and notice, under rule 48.9 alleging contempt of court.

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(9) 1988 c. 52; section 172 was substituted by section 21 of the Road Traffic Act 1991 (c. 40) and amended by paragraph 24 of Schedule 3 to the Vehicle Excise and Registration Act 1994 (c. 22) and the Statute Law (Repeals) Act 2004 (c. 14).

(10) 1984 c. 27; section 112 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 4 of, and paragraph 6 of the Schedule to, the Parking Act 1989 (c. 16).

(11) 1988 c. 53; section 25 was amended by section 90 of, and paragraphs 140 and 142 of Schedule 13 to, the Access to Justice Act 1999 (c. 22), section 165 of, and paragraph 118 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) and section 109 of, and paragraph 311 of Schedule 8 to, the Courts Act 2003 (c. 39).

(12) 1988 c. 53; section 71(6) was amended by section 109 of, and paragraph 317 of Schedule 8 to, the Courts Act 2003 (c. 39).

(13) 1980 c. 43; section 77(6) was substituted by section 109 of, and paragraph 218 of Schedule 8 to, the Courts Act 2003 (c. 39).

(14) 1980 c. 43; section 86 was amended by section 51(2) of the Criminal Justice Act 1982 (c. 48) and section 97(3) of the Access to Justice Act 1999 (c. 22).

**Date of service**

**4.11.**—(1) A document served under rule 4.3 or rule 4.8 is served on the day it is handed over.

(2) Unless something different is shown, a document served on a person by any other method is served—

- (a) in the case of a document left at an address, on the next business day after the day on which it was left;
- (b) in the case of a document sent by first class post or by the equivalent of first class post, on the second business day after the day on which it was posted or despatched;
- (c) in the case of a document served by document exchange, on the second business day after the day on which it was left at a document exchange allowed by rule 4.5;
- (d) in the case of a document served by electronic means—
  - (i) on the day on which it is sent under rule 4.6(2)(a), if that day is a business day and if it is sent by no later than 2.30pm that day (or 4.30pm that day in an extradition appeal case in the High Court, or 5pm that day if it is an application for permission to refer a sentencing case to which Part 41 (Reference to the Court of Appeal of point of law or unduly lenient sentencing) applies),
  - (ii) on the day on which notice of its deposit is given under rule 4.6(2)(b), if that day is a business day and if that notice is given by no later than 2.30pm that day (or 4.30pm that day in an extradition appeal case in the High Court, or 5pm that day if it is an application for permission to refer a sentencing case to which Part 41 (Reference to the Court of Appeal of point of law or unduly lenient sentencing) applies), or
  - (iii) otherwise, on the next business day after it was sent or such notice was given; and
- (e) in any case, on the day on which the addressee responds to it, if that is earlier.

(3) Unless something different is shown, a document produced by a computer system for dispatch by post is to be taken as having been sent by first class post, or by the equivalent of first class post, to the addressee on the business day after the day on which it was produced.

(4) Where a document is served on or by the court officer or the Registrar of Criminal Appeals, ‘business day’ does not include a day on which the relevant court office is closed.

**Proof of service**

**4.12.** The person who serves a document may prove that by signing a certificate explaining how and when it was served.

**Court’s power to give directions about service**

**4.13.**—(1) The court may specify the time as well as the date by which a document must be—

- (a) served under rule 4.3 (Service by handing over a document) or rule 4.8 (Service by person in custody); or
- (b) sent or deposited by electronic means, if it is served under rule 4.6.

(2) The court may treat a document as served if the addressee responds to it even if it was not served in accordance with the rules in this Part.