
STATUTORY INSTRUMENTS

2022 No. 44

The Family Procedure (Amendment) Rules 2022

Amendment of Part 6

21. After rule 6.41 (permission to serve not required) insert—

“Time for serving an application for a matrimonial or civil partnership order out of the jurisdiction

6.41A.—(1) The applicant must complete the step required by the table in paragraph (2) or (3), as applicable, in relation to the method of service chosen before 12.00 midnight on the day 28 days after the date of issue of the application.

(2) Where service of an application for a matrimonial or civil partnership order is to be effected on a party in Scotland or Northern Ireland—

<i>Method of service</i>	<i>Step required</i>
First class post, document exchange or other service which provides for delivery on the next business day	Posting, leaving with, delivering to or collection by the relevant service provider
Personal service under rule 6.7, by someone other than the applicant personally	Leaving it with the person to be served
Email service under rule 6.7A	Sending the application by e-mail and sending the notice required by rule 6.7A(2) by posting, leaving with, delivering to or collection by the relevant service provider

(3) Where service of an application for a matrimonial or civil partnership order is to be effected on a respondent out of the United Kingdom—

<i>Method of service</i>	<i>Step required</i>
Where service is to be effected by a method provided for by rule 6.45	The steps required by rule 6.46(2)
Where service is to be effected by another method permitted by the law of the country in which it is to be served	Sending or delivering the application to, or leaving it with, the person to be served or taking such other such steps to effect service as are permitted by the law of the country in which it is to be served

Extension of time for serving the application for a matrimonial or civil partnership order

6.41B.—(1) The applicant may apply for an order extending the time for compliance with rule 6.41A.

- (2) The general rule is that an application under paragraph (1) must be made—
 - (a) within the period for service specified by rule 6.41A; or
 - (b) where an order has been made under this rule, within the period specified by that order.
- (3) Where an applicant asserts that they have a good reason for not making an application under paragraph (1) within the periods specified in paragraph (2) an application under paragraph (1) may be made—
 - (a) after the period for service specified by rule 6.41A; or
 - (b) where an order has been made under this rule, after the period specified by that order.
- (4) On an application under paragraph (1), the court must consider all the circumstances including whether—
 - (a) the applicant has taken reasonable steps to comply with rule 6.41A; and
 - (b) the applicant has acted promptly.
- (5) An application for an order extending the time for compliance with rule 6.41A—
 - (a) must be supported by evidence; and
 - (b) may be made without notice.”.