

This document shows proposed additions to Part 6 in red text.

Proposed deletions are shown in red text and ~~struck through~~.

Other amendments to Part 6 are shown in *italics* ~~struck through~~.

PART 6 SERVICE

I SCOPE OF THIS PART AND INTERPRETATION

6.1 Part 6 rules about service apply generally

This Part applies to the service of documents, except where –

- (a) another Part, any other enactment or a practice direction makes a different provision; or
- (b) the court directs otherwise.

6.2 Interpretation

In this Part ‘solicitor’ includes any person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the conduct of litigation (within the meaning of that Act).

II SERVICE OF THE APPLICATION FOR A MATRIMONIAL OR CIVIL PARTNERSHIP ORDER IN THE JURISDICTION

6.3 Interpretation

In this Chapter, unless the context otherwise requires, a reference to an application –

- (a) is a reference to an application for a matrimonial or civil partnership order; and
- (b) includes an application by a respondent ~~as referred to in rule 7.4~~.

(Part 7 deals with applications in matrimonial or civil partnership proceedings.)

6.4 Methods of service

An application may be served by any of the following methods –

- (a) personal service in accordance with rule 6.7;
- (b) first class post, or other service which provides for delivery on the next business day, in accordance with Practice Direction 6A; ~~or~~
- (c) where rule 6.11 applies, document exchange, ~~or~~
- (d) email service in accordance with rule 6.7A.

6.5 Who is to serve the application

- (1) Subject to the provisions of this rule, an application may be served by –
 - (a) ~~the applicant~~ a court officer; or
 - (b) the applicant ~~court officer~~, if so requested by the applicant.

- (2) A court officer will not serve the application if the party to be served is—
 - (a) a child or protected party; ~~or~~
 - (b) out of the jurisdiction.

- (3) An application must not be served personally by the applicant himself or herself.

(Rule 6.14 deals with service of the application on children and protected parties)

6.6 ~~Every~~ Respondent to be served

The application must be served on ~~every~~ the respondent.

6.6A Time for serving an application by the applicant

Where the applicant serves the application, the applicant must complete the step required by the following table in relation to the method of service chosen before 12.00 midnight on the calendar day 28 days after the date of issue of the application.

Method of service	Step required
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 by posting, leaving with, delivering to or collection by the relevant service provider

6.6B Extension of time for serving the application

(1) The applicant may apply for an order extending the time for compliance with rule 6.6A.

(2) The general rule is that an application under paragraph (1) must be made –

- (a) within the period specified by rule 6.6A; or
- (b) where an order has been made under this rule, within the period for service specified by that order.

(3) Where an applicant has a good reason for not making an application under paragraph (1) within the periods specified in paragraph (2) an application may be made—

- (a) after the period specified by rule 6.6A; or
- (b) where an order has been made under this rule, after the period for service specified by that order.

(4) On an application under paragraph (1), the court must consider all the circumstances including whether –

- (a) the court has failed to serve the application;
- (b) the applicant has taken reasonable steps to comply with rule 6.6A, and
- (c) the applicant has acted promptly.

(5) An application for an order extending the time for compliance with rule 6.6A –

- (a) must be supported by evidence; and
- (b) may be made without notice.

6.7 Personal service

An application is served personally on a respondent by leaving it with that respondent.

6.7A Email service

(1) Subject to paragraph 2, an application is served on a respondent by email by sending it to—

- (a) the respondent's usual email address, or
- (b) the email address provided by the respondent in accordance with rule 6.12.

(2) Where an application is served by email, a notice confirming such service must be sent to the respondent's postal address, by first class post or other service which provides for delivery on the next business day.

6.8 Service of application by the court

(1) Where the application is to be served by a court officer, the applicant must give the court officer—

- (a) ~~an~~ the respondent's usual email address (if known); and
 - (b) the respondent's last known or usual postal address,
- at which the respondent is to be served in accordance with rule 6.4.

(1A) Subject to paragraph (1B), a court officer will serve the application by email in accordance with rule 6.7A.

(1B) Where—

- (a) an email address for service on the respondent is not provided; or
 - (b) the applicant does not seek email service on the respondent,
- a court officer will serve the application by first class post or other service which provides for delivery on the next business day.

(2) Where the court officer has sent ~~to the applicant~~ a notification of failure of service ~~to the applicant~~ in accordance with rule 6.21 (postal service) or 6.21A (email service), the applicant may request the court officer to serve the document on the respondent at an alternative address.

(3) Where the court officer has served the respondent in accordance with paragraph (2), the court will not try to serve the application again.

6.9 Service by the bailiff

(1) An applicant may request that an application be served by a bailiff delivering a copy of the application to the respondent personally.

(2) The request must be made in accordance with Practice Direction 6A.

(3) Where the bailiff is unable to serve the application, the applicant may apply to the court for an order under rule 6.19 (service by an alternative method or at an alternative place).

(Practice Direction 6A contains provision about when a request under this rule is appropriate.)

(Rule 6.22 provides for notice of non-service by a bailiff.)

6.10 Where to serve the application – general provisions

(1) The application must be served within the jurisdiction except as provided for by Chapter 4 of this Part (service out of the jurisdiction).

(2) The applicant must include in the application—

(a) an email address (if this is known); and

(b) a postal address,

at which the respondent may be served.

(3) Paragraph (2) does not apply where an order made by the court under rule 6.19 (service by an alternative method or at an alternative place) specifies the place or method of service of the application.

6.11 Service of the application on a solicitor within the jurisdiction ~~or in any EEA state~~

(1) Where a solicitor acting for the respondent has notified the applicant in writing that the solicitor is instructed by the respondent to accept service of the application on behalf of the respondent at a business address within the jurisdiction, the application must be served at the business address of that solicitor.

~~(2) Subject to the provisions of Chapter 4 of this Part, where a solicitor acting for the respondent has notified the applicant in writing that the solicitor is instructed by the respondent to accept service of the application on behalf of the respondent at a business address within any EEA state, the application must be served at the business address of that solicitor.~~

~~‘Solicitor’ has the extended meaning set out in rule 6.2 and ‘EEA state’ is defined in Schedule 1 to the Interpretation Act 1978.)~~

6.12 Service of the application where the respondent gives an address at which the respondent may be served

Subject to rule 6.13, the respondent may be served with the application at an **email address in accordance with rule 6.7A or at a postal** address within the jurisdiction which the respondent has given for the purpose of being served with the proceedings.

6.13 Service of the application where the respondent does not give an address at which the respondent may be served

(1) This rule applies where –

(a) rule 6.11 (service of application on solicitor); and

(b) rule 6.12 (respondent gives address at which respondent may be served),

do not apply and the applicant does not wish the application to be served personally under rule 6.7.

(2) Subject to paragraphs (3) to (5) the application must be served on the respondent

(a) at his usual or last known if the respondent’s usual email address is known at that address in accordance with rule 6.7A; or

(b) if not known, or if the applicant does not seek email service on the respondent, at the respondent’s usual or last known postal address.

(3) Where the applicant has reason to believe that the respondent no longer resides at his usual or last known **postal** address, **or no longer has access to the usual email address**, the applicant must take reasonable steps to ascertain the current **postal and email** address of the respondent.

(4) Where, having taken the reasonable steps required by paragraph (3), the applicant –

(a) ascertains the respondent's current email and postal address, the application must be served in accordance with paragraph (2) at that address; or

(b) is unable to ascertain the respondent's current **email and postal** address, the applicant must consider whether there is –

- (i) an alternative place where; or
- (ii) an alternative method by which, service may be effected.

(5) If, under paragraph (4)(b), there is such a place where or a method by which service could be effected, the applicant must make an application under rule 6.19.

6.14 Service of the application on children and protected parties

(1) Where the respondent is a child, the application form must be served on –

- (a) one of the child's parents or guardians; or
- (b) if there is no parent or guardian, an adult with whom the child resides or in whose care the child is.

(2) Where the respondent is a protected party, the application must be served on –

- (a) one of the following persons with authority in relation to the protected party –
 - (i) the attorney under a registered enduring power of attorney;
 - (ii) the donee of a lasting power of attorney; or
 - (iii) the deputy appointed by the Court of Protection; or
- (b) if there is no such person, an adult with whom the protected party resides or in whose care the protected party is.

(3) Any reference in this Chapter to a respondent or party to be served includes the person to be served with the application form on behalf of a child or protected party under paragraph (1) or (2).

(4) The court may make an order permitting an application form to be served on a child or protected party, or on a person other than the person specified in paragraph (1) or (2).

(5) An application for an order under paragraph (4) may be made without notice.

(6) The court may order that, although an application form has been sent or given to someone other than the person specified in paragraph (1) or (2), it is to be treated as if it had been properly served.

(7) Where a document is served in accordance with this rule –

- (a) it must be endorsed with the notice set out in Practice Direction 6A; and
- (b) the person commencing the proceedings must file a witness statement by the person on whom the application form was served stating whether –
 - (i) the contents of the application form; or
 - (ii) the purpose and intention of the application,were communicated to the child or protected party and, if not, why not.

(8) Paragraph (7)(b) does not apply where the Official Solicitor is, as the case may be –

- (a) the litigation friend of the protected party; or
- (b) the litigation friend or children's guardian of the child.

6.15 Deemed service – receipt of acknowledgment of service

(1) Subject to paragraph (2), an application is deemed to be served if the acknowledgment of service, signed by the party served or the solicitor acting on that party's behalf, is returned to the court office.

(2) Where the signature on the acknowledgment of service purports to be that of the other party to the marriage or civil partnership, the applicant must prove that it is the signature of that party by –

- (a) giving oral evidence to that effect at the hearing; or
- (b) if the application is **not disputed undefended**, confirming it to be so in the statement the applicant files under rule [7.9(4)].

6.16 Deemed service by post or alternative service where no acknowledgment of service filed

(1) Subject to paragraph (2), if –

- (a) an application has been served on a respondent by **email in accordance with rule 6.7A or by post** or other service which provides for delivery on the next business day;
- (b) no acknowledgment of service has been returned to the court office; and
- (c) the court is satisfied that the respondent has received the application,

the court may direct that the application is deemed to be served.

~~(2) Where –~~

~~(a) the application alleges 2 years' separation and the respondent consents to a matrimonial or civil partnership order being granted; and~~

~~(b) none of the other facts mentioned in section 1(2) of the 1973 Act² or section 44(5) of the 2004 Act, as the case may be, is alleged,
paragraph (1) applies only if—
(i) the court is satisfied that the respondent has received notice of the proceedings; and
(ii) the applicant produces a written statement, signed by the respondent, containing the respondent's consent to the grant of an order.~~

6.17 Proof of personal service where no acknowledgment of service filed

(1) This rule applies where –

- (a) an application has been served on a respondent personally; and
- (b) no acknowledgment of service has been returned to the court office.

(2) The person serving the application must file a certificate of service stating the date and time of personal service.

(Practice Direction 6A makes provision for a certificate of service by a bailiff.)

(3) If the respondent served was the other party to the marriage or civil partnership, the certificate of service must show the means by which the person serving the application knows the identity of the party served.

6.18 Proof of service by the court etc.

(1) Where a court officer serves an application by post, or other service which provides for delivery on the next business day, the court officer must note in the court records the date of

–

- (a) posting; or
- (b) leaving with, delivering to or collection by the relevant service provider.

~~(1A) Where a court officer serves an application by email in accordance with rule 6.7A, the court officer must note in the court records the date and time of the email and the date on which the accompanying notice was posted.~~

(2) A record made in accordance with paragraph (1) is evidence of the facts stated in it.

(3) This rule does not affect the operation of section 31N of the 1984 Act.

(Section 31N of the 1984 Act provides that where a summons or other process issued from

the family court is served by an officer of a court, service may be proved by a certificate in a prescribed form.)

6.19 Service of the application by an alternative method or at an alternative place

(1) Where it appears to the court that there is a good reason to authorise service by a method or at a place not otherwise permitted by this Part, the court may direct that service is effected by an alternative method or at an alternative place.

(2) On an application under this rule, the court may direct that steps already taken to bring the application form to the attention of the respondent by an alternative method or at an alternative place is good service.

(3) A direction under this rule must specify –

- (a) the method or place of service;
- (b) the date on which the application form is deemed served; and
- (c) the period for filing an acknowledgment of service or answer.

6.20 Power of the court to dispense with service of the application

(1) The court may dispense with service of the application where it is impracticable to serve the application by any method provided for by this Part.

(2) An application for an order to dispense with service may be made at any time and must be supported by evidence.

(3) The court may require the applicant to attend when it decides the application.

6.21 Notification of failure of **postal service by the court**

Where –

- (a) the court serves the application by post or other service which provides for delivery on the next business day; and
- (b) the application is returned to the court,
the court will send notification to the applicant that the application has been returned.

6.21A Notification of failure of email service by the court

Where –

- (a) the court officer serves the application by email in accordance with rule 6.7A; and
 - (b) the court is notified that the email was undeliverable,
- the court officer will send notification to the applicant that the application was undeliverable.

6.22 Notice of non-service by bailiff

Where –

- (a) the bailiff is to serve an application; and
 - (b) the bailiff is unable to serve it on the respondent,
- the court officer will send notification to the applicant.

III SERVICE OF DOCUMENTS OTHER THAN AN APPLICATION FOR A MATRIMONIAL ORDER OR CIVIL PARTNERSHIP ORDER IN THE UNITED KINGDOM

6.23 Method of service

A document may be served by any of the following methods –

- (a) personal service, in accordance with rule 6.25;
- (b) first class post, document exchange or other service which provides for delivery on the next business day, in accordance with Practice Direction 6A;
- (c) leaving it at a place specified in rule 6.26; or
- (d) fax or e-mail in accordance with Practice Direction 6A.

(Rule 6.35 provides for the court to permit service by an alternative method or at an alternative place.)

6.24 Who is to serve

(1) A party to proceedings will serve a document which that party has prepared, or which the court has prepared or issued on behalf of that party, except where –

- (a) a rule or practice direction provides that the court will serve the document; or
- (b) the court directs otherwise.

(2) Where a court officer is to serve a document, it is for the court to decide which method of service is to be used.

(3) Where the court officer is to serve a document prepared by a party, that party must provide a copy for the court and for each party to be served.

6.25 Personal service

(1) Where required by another Part, any other enactment, a practice direction or a court order, a document must be served personally.

(2) In other cases, a document may be served personally except where the party to be served has given an address for service under rule 6.26(2)(a).

(3) A document is served personally on an individual by leaving it with that individual.

6.26 Address for service

(1) A party to proceedings must give an address at which that party may be served with documents relating to those proceedings.

(2) Subject to paragraph (4), 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) where there is no solicitor acting for the party to be served, an address within the United Kingdom at which the party resides or carries on business.

~~(‘EEA state’ is defined in Schedule 1 to the Interpretation Act 1978.)~~

(3) Where there is no solicitor acting for the party to be served and the party does not have an address within the United Kingdom at which that party resides or carries on business, the party must, subject to paragraph (4), give an address for service within the United Kingdom.

(4) A party who –

(a) has been served with an application for a matrimonial or civil partnership order outside the United Kingdom; and

(b) apart from acknowledging service of the application, does not take part in the proceedings,

need not give an address for service within the United Kingdom.

(5) Any document to be served in proceedings must be sent, or transmitted to, or left at, the party's address for service unless it is to be served personally or the court orders otherwise.

(6) Where, in accordance with Practice Direction 6A, a party indicates or is deemed to have indicated that they will accept service by fax, the fax number given by that party must be at the address for service.

(7) Where a party indicates in accordance with Practice Direction 6A, that they will accept service by e-mail, the e-mail address given by that party will be deemed to be the address for service.

(8) This rule does not apply where an order made by the court under rule 6.35 (service by an alternative method or at an alternative place) specifies where a document may be served.

6.27 Change of address for service

Where the address for service of a party changes, that party must give notice in writing of the change, as soon as it has taken place, to the court and every other party.

6.28 Service of an application form commencing proceedings on children and protected parties

(1) This rule applies to the service of an application form commencing proceedings other than an application for a matrimonial or civil partnership order.

(2) An application form commencing proceedings which would otherwise be served on a child or protected party must be served –

(a) where the respondent is a child, in accordance with rule 6.14(1); and

(b) where the respondent is a protected party, in accordance with rule 6.14(2).

6.29 Service of other documents on or by children and protected parties where a litigation friend has been or will be appointed

(1) This rule applies to –

(a) a protected party; or

(b) a child to whom the provisions of rule 16.5 and Chapter 5 of Part 16 apply (litigation friends).

(2) An application for an order appointing a litigation friend where a protected party or child has no litigation friend must be served in accordance with rule 15.8 or rule 16.13 as the case may be.

(3) Any other document which would otherwise be served on or by a child or protected party must be served on or by the litigation friend conducting the proceedings on behalf of the child or protected party.

6.30 Service on or by children where a children's guardian has been or will be appointed under rule 16.4

(1) This rule applies to a child to whom the provisions of rule 16.4 and Chapter 7 apply.

(2) An application for an order appointing a children's guardian where a child has no children's guardian must be served in accordance with rule 16.26.

(3) Any other document which would otherwise be served on or by a child must be served on or by the children's guardian conducting the proceedings on behalf of the child.

6.31 Service on or by children where a children's guardian has been appointed under rule 16.3

(1) This rule applies where a children's guardian has been appointed for a child in accordance with rule 16.3.

(2) Any document which would otherwise be served on the child must be served on –
(a) the solicitor appointed by the court in accordance with section 41(3) of the 1989 Act; and
(b) the children's guardian.

(3) Any document which would otherwise be served by the child must be served by –
(a) the solicitor appointed by the court in accordance with section 41(3) of the 1989 Act or by the children's guardian; or
(b) if no solicitor has been appointed as mentioned in paragraph (a), the children's guardian.

6.32 Supplementary provisions relating to service on children and protected parties

(1) The court may direct that a document be served on a protected party or child or on some person other than a person upon whom it would be served under rules 6.28 to 6.31 above.

(2) The court may direct that, although a document has been sent or given to someone other than a person upon whom it should be served under rules 6.28 to 6.31 above, the document is to be treated as if it had been properly served.

(3) This rule and rules 6.28 to 6.31 do not apply where the court has made an order under rule 16.6 allowing a child to conduct proceedings without a children's guardian or litigation friend.

6.33 Supplementary provision relating to service on children

(1) This rule applies to proceedings to which Part 12 applies.

(2) Where a rule requires –

(a) a document to be served on a party;

(b) a party to be notified of any matter; or

(c) a party to be supplied with a copy of a document,

in addition to the persons to be served in accordance with rules 6.28 to 6.32, the persons or bodies mentioned in paragraph (3) must be served, notified or supplied with a copy of a document, as applicable, unless the court directs otherwise.

(3) The persons or bodies referred to in paragraph (2) are –

(a) such of the following who are appointed in the proceedings–

(i) the children's guardian (if the children's guardian is not otherwise to be served);

(ii) the welfare officer;

(iii) the children and family reporter;

(iv) the officer of the Service, Welsh family proceedings officer or local authority officer acting under a duty referred to in rule 16.38; and

(b) a local authority preparing a report under section 14A(8) or (9) of the 1989 Act.

6.34 Deemed service

A document, other than an application for a matrimonial or civil partnership order, served in

accordance with these rules or a practice direction is deemed to be served on the day shown in the following table –

Method of service	Deemed day of service
First class post (or other service which provides for delivery on the next business day)	The second day after it was posted, left with, delivered to or collected by the relevant service provider, provided that day is a business day; or, if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider, provided that day is a business day; or, if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30p.m., on that day; or in any other case, on the next business day after that day
Fax.	If the transmission of the fax is completed on a business day before 4.30p.m., on that day; or, in any other case, the next business day after the day on which it was transmitted
Other electronic method	If the e-mail or other electronic transmission is sent on a business day before 4.30p.m., on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30p.m. on a business day, on that day; or, in any other case, on the next business day after that day

(Practice Direction 6A contains examples of how the date of deemed service is calculated.)

6.35 Service by an alternative method or at an alternative place

Rule 6.19 applies to any document in proceedings as it applies to an application for a matrimonial or civil partnership order and reference to the respondent in that rule is modified accordingly.

6.36 Power to dispense with service

The court may dispense with the service of any document which is to be served in proceedings.

6.37 Certificate of service

(1) Where a rule, practice direction or court order requires a certificate of service, the certificate must state the details set out in the following table –

Method of service	Details to be certified
Personal service	Date and time of personal service and method of identifying the person served
First class post, document exchange or other service which provides for delivery on the next business day	Date of posting, leaving with, delivering to or collection by the relevant service provider
Delivery of document to or leaving it at a permitted place	Date and time when the document was delivered to or left at the permitted place
Fax.	Date and time of completion of transmission
Other electronic method	Date and time of sending the email or other electronic transmission
Alternative method or place permitted by court	As required by the court

(2) An applicant who is required to file a certificate of service of an application form must do so at or before the earlier of –

- (a) the first directions appointment in; or
 - (b) the hearing of,
- the proceedings unless a rule or practice direction provides otherwise.

(Rule 17.2 requires a certificate of service to contain a statement of truth.)

6.38 Notification of outcome of service by the court

Where –

- (a) a document to be served by a court officer is served by post or other service which provides for delivery on the next working day; and
 - (b) the document is returned to the court,
- the court officer will send notification to the party who requested service that the document has been returned.

6.39 Notification of non-service by bailiff

Where –

- (a) the bailiff is to serve a document; and
 - (b) the bailiff is unable to serve it,
- the court officer must send notification to the party who requested service.

IV SERVICE OUT OF THE JURISDICTION

6.40 Scope and interpretation

(1) This Chapter contains rules about –

- (a) service of application forms and other documents out of the jurisdiction; and
- (b) the procedure for service.

(‘Jurisdiction’ is defined in rule 2.3.)

(2) In this Chapter –

‘application form’ includes an application notice;

‘Commonwealth State’ means a State listed in Schedule 3 to the British Nationality Act 1981;

and

‘the Hague Convention’ means the Convention on the service abroad of judicial and extra-judicial documents in civil or commercial matters signed at the Hague on November 15, 1965.

6.41 Permission to serve not required

Any document to be served for the purposes of these rules may be served out of the jurisdiction without the permission of the court.

6.41A Time for serving an application for a matrimonial or civil partnership order out of the jurisdiction

(1) The applicant must complete the step required by the following tables, as applicable, in relation to the method of service chosen before 12.00 midnight on the calendar day 28 days after the date of issue of the application.

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

Method of service	Step required
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 by posting, leaving with, delivering to or collection by the relevant service provider

or

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

Method of service	Step required
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 in accordance the law of the country in which it is to be served

6.41B Extension of time for serving the application for a matrimonial or civil partnership order

- (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 specified by rule 6.41A; or
 - (b) where an order has been made under this rule, within the period for service specified by that order.
- (3) Where an applicant has a good reason for not making an application under paragraph (1) within the periods specified in paragraph (2) an application may be made—
 - (a) after the period specified by rule 6.41A; or
 - (b) where an order has been made under this rule, after the period for service 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.

6.42 Period for acknowledging service or responding to application where application is served out of the jurisdiction

- (1) This rule applies where, under these rules, a party is required to file –
 - (a) an acknowledgment of service; or
 - (b) an answer to an application,and sets out the time period for doing so where the application is served out of the jurisdiction.
- (2) Where the applicant serves an application on a respondent in –
 - (a) Scotland or Northern Ireland; or

(b) a ~~Member State or~~ Hague Convention country within Europe, the period for filing an acknowledgment of service or an answer to an application is 21 days after service of the application.

(3) Where the applicant serves an application on a respondent in a Hague Convention country outside Europe, the period for filing an acknowledgment of service or an answer to an application is 31 days after service of the application.

(4) Where the applicant serves an application on a respondent in a country not referred to in paragraphs (2) and (3), the period for filing an acknowledgment of service or an answer to an application is set out in Practice Direction 6B.

6.43 Method of service – general provisions

(1) This rule contains general provisions about the method of service of an application for a matrimonial or civil partnership order, or other document, on a party out of the jurisdiction.

Where service is to be effected on a party in Scotland or Northern Ireland

(2) Where a party serves an application form or other document on a party in Scotland or Northern Ireland, it must be served by a method permitted by Chapter 2 (and references to 'jurisdiction' in that Chapter are modified accordingly) or Chapter 3 of this Part and rule 6.26(5) applies.

Where service is to be effected on a respondent out of the United Kingdom

(3) Where the applicant wishes to serve an application form, or other document, on a respondent out of the United Kingdom, it may be served by any method –

(a) provided for by –

~~(i) rule 6.44 (service in accordance with the Service Regulation);~~

(ii) rule 6.45 (service through foreign governments, judicial authorities and British Consular authorities); or

(b) permitted by the law of the country in which it is to be served.

(4) Nothing in paragraph (3) or in any court order authorises or requires any person to do anything which is contrary to the law of the country where the application form, or other document, is to be served.

~~6.44 Service in accordance with the Service Regulation~~

~~(1) This rule applies where the applicant wishes to serve the application form, or other document, in accordance with the Service Regulation.~~

~~(2) The applicant must file ———~~

~~(a) the application form or other document;~~

~~(b) any translation; and~~

~~(c) any other documents required by the Service Regulation.~~

~~(3) When the applicant files the documents referred to in paragraph (2), the court officer will~~

~~—~~

~~(a) seal, or otherwise authenticate with the stamp of the court, the copy of the application form; and~~

~~(b) forward the documents to the Senior Master of the Queen's Bench Division.~~

~~(4) In addition to the documents referred to in paragraph (2), the applicant may file a photograph of the person to be served if the applicant considers that it would assist in ensuring effective service.~~

~~(The Service Regulation is annexed to Practice Direction 6B.)~~

~~(Article 20(1) of the Service Regulation provides that the Regulation prevails over other provisions contained in any other agreement or arrangement concluded by Member States.)~~

6.45 Service through foreign governments, judicial authorities and British Consular authorities

(1) Where the applicant wishes to serve an application form, or other document, on a respondent in any country which is a party to the Hague Convention, it may be served –

(a) through the authority designated under the Hague Convention in respect of that country;

or

(b) if the law of that country permits –

(i) through the judicial authorities of that country; or

(ii) through a British Consular authority in that country.

(2) Where the applicant wishes to serve an application form, or other document, on a respondent in any country which is not a party to the Hague Convention, it may be served, if the law of that country so permits –

- (a) through the government of that country, where that government is willing to serve it; or
- (b) through a British Consular authority in that country.

(3) Where the applicant wishes to serve an application form, or other document, in –

- (a) any Commonwealth State which is not a party to the Hague Convention;
- (b) the Isle of Man or the Channel Islands; or
- (c) any British Overseas Territory,

the methods of service permitted by paragraphs (1)(b) and (2) are not available and the applicant or the applicant's agent must effect service on a respondent in accordance with rule 6.43 unless Practice Direction 6B provides otherwise.

~~(4) This rule does not apply where service is to be effected in accordance with the Service Regulation.~~

(A list of British overseas territories is reproduced in Practice Direction 6B.)

6.46 Procedure where service is to be through foreign governments, judicial authorities and British Consular authorities

(1) This rule applies where the applicant wishes to serve an application form, or other document, under rule 6.45(1) or (2).

(2) Where this rule applies, the applicant must file –

- (a) a request for service of the application form, or other document, by specifying one or more of the methods in rule 6.45(1) or (2);
- (b) a copy of the application form or other document;
- (c) any other documents or copies of documents required by Practice Direction 6B; and
- (d) any translation required under rule 6.47.

(3) When the applicant files the documents specified in paragraph (2), the court officer will –

- (a) seal, or otherwise authenticate with the stamp of the court, the copy of the application form or other document; and
- (b) forward the documents to the Senior Master of the Queen's Bench Division.

(4) The Senior Master will send documents forwarded under this rule –

- (a) where the application form, or other document, is being served through the authority designated under the Hague Convention, to that authority; or

(b) in any other case, to the Foreign and Commonwealth Office with a request that it arranges for the application form or other document to be served.

(5) An official certificate which –

(a) states that the method requested under paragraph (2)(a) has been performed and the date of such performance;

(b) states, where more than one method is requested under paragraph (2)(a), which method was used; and

(c) is made by –

(i) a British Consular authority in the country where the method requested under paragraph (2)(a) was performed;

(ii) the government or judicial authorities in that country; or

(iii) the authority designated in respect of that country under the Hague Convention, is evidence of the facts stated in the certificate.

(6) A document purporting to be an official certificate under paragraph (5) is to be treated as such a certificate, unless it is proved not to be.

6.47 Translation of application form or other document

(1) Except where paragraphs (4) and (5) apply, every copy of the application form, or other document, filed under rule 6.45 (service through foreign governments, judicial authorities and British Consular authorities) must be accompanied by a translation of the application form or other document.

(2) The translation must be –

(a) in the official language of the country in which it is to be served; or

(b) if there is more than one official language of that country, in any official language which is appropriate to the place in the country where the application form or other document is to be served.

(3) Every translation filed under this rule must be accompanied by a statement by the person making it that it is a correct translation, and the statement must include that person's name, address and qualifications for making the translation.

(4) The applicant is not required to file a translation of the application form, or other document, filed under rule 6.45 where it is to be served in a country of which English is an

official language.

(5) The applicant is not required to file a translation of the application form or other document filed under rule 6.45 where –

(a) the person on whom the document is to be served is able to read and understand English; and

(b) service of the document is to be effected directly on that person.

~~(This rule does not apply to service in accordance with the Service Regulation which contains its own provisions about the translation of documents.)~~

6.48 Undertaking to be responsible for expenses of the Foreign and Commonwealth Office

Every request for service filed under rule 6.46 (procedure where service is to be through foreign governments, judicial authorities etc.) must contain an undertaking by the person making the request –

(a) to be responsible for all expenses incurred by the Foreign and Commonwealth Office or foreign judicial authority; and

(b) to pay those expenses to the Foreign and Commonwealth Office or foreign judicial authority on being informed of the amount.