

PRACTICE DIRECTION – ACKNOWLEDGMENT OF SERVICE

THIS PRACTICE DIRECTION SUPPLEMENTS CPR PART 10

RESPONDING TO THE CLAIM

- 1.1 Part 9 sets out how a defendant may respond to a claim.
- 1.2 Part 10 sets out the provisions for acknowledging service (but see rule 8.3 for information about acknowledging service of a claim under the Part 8 procedure).

THE FORM OF ACKNOWLEDGMENT OF SERVICE

- 2 A defendant who wishes to acknowledge service of a claim should do so by using form N9.

ADDRESS FOR SERVICE

- 3.1 The defendant must include in his acknowledgment of service an address for the service of documents¹.
- 3.2 Where the defendant is represented by a legal representative² and the legal representative has signed the acknowledgment of service form, the address must be the legal representative's business address; otherwise the address for service that is given should be as set out in rule 6.5 and the practice direction which supplements Part 6.

SIGNING THE ACKNOWLEDGMENT OF SERVICE

- 4.1 An acknowledgment of service must be signed by the defendant or by his legal representative.
- 4.2 Where the defendant is a company or other corporation, a person holding a senior position in the company or corporation may sign the acknowledgment of service on the defendant's behalf, but must state the position he holds.
- 4.3 Each of the following persons is a person holding a senior position:
 - (1) in respect of a registered company or corporation, a director, the treasurer, secretary, chief executive, manager or other officer of the company or corporation, and
 - (2) in respect of a corporation which is not a registered company, in addition to those persons set out in (1), the mayor, chairman, president, town clerk or similar officer of the corporation.

¹ See rule 6.5.

² See rule 2.3 for the definition of legal representative.

- 4.4 Where the defendant is a partnership, the acknowledgment of service may be signed by:
- (1) any of the partners, or
 - (2) a person having the control or management of the partnership business.
- 4.5 Children and patients may acknowledge service only by their litigation friend or his legal representative unless the court otherwise orders³.

GENERAL

- 5.1 The defendant's name should be set out in full on the acknowledgment of service.
- 5.2 Where the defendant's name has been incorrectly set out in the claim form, it should be correctly set out on the acknowledgment of service followed by the words 'described as' and the incorrect name.
- 5.3 If two or more defendants to a claim acknowledge service of a claim through the same legal representative at the same time, only one acknowledgment of service need be used.
- 5.4 An acknowledgment of service may be amended or withdrawn only with the permission of the court.
- 5.5 An application for permission under paragraph 5.4 must be made in accordance with Part 23 and supported by evidence.

(Paragraph 8.3 of the practice direction supplementing Part 6 (Service of documents) makes provision for the service on the claimant of any notice of funding filed with an acknowledgment of service)

3 See Part 21.