

# PART 10

## ACKNOWLEDGMENT OF SERVICE

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### ACKNOWLEDGMENT OF SERVICE

- 10.1 | (1) This Part deals with the procedure for filing an acknowledgment of service.
- (2) Where the claimant uses the procedure set out in Part 8 (alternative procedure for claims) this Part applies subject to the modifications set out in rule 8.3.
- (3) A defendant may file an acknowledgment of service if –
- (a) he is unable to file a defence within the period specified in rule 15.4; or
  - (b) he wishes to dispute the court's jurisdiction.
- (Part 11 sets out the procedure for disputing the court's jurisdiction)

### CONSEQUENCE OF NOT FILING AN ACKNOWLEDGMENT OF SERVICE

- 10.2 | If –
- (a) a defendant fails to file an acknowledgment of service within the period specified in rule 10.3; and
  - (b) does not within that period file a defence in accordance with Part 15 or serve or file an admission in accordance with Part 14,
- the claimant may obtain default judgment if Part 12 allows it.

## THE PERIOD FOR FILING AN ACKNOWLEDGMENT OF SERVICE

- 10.3 | (1) The general rule is that the period for filing an acknowledgment of service is –
- (a) where the defendant is served with a claim form which states that particulars of claim are to follow, 14 days after service of the particulars of claim; and
  - (b) in any other case, 14 days after service of the claim form.
- (2) The general rule is subject to the following rules –
- (a) RSC Order 11 r.1A (which specifies how the period for filing an acknowledgment of service is calculated where the claim form is served out of the jurisdiction); and
  - (b) rule 6.16(4) (which requires the court to specify the period for responding to the particulars of claim when it makes an order under that rule).

## NOTICE TO CLAIMANT THAT DEFENDANT HAS FILED AN ACKNOWLEDGMENT OF SERVICE

- 10.4 | On receipt of an acknowledgment of service, the court must notify the claimant in writing.

## CONTENTS OF ACKNOWLEDGMENT OF SERVICE

- 10.5 | An acknowledgment of service must –
- (a) be signed by the defendant or his legal representative; and
  - (b) include the defendant's address for service.

(Rule 6.5 provides that an address for service must be within the jurisdiction)

(RSC Order 81, in Schedule 1, makes special provision in relation to the acknowledgment of service in a claim against a firm)

(The Contentious Probate Proceedings Practice Direction provides that a defendant who wishes to defend a contentious probate claim must file an acknowledgment of service).