

Notice for Service out of the jurisdiction where permission of the court is not required

(CPR 6.34)

In the	
Claim no.	

Name of claimant

Name of defendant

Note:

Where Civil Procedure Rule (CPR 6.34) applies this form must be completed and filed at court with the claim form (www.justice.gov.uk/courts/procedure-rules/civil). A copy of the form must **in addition** be served with the claim form.

Where a claim form for service on a defendant out of the jurisdiction under CPR 6.34 is not accompanied by this form, the claim form may only be served once this form is filed with the court or if the court gives permission (CPR 6.34(2)).

Where a claim form is served without particulars of claim, it must be accompanied by a copy of Form N1D - Notes for defendant on replying to the claim form out of the jurisdiction.

Please **tick one** of the following boxes being your statement as to why the claim form can be served out of the jurisdiction without the permission of the court. Also delete anything in square brackets that does not apply. Please use Part 1 if the claim form to be served in Scotland or Northern Ireland or Part 2 if the claim form is to be served outside of England and Wales, Scotland or Northern Ireland.

PART 1 – Service of the claim form in Scotland and Northern Ireland (CPR 6.32)

In proceedings to which CPR 6.32(1)(a) and 6.32(1)(b)(i) apply the statement is:-

- "I state that each claim made against the defendant to be served and included in the claim form is a claim which the Court has power to determine under the Civil Jurisdiction and Judgments Act 1982 and
- (a) no proceedings between the parties concerning the same claim are pending in the Courts of any other part of the United Kingdom; and
 - (b) the defendant is domiciled in the United Kingdom."

In proceedings to which CPR 6.32(1)(a) and 6.32(1)(b)(ii) apply the statement is:-

- "I state that each claim made against the defendant to be served and included in the claim form is a claim which the Court has power to determine under the Civil Jurisdiction and Judgments Act 1982 and
- (a) no proceedings between the parties concerning the same claim are pending in the Courts of any other part of the United Kingdom; and
 - (b) the proceedings are within paragraph 11 of Schedule 4 of the said Act."

In proceedings to which CPR 6.32(1)(a) and 6.32(1)(b)(iii) apply, the statement is:-

- "I state that each claim made against the defendant to be served and included in the claim form is a claim which the Court has power to determine under the Civil Jurisdiction and Judgments Act 1982 and
- (a) no proceedings between the parties concerning the same claim are pending in the Courts of any other part of the United Kingdom; and
 - (b) the defendant is a party to an agreement conferring jurisdiction, within paragraph 12 of Schedule 4 to the said Act."

In proceedings to which CPR 6.32(2) applies the statement is:

- "I state that each claim made against the defendant to be served and included in the claim form is a claim which the Court has power to determine under an enactment other than the Civil Jurisdiction and Judgments Act 1982, namely (*state the provisions of the enactment relied on to confer the power*) notwithstanding that
- (a) the defendant is not within the jurisdiction; or
 - (b) the facts giving rise to the claim did not occur within the jurisdiction."
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PART 2 – Service of the claim form in any jurisdiction other than England and Wales, Scotland and Northern Ireland

In proceedings to which CPR 6.33(1)(a) and 6.33(1)(b)(i) apply the statement is:

- "I state that each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine under [The Civil Jurisdiction and Judgment Act 1982] or [the Lugano Convention] and
- (a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Convention territory; and
 - (b) the defendant is domiciled in [the United Kingdom] or [in a Convention territory, namely (*state which*)]."
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In proceedings to which CPR 6.33(1)(a) and 6.33(1)(b)(ii) apply, the statement is:

- "I state that each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine under [the Civil Jurisdiction and Judgments Act 1982] or [the Lugano Convention] and
- (a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Convention territory; and
 - (b) the proceedings are within [article 16 of Schedule 1 to the said Act] or [article 22 of the said Convention]."
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In proceedings to which CPR 6.33(1)(a) and 6.33(1)(b)(iii) apply, the statement is:

- "I state that each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine under [the Civil Jurisdiction and Judgments Act 1982] or [the Lugano Convention] and
- (a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Convention territory; and
 - (b) the defendant is a party to an agreement conferring jurisdiction within [article 17 of Schedule 1 to the said Act] or [article 23 of the said Convention]."
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In proceedings to which CPR 6.33(2)(a) and 6.33(2)(b)(i) apply, the statement is:

- "I state that each claim made against the defendant to be served included in the claim form is a claim which the court has power to determine under the Judgments Regulation and
- (a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Member State; and
 - (b) the defendant is domiciled [in the United Kingdom] or [in another Member State, namely (*state which*)]."
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In proceedings to which CPR 6.33(2)(a) and 6.33(2)(b)(ii) apply, the statement is:

- "I state that each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine under the Judgments Regulation and
- (a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Member State; and
 - (b) the defendant is not a consumer, but is a party to a consumer contract within article 17 of the said Regulation."
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In proceedings to which CPR 6.33(2)(a) and 6.33(2)(b)(iii) apply, the statement is-

- "I state that each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine under the Judgments Regulation and
- (a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Member State; and
 - (b) the defendant is an employer and a party to a contract of employment within article 20 of the said Regulation."

In proceedings to which CPR 6.33(2)(a) and 6.33(2)(b)(iv) apply, the statement is:

- "I state that the each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine under the Judgments Regulation and
- (a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Member State; and
 - (b) the proceedings are within article 24 of the said Regulation."

In proceedings to which CPR 6.33(2) and 6.33(2)(b)(v) apply, the statement is:

- "I state that each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine under the Judgments Regulation and
- (a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Member State; and
 - (b) the defendant is a party to an agreement conferring jurisdiction within article 25 of the said Regulation."

Alternatively, if the jurisdiction conferred by the agreement referred to in paragraph (2)(b)(v) is exclusive, and therefore by reason of CPR 6.33(2A), rule 6.33(2)(a) does not apply, the following statement may be made in place of the above:

- "I state that each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine under the Judgments Regulation and the defendant is a party to an agreement conferring exclusive jurisdiction within article 25 of the said Regulation."

In proceedings to which CPR 6.33(3) applies, the statement is:

- "I state that each claim made against the defendant is to be served and included in the claim form is a claim which the court has power to determine other than under the Civil Jurisdiction and Judgments Act 1982 or the Lugano Convention or the Judgments Regulation, namely (*state the provisions of the enactment or convention relied on to confer the power*) notwithstanding that-
- (a) the defendant is not within the jurisdiction; or
 - (b) the facts giving rise to the claim did not occur within the jurisdiction."

Statement of Truth

*(I believe) (The claimant believes) that the facts stated in this notice are true.

* I am duly authorised by the claimant to sign this statement.

Full name _____

Name of legal representative's firm _____

signed _____ position or office held _____

* (Claimant) (Litigation friend)
(Claimant's legal representative)

(if signing on behalf of firm or company)

*delete as appropriate