

# DISCLOSURE AND INSPECTION

**This Practice Direction supplements FPR Part 21**

## CHAPTER 1

### ORDERS FOR DISCLOSURE AND INSPECTION OF DOCUMENTS

#### Interpretation

- 1.1** A party discloses a document by stating that the document exists or has existed. Inspection occurs when a party is permitted to inspect a document disclosed by another party.
- 1.2** For the purposes of disclosure and inspection in family proceedings –  
'document' means anything in which information of any description is recorded and any copy of a document which contains a modification, obliteration or other marking or feature shall be treated as a separate document; and  
'copy', in relation to a document, means anything on which information recorded in the document has been copied, by whatever means and whether directly or indirectly.

#### Types of order for disclosure in family proceedings

- 2.1** In family proceedings other than proceedings for a financial remedy, where the court orders disclosure, the normal order will be for disclosure by each party setting out, in a list or questionnaire, the documents material to the proceedings, of the existence of which that party is aware and which are or have been in that party's control. This process is known as 'standard disclosure'.
- 2.2** In proceedings for a financial remedy, the process of disclosure is staged. First, Form E (the financial statement referred to in rule 9.14(1)) is served together with the documents which are required to be attached to it. The second stage occurs by the parties requesting (further) disclosure of each other by a questionnaire served before the first appointment; the questionnaire can request both information and documents. With the court's permission, a further questionnaire can be served later in the proceedings.
- 2.3** In matrimonial and civil partnership proceedings, under rule 7.15, the court – either on its own initiative or on the application of the other party – may order a party to clarify any matter which is in dispute in the proceedings or give additional information in relation to any such matter, whether or not the matter is contained in or referred to in the application or in the answer.
- 2.4** In any family proceedings, the court may order 'specific disclosure', which is an order that a party must –

- (a) disclose documents or classes of documents specified in the order;
- (b) carry out a search to the extent stated in the order; or
- (c) disclose any documents located as a result of that search.