

# PART 5

## COURT DOCUMENTS

### CONTENTS OF THIS PART

Scope of this Part	Rule 5.1
Preparation of documents	Rule 5.2
Signature of documents by mechanical means	Rule 5.3
Supply of documents from court records	Rule 5.4
Supply of documents to Attorney-General from court records	Rule 5.4A
Filing and sending documents	Rule 5.5

### SCOPE OF THIS PART

- 5.1 This part contains general provisions about –
- (a) documents used in court proceedings; and
  - (b) the obligations of a court officer in relation to those documents.

### PREPARATION OF DOCUMENTS

- 5.2 (1) Where under these Rules, a document is to be prepared by the court, the document may be prepared by the party whose document it is, unless –
- (a) a court officer otherwise directs; or
  - (b) it is a document to which –
    - (i) Revoked
    - (ii) CCR Order 25, rule 8(9) (reissue of warrant where condition upon which warrant was suspended has not been complied with); or
    - (iii) CCR Order 28, rule 11(1) (issue of warrant of committal), applies.
- (2) Nothing in this rule shall require a court officer to accept a document which is illegible, has not been duly authorised, or is unsatisfactory for some other similar reason.

## SIGNATURE OF DOCUMENTS BY MECHANICAL MEANS

- 5.3 | Where any of these Rules or any practice direction requires a document to be signed, that requirement shall be satisfied if the signature is printed by computer or other mechanical means.

## SUPPLY OF DOCUMENTS FROM COURT RECORDS

- 5.4 |
- (1) Any party to proceedings may be supplied from the records of the court with a copy of any document relating to those proceedings (including documents filed before the claim was commenced), provided that the party seeking the document –
    - (a) pays any prescribed fee; and
    - (b) files a written request for the document.
  - (2) Any other person who pays the prescribed fee may, during office hours, search for, inspect and take a copy of the following documents, namely –
    - (a) a claim form which has been served;
    - (b) any judgment or order given or made in public;
    - (c) any other document if the court gives permission.
  - (3) An application for permission under paragraph (2)(c) may be made without notice.
  - (4) This rule does not apply in relation to any proceedings in respect of which a practice direction makes different provision.

## SUPPLY OF DOCUMENTS TO ATTORNEY-GENERAL FROM COURT RECORDS

- 5.4A |
- (1) The Attorney-General may search for, inspect and take a copy of any documents within a court file for the purpose of preparing an application or considering whether to make an application under section 42 of the Supreme Court Act 1981<sup>1</sup> or section 33 of the Employment Tribunals Act 1996<sup>2</sup> (restriction of vexatious proceedings).
  - (2) The Attorney-General must, when exercising the right under paragraph (1) –
    - (a) pay any prescribed fee; and
    - (b) file a written request, which must –
      - (i) confirm that the request is for the purpose of preparing an application or considering whether to make an application mentioned in paragraph (1); and
      - (ii) name the person who would be the subject of the application.

---

1 1981 c.54.

2 1996 c.17.

## FILING AND SENDING DOCUMENTS

---

- 5.5 |
- (1) A practice direction may make provision for documents to be filed or sent to the court by –
    - (a) facsimile; or
    - (b) other electronic means.
  - (2) Any such practice direction may –
    - (a) provide that only particular categories of documents may be filed or sent to the court by such means;
    - (b) provide that particular provisions only apply in specific courts; and
    - (c) specify the requirements that must be fulfilled for any document filed or sent to the court by such means.

