

# PART 5

## COURT DOCUMENTS

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### 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.

<sup>1</sup> 1981 c.54.

<sup>2</sup> 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.

