

# 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 – GENERAL

- 5.4 |
- (1) A court or court office may keep a publicly accessible register of claims which have been issued out of that court or court office.
  - (2) Any person who pays the prescribed fee may, during office hours, search any available register of claims.  
(The practice direction contains details of available registers.)
  - (3) A party to proceedings may, unless the court orders otherwise, obtain from the records of the court a copy of –
    - (a) a statement of case;
    - (b) a judgment or order given or made in public (whether made at a hearing or without a hearing);
    - (c) an application notice, other than in relation to –
      - (i) an application by a solicitor for an order declaring that he has ceased to be the solicitor acting for a party; or
      - (ii) an application for an order that the identity of a party or witness should not be disclosed;
    - (d) any written evidence filed in relation to an application, other than a type of application mentioned in sub-paragraph (c)(i) or (ii);
    - (e) a notice of payment into court;
    - (f) an appellants notice or respondents notice.
  - (4) A party to proceedings may, if the court gives permission, obtain from the records of the court a copy of any other document filed by a party or communication between the court and a party or another person.
  - (5) Any other person may –
    - (a) unless the court orders otherwise, obtain from the records of the court a copy of –
      - (i) a claim form, subject to paragraph (6) and to any order of the court under paragraph (7);
      - (ii) a judgment or order given or made in public (whether made at a hearing or without a hearing), subject to paragraph (6); and
    - (b) if the court gives permission, obtain from the records of the court a copy of any other document filed by a party, or communication between the court and a party or another person.
  - (6) A person may obtain a copy of a claim form or a judgment or order under paragraph (5)(a) only if –

- (a) where there is one defendant, the defendant has filed an acknowledgment of service or a defence;
  - (b) where there is more than one defendant, either –
    - (i) all the defendants have filed an acknowledgment of service or a defence;
    - (ii) at least one defendant has filed an acknowledgment of service or a defence, and the court gives permission;
  - (c) the claim has been listed for a hearing; or
  - (d) judgment has been entered in the claim.
- (7) The court may, on the application of a party or of any person identified in the claim form –
- (a) restrict the persons or classes of persons who may obtain a copy of the claim form;
  - (b) order that persons or classes of persons may only obtain a copy of the claim form if it is edited in accordance with the directions of the court; or
  - (c) make such other order as it thinks fit.
- (8) A person wishing to obtain a copy of a document under paragraph (3), (4) or (5) must pay any prescribed fee and –
- (a) if the courts permission is required, file an application notice in accordance with Part 23; or
  - (b) if permission is not required, file a written request for the document.
- (9) An application for permission to obtain a copy of a document, or for an order under paragraph (7), may be made without notice, but the court may direct notice to be given to any person who would be affected by its decision.
- (10) Paragraphs (3) to (9) of this rule do not apply in relation to any proceedings in respect of which a rule or 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

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

<sup>2</sup> 1996 c.17.

- (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.

## 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.