

43rd UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendment to the existing Practice Direction supplementing Part 5 of the Civil Procedure Rules has been made by the Master of the Rolls under the powers delegated to him by the Lord Chief Justice under Schedule 2, Part 1, 2(2) of the Constitutional Reform Act 2005, and has been approved by the Lord Chancellor.

The amendments will come into force as follows:

Practice Direction 5	28 th November 2006
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Sir Anthony Clarke, M.R.

The Right Honourable

Sir Anthony Clarke

Master of the Rolls and Head of Civil Justice

The Lord Chancellor

PRACTICE DIRECTION SUPPLEMENTING PART 5

In the Practice Direction supplementing Part 5, after paragraph 4.5, insert-

“Supply of documents from court records – statements of case filed before 2nd October 2006

4A.1 Rule 5.4C(1A) provides that the rules of court relating to access by a non-party to statements of case in force immediately before 2nd October 2006 apply to statements of case filed before that date as if they had not been revoked. For ease of reference, those rules are set out in the following paragraphs as they applied to statements of case, along with the relevant supplementary provisions previously contained in this practice direction.

4A.2 A person who is not a party to proceedings may-

- (1) unless the court orders otherwise, obtain from the records of the court a copy of a claim form, but not any documents filed with or attached to or intended by the claimant to be served with such claim form, subject to paragraph 4A.3 and to any order of the court under paragraph 4A.4; and
- (2) if the court gives permission, obtain from the records of the court a copy of any other statement of case.

4A.3 A person may obtain a copy of a claim form under paragraph 4A.2(1) only if-

- (1) where there is one defendant, the defendant has filed an acknowledgment of service or a defence;
- (2) where there is more than one defendant, either—
 - (a) all the defendants have filed an acknowledgment of service or a defence;
 - (b) at least one defendant has filed an acknowledgment of service or a defence, and the court gives permission;
- (3) the claim has been listed for a hearing; or
- (4) judgment has been entered in the claim.

4A.4 The court may, on the application of a party or any person identified in the claim form-

- (1) restrict the persons or classes of persons who may obtain a copy of the claim form;

- (2) 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
- (3) make such other order as it thinks fit.

4A.5 A person wishing to obtain a copy of a document under paragraph 4A.2 must pay any prescribed fee and-

- (a) if the court's 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.

4A.6 An application for permission to obtain a copy of a statement of case, or for an order under paragraph 4A.4, may be made without notice, but the court may direct notice to be given to any person who would be affected by its decision.

4A.7 An application under paragraph 4A.3(2)(b) for permission to obtain a copy of a claim form must be made under Part 23.

4A.8 An application notice under paragraph 4A.2(2) or paragraph 4A.3(2)(b) must identify the document or class of document in respect of which permission is sought and the grounds relied upon.

4A.9 An application under paragraph 4A.4 by a party or a person identified in a claim form must be made-

- (a) under Part 23; and
- (b) to a Master or district judge, unless the court directs otherwise.