

COURT DOCUMENTS

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5.1 Scope of this Part

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.

5.2 Preparation of documents

- (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.

5.3 Signature of documents by mechanical means

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.

5.4 Register of claims

- (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.
(Practice Direction 5A contains details of available registers).

5.4A Supply of documents to Attorney-General from court records

- (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 1981¹ or section 33 of the Employment Tribunals Act 1996² (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.

5.4B Supply of documents to a party from court records

- (1) A party to proceedings may, unless the court orders otherwise, obtain from the records of the court a copy of any document listed in paragraph 4.2A of Practice Direction 5A.
- (2) 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.

5.4C Supply of documents to a non-party from court records

- (1) The general rule is that a person who is not a party to proceedings may obtain from the court records a copy of –
 - (a) a statement of case, but not any documents filed with or attached to the statement of case, or intended by the party whose statement it is to be served with it;
 - (b) a judgment or order given or made in public (whether made at a hearing or without a hearing), subject to paragraph (1B).
- (1A) Where a non-party seeks to obtain a copy of a statement of case filed before 2nd October 2006 –
 - (a) this rule does not apply; and
 - (b) the rules of court relating to access by a non-party to statements of case in force immediately before 2nd October 2006 apply as if they had not been revoked.

(The rules relating to access by a non-party to statements of case in force immediately before 2nd October 2006 were contained in the former rule 5.4(5) to 5.4(9). Practice Direction 5A sets out the relevant provisions as they applied to statements of case.)

¹ 1981 c.54.

² 1996 c.17.

- (1B) No document –
- (a) relating to an application under rule 78.24(1) for a mediation settlement enforcement order;
 - (b) annexed to a mediation settlement enforcement order made under rule 78.24(5);
 - (c) relating to an application under rule 78.26(1) or otherwise for disclosure or inspection of mediation evidence; or
 - (d) annexed to an order for disclosure or inspection made under rule 78.26 or otherwise, may be inspected without the court’s permission .
- (2) A non-party 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.
- (3) A non-party may obtain a copy of a statement of case or judgment or order under paragraph (1) 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.
- (4) The court may, on the application of a party or of any person identified in a statement of case –
- (a) order that a non-party may not obtain a copy of a statement of case under paragraph (1);
 - (b) restrict the persons or classes of persons who may obtain a copy of a statement of case;
 - (c) order that persons or classes of persons may only obtain a copy of a statement of case if it is edited in accordance with the directions of the court; or
 - (d) make such other order as it thinks fit.
- (5) A person wishing to apply for an order under paragraph (4) must file an application notice in accordance with Part 23.
- (6) Where the court makes an order under paragraph (4), a non-party who wishes to obtain a copy of the statement of case, or to obtain an unedited copy of the statement of case, may apply on notice to the party or person identified in the statement of case who requested the order, for permission.

5.4D Supply of documents from court records – general

- (1) A person wishing to obtain a copy of a document under rule 5.4B or rule 5.4C 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.
- (2) An application for an order under rule 5.4C(4) or for permission to obtain a copy of a document under rule 5.4B or rule 5.4C (except an application for permission under rule 5.4C(6)) may be made without notice, but the court may direct notice to be given to any person who would be affected by its decision.
- (3) Rules 5.4, 5.4B and 5.4C do not apply in relation to any proceedings in respect of which a rule or practice direction makes different provision.

5.5 Filing and sending documents

- (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.