Senior Courts Act 1981

1981 CHAPTER 54

PART II

JURISDICTION

THE HIGH COURT

Powers

[F1 33 Powers of High Court exercisable before commencement of action.

(1) On the application of any person in accordance with rules of court, the High Court shall, in such circumstances as may be specified in the rules, have power to make an order providing for any one or more of the following matters, that is to say—

(a) the inspection, photographing, preservation, custody and detention of property which appears to the court to be property which may become the subject-matter of subsequent proceedings in the High Court, or as to which any question may arise in any such proceedings; and

(b) the taking of samples of any such property as is mentioned in paragraph (a), and the carrying out of any experiment on or with any such property.

F2(2) On the application, in accordance with rules of court, of a person who appears to the High Court to be likely to be a party to subsequent proceedings in that court F3. . . the High Court shall, in such circumstances as may be specified in the rules, have power to order a person who appears to the court to be likely to be a party to the proceedings and to be likely to have or to have had in his possession, custody or power any documents which are relevant to an issue arising or likely to arise out of that claim—

(a) to disclose whether those documents are in his possession, custody or power; and

(b) to produce such of those documents as are in his possession, custody or power to the applicant or, on such conditions as may be specified in the order—

(i) to the applicant's legal advisers; or

Changes to legislation: *Senior Courts Act 1981, Section 33 is up to date with all changes known to be in force on or before 04 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(ii) to the applicant's legal advisers and any medical or other professional adviser of the applicant; or

(iii) if the applicant has no legal adviser, to any medical or other professional adviser of the applicant.**]**

[[F4](3) This section applies in relation to the family court as it applies in relation to the High Court.**]**

Textual Amendments

F1 S. 33 repealed so far as it relates to county courts by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), **Sch. 4**

F2 Power to amend conferred on s. 33(2) (27.4.1997) by 1997 c. 12, **s. 8(1)**; S.I.1997/841, **art. 3(a)**

F3 Words in s. 33(2) omitted (26.4.1999) by virtue of S.I. 1998/2940, **arts. 1**, 5(a); S.I. 1998/3132

F4 S. 33(3) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 55**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

C1 S.33 extended by SI 1988/593, art. 4(2)

C2 S.33 extended (temp. for a period of 12 months beginning with 22.3.90: SI 1990/675; and for a further period of 12 months beginning with 22.3.1991: SI 1991/549, 779) by Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4, SIF 39:2), s. 13(8), **Sch. 4 para. 9(6)**

S. 33 extended (*prosp.*) by 2000 c. 11, ss. 23, 128, **Sch. 4 para. 13(6)(b)**

S. 33 extended (17.4.2001) by S.I. 2001/953, **art. 4(2)**

S. 33 extended (13.12.2001) by S.I. 2001/3927, **art. 12**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(3)(a) word inserted by 2015 c. 2 s. 85(1)(a)
- s. 31(3)(a) word inserted by 2015 c. 2 s. 85(1)(a)
- s. 31(3)(b) and word inserted by 2015 c. 2 s. 85(1)(b)
- s. 31(3)(b) and word inserted by 2015 c. 2 s. 85(1)(b)
- s. 31(3A)(3B) inserted by 2015 c. 2 s. 85(2)
- s. 31(3A)(3B) inserted by 2015 c. 2 s. 85(2)