
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 21

**MISCELLANEOUS RULES ABOUT DISCLOSURE
AND INSPECTION OF DOCUMENTS**

Orders for disclosure against a person not a party

21.2.—(1) This rule applies where an application is made to the court under any Act for disclosure by a person who is not a party to the proceedings.

(2) The application—

- (a) may be made without notice; and
- (b) must be supported by evidence.

(3) The court may make an order under this rule only where disclosure is necessary in order to dispose fairly of the proceedings or to save costs.

(4) An order under this rule must—

- (a) specify the documents or the classes of documents which the respondent must disclose; and
- (b) require the respondent, when making disclosure, to specify any of those documents—
 - (i) which are no longer in the respondent's control; or
 - (ii) in respect of which the respondent claims a right or duty to withhold inspection.

(5) Such an order may—

- (a) require the respondent to indicate what has happened to any documents which are no longer in the respondent's control; and
- (b) specify the time and place for disclosure and inspection.

(6) An order under this rule must not compel a person to produce any document which that person could not be compelled to produce at the final hearing.

(7) This rule does not limit any other power which the court may have to order disclosure against a person who is not a party to proceedings.

(Rule 35.3 contains provisions in relation to the disclosure and inspection of evidence arising out of mediation of cross-border disputes.)