
STATUTORY INSTRUMENTS

2013 No. 262

The Civil Procedure (Amendment) Rules 2013

Amendments to the Civil Procedure Rules 1998

11. For rule 31.5, substitute—

“**31.5.**—(1) In all claims to which rule 31.5(2) does not apply—

- (a) an order to give disclosure is an order to give standard disclosure unless the court directs otherwise;
- (b) the court may dispense with or limit standard disclosure; and
- (c) the parties may agree in writing to dispense with or to limit standard disclosure.

(2) Unless the court otherwise orders, paragraphs (3) to (8) apply to all multi-track claims, other than those which include a claim for personal injuries.

(3) Not less than 14 days before the first case management conference each party must file and serve a report verified by a statement of truth, which—

- (a) describes briefly what documents exist or may exist that are or may be relevant to the matters in issue in the case;
- (b) describes where and with whom those documents are or may be located;
- (c) in the case of electronic documents, describes how those documents are stored;
- (d) estimates the broad range of costs that could be involved in giving standard disclosure in the case, including the costs of searching for and disclosing any electronically stored documents; and
- (e) states which of the directions under paragraphs (7) or (8) are to be sought.

(4) In cases where the Electronic Documents Questionnaire has been exchanged, the Questionnaire should be filed with the report required by paragraph (3).

(5) Not less than seven days before the first case management conference, and on any other occasion as the court may direct, the parties must, at a meeting or by telephone, discuss and seek to agree a proposal in relation to disclosure that meets the overriding objective.

(6) If—

- (a) the parties agree proposals for the scope of disclosure; and
- (b) the court considers that the proposals are appropriate in all the circumstances,

the court may approve them without a hearing and give directions in the terms proposed.

(7) At the first or any subsequent case management conference, the court will decide, having regard to the overriding objective and the need to limit disclosure to that which is necessary to deal with the case justly, which of the following orders to make in relation to disclosure—

- (a) an order dispensing with disclosure;
- (b) an order that a party disclose the documents on which it relies, and at the same time request any specific disclosure it requires from any other party;

- (c) an order that directs, where practicable, the disclosure to be given by each party on an issue by issue basis;
 - (d) an order that each party disclose any documents which it is reasonable to suppose may contain information which enables that party to advance its own case or to damage that of any other party, or which leads to an enquiry which has either of those consequences;
 - (e) an order that a party give standard disclosure;
 - (f) any other order in relation to disclosure that the court considers appropriate.
- (8) The court may at any point give directions as to how disclosure is to be given, and in particular—
- (a) what searches are to be undertaken, of where, for what, in respect of which time periods and by whom and the extent of any search for electronically stored documents;
 - (b) whether lists of documents are required;
 - (c) how and when the disclosure statement is to be given;
 - (d) in what format documents are to be disclosed (and whether any identification is required);
 - (e) what is required in relation to documents that once existed but no longer exist; and
 - (f) whether disclosure shall take place in stages.
- (9) To the extent that the documents to be disclosed are electronic, the provisions of Practice Direction 31B – Disclosure of Electronic Documents will apply in addition to paragraphs (3) to (8).”