



Administration of Justice Act 1970

1970 CHAPTER 31

PART III

DISCOVERY AND RELATED PROCEDURES

31 Power of court to order disclosure, etc. of documents before commencement of proceedings

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 in which a claim in respect of personal injuries to a person or in respect of a person's death is likely to be made, 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 to the applicant such of those documents as are in his possession, custody or power.

32 Extension of existing powers of court to order disclosure of documents, inspection of property, etc.

(1) On the application, in accordance with rules of court, of a party to any proceedings in which a claim in respect of personal injuries to a person or in respect of a person's death is made, the High Court shall, in such circumstances as may be specified in the rules, have power to order a person who is not a party to the proceedings and who appears to the court to be likely to have or to have had in his possession, custody or power any documents which are relevant to an issue arising out of that claim—

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

Status: This is the original version (as it was originally enacted).

- (b) to produce to the applicant such of those documents as are in his possession, custody or power.
- (2) On the application, in accordance with rules of court, of a party to any such proceedings as are referred to in subsection (1) above, 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 is not the property of, or in the possession of, any party to the proceedings but which is the subject matter of the proceedings or as to which any question arises in the proceedings;
 - (b) the taking of samples of any such property as is mentioned in paragraph (a) above and the carrying out of any experiment on or with any such property.
- (3) The foregoing provisions of this section are without prejudice to the exercise by the High Court of any power to make orders which is exercisable apart from those provisions.
- (4) In this section " property " includes any land, chattel or other corporeal property of any description.

33 Provisions supplementary to ss. 31 and 32

- (1) The power to make rules of court under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 shall include power to make rules of court as to the circumstances in which an order under section 31 or 32 of this Act can be made; and any such rules may include such incidental, supplementary and consequential provisions as the authority making the rules may consider necessary or expedient.
- (2) Without prejudice to the generality of subsection (1) above, rules of court shall be made under the said section 99 for the purpose of ensuring that the costs of and incidental to proceedings for an order under section 31 or 32 of this Act incurred by the person against whom the order is sought shall be awarded to that person unless the court otherwise directs.
- (3) In this Part of this Act " personal injuries " includes any disease and any impairment of a person's physical or mental condition.

34 Application of ss. 31 to 33 to county courts and High Court in Northern Ireland

- (1) Sections 31, 32 and 33 of this Act shall have effect in relation to county courts in England and Wales as they have effect in relation to the High Court, as if in those sections references to rules of court and to section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 included references to county court rules and to section 102 of the County Courts Act 1959.
- (2) In the application of the provisions of this Part of this Act to Northern Ireland, " the High Court " means the High Court of Justice in Northern Ireland, the reference in section 33(1) to section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 shall be construed as a reference to section 7 of the Northern Ireland Act 1962, and subsection (1) above shall be omitted.

35 Application to Crown

- (1) This Part of this Act shall bind the Crown.
- (2) Section 21 of the Administration of Justice Act 1969 (power of court to order inspection, custody, etc. of property pending commencement of action) shall bind the Crown so far as it relates to property (within the meaning of that section) as to which it appears to the court that it may become the subject-matter of subsequent proceedings involving a claim in respect of personal injuries to a person or in respect of a person's death.
- (3) A court shall not make an order under section 31 or 32 of this Act, nor an order under section 21 of the said Act of 1969, if it considers that compliance with the order, if made, would be likely to be injurious to the public interest.
- (4) In this section references to the Crown do not include references to Her Majesty in Her private capacity nor to Her Majesty in right of Her Duchy of Lancaster, nor to the Duke of Cornwall.