



Civil Procedure Act 1997

1997 CHAPTER 12

Court orders

7 Power of courts to make orders for preserving evidence, etc.

- (1) The court may make an order under this section for the purpose of securing, in the case of any existing or proposed proceedings in the court—
 - (a) the preservation of evidence which is or may be relevant, or
 - (b) the preservation of property which is or may be the subject-matter of the proceedings or as to which any question arises or may arise in the proceedings.
- (2) A person who is, or appears to the court likely to be, a party to proceedings in the court may make an application for such an order.
- (3) Such an order may direct any person to permit any person described in the order, or secure that any person so described is permitted—
 - (a) to enter premises in England and Wales, and
 - (b) while on the premises, to take in accordance with the terms of the order any of the following steps.
- (4) Those steps are—
 - (a) to carry out a search for or inspection of anything described in the order, and
 - (b) to make or obtain a copy, photograph, sample or other record of anything so described.
- (5) The order may also direct the person concerned—
 - (a) to provide any person described in the order, or secure that any person so described is provided, with any information or article described in the order, and
 - (b) to allow any person described in the order, or secure that any person so described is allowed, to retain for safe keeping anything described in the order.
- (6) An order under this section is to have effect subject to such conditions as are specified in the order.

Changes to legislation: Civil Procedure Act 1997, Cross Heading: Court orders is up to date with all changes known to be in force on or before 19 April 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

- (7) This section does not affect any right of a person to refuse to do anything on the ground that to do so might tend to expose him or his spouse [^{F1}or civil partner] to proceedings for an offence or for the recovery of a penalty.
- (8) In this section—
 “court” means the High Court, and
 “premises” includes any vehicle;
 and an order under this section may describe anything generally, whether by reference to a class or otherwise.

Textual Amendments

- F1** Words in s. 7(7) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c.12\)](#), ss. 261(1), 263(10)(b), [Sch 27 para. 154](#); S.I. 2005/3175, [art. 2\(2\)](#)

8 Disclosure etc. of documents before action begun.

- (1) The Lord Chancellor may by order amend the provisions of section 33(2) of the ^{M1}[^{F2}Senior Courts Act 1981], or section 52(2) of the ^{M2}County Courts Act 1984 (power of court to order disclosure etc. of documents where claim may be made in respect of personal injury or death), so as to extend the provisions—
 (a) to circumstances where other claims may be made, or
 (b) generally.
- (2) The power to make an order under this section is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F2** Words in s. 8(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59(5), 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/ 1604, {art. 2(d)}

Marginal Citations

- M1** 1981 c. 54.
M2 1984 c. 28.

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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. 1(4) inserted by [2022 c. 35 Sch. 4 para. 2\(2\)](#)
- s. 3(3)(4) substituted by [2005 c. 4 Sch. 4 para. 265\(2\)](#) (This amendment is made to s. 3 as prospectively amended by 2003 c. 39, s. 85(2). Although it is in force at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v), it cannot be applied until the substitution of s. 3 has been brought into force)
- s. 3(5) words substituted by [2005 c. 4 Sch. 4 para. 265\(3\)](#) (This amendment is made to s. 3 as prospectively amended by 2003 c. 39, s. 85(2). Although it is in force at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v), it cannot be applied until the substitution of s. 3 has been brought into force)
- s. 3(6) words repealed by [2005 c. 4 Sch. 4 para. 265\(4\)Sch. 18 Pt. 2](#) (This amendment is made to s. 3 as prospectively amended by 2003 c. 39, s. 85(2). Although it is in force at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 paras. 11(v), 30(b), it cannot be applied until the substitution of s. 3 has been brought into force)
- s. 3(7) repealed by [2005 c. 4 Sch. 4 para. 265\(5\)Sch. 18 Pt. 2](#) (This amendment is made to s. 3 as prospectively amended by 2003 c. 39, s. 85(2). Although it is in force at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 paras. 11(v), 30(b), it cannot be applied until the substitution of s. 3 has been brought into force)
- s. 5(7) inserted by [2022 c. 35 Sch. 4 para. 2\(3\)](#)