



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, Section 7 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\(2\)](#)

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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\(3\)](#)