



Crown Proceedings Act 1947

1947 CHAPTER 44 10 and 11 Geo 6

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

28 Discovery.

- (1) Subject to and in accordance with rules of court ^{F1}...:—
- (a) in any civil proceedings in the High Court or [^{F2}the county court] to which the Crown is a party, the Crown may be required by the court to make discovery of documents and produce documents for inspection; and
 - (b) in any such proceedings as aforesaid, the Crown may be required by the court to answer interrogatories:

Provided that this section shall be without prejudice to any rule of law which authorises or requires the withholding of any document or the refusal to answer any question on the ground that the disclosure of the document or the answering of the question would be injurious to the public interest.

Any order of the court made under the powers conferred by paragraph (b) of this subsection shall direct by what officer of the Crown the interrogatories are to be answered.

- (2) Without prejudice to the proviso to the preceding subsection, any rules made for the purposes of this section shall be such as to secure that the existence of a document will not be disclosed if, in the opinion of a Minister of the Crown, it would be injurious to the public interest to disclose the existence thereof.

Textual Amendments

- F1** Words in s. 28(1) repealed (1.10.2005) by [The Civil Procedure \(Modification of Crown Proceedings Act 1947\) Order 2005 \(S.I. 2005/2712\)](#), art. 2, **Sch. 1 para. 1** (with art. 4)

Changes to legislation: There are currently no known outstanding effects for the Crown Proceedings Act 1947, Section 28. (See end of Document for details)

- F2** Words in Act substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 20\(a\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

- C1** Ss. 21-42 excluded (S.) (18.4.2016) by [The Utilities Contracts \(Scotland\) Regulations 2016 \(S.S.I. 2016/49\)](#), regs. 1, **103(8)**

Changes to legislation:

There are currently no known outstanding effects for the Crown Proceedings Act 1947, Section 28.