
STATUTORY INSTRUMENTS

2006 No. 1689

The Civil Procedure (Amendment) Rules 2006

Amendment to the Civil Procedure Rules 1998

3. In Part 5—

- (a) for rule 5.4 (Supply of Documents from court records – general), substitute—

“Register of claims

5.4.—(1) A court or court office may keep a publicly accessible register of claims which have been issued out of that court or court office.

(2) Any person who pays the prescribed fee may, during office hours, search any available register of claims.

(The practice direction contains details of available registers).”;

- (b) after rule 5.4A insert—

“Supply of documents to a party from court records

5.4B.—(1) A party to proceedings may, unless the court orders otherwise, obtain from the records of the court a copy of any document listed in paragraph 4.2A of the Practice Direction.

(2) A party to proceedings may, if the court gives permission, obtain from the records of the court a copy of any other document filed by a party or communication between the court and a party or another person.

Supply of documents to a non-party from court records

5.4C.—(1) The general rule is that a person who is not a party to proceedings may obtain from the court records a copy of—

- (a) a statement of case, but not any documents filed with or attached to the statement of case, or intended by the party whose statement it is to be served with it;
- (b) a judgment or order given or made in public (whether made at a hearing or without a hearing).

(2) A non-party may, if the court gives permission, obtain from the records of the court a copy of any other document filed by a party, or communication between the court and a party or another person.

(3) A non-party may obtain a copy of a statement of case or judgment or order under paragraph (1) only if—

- (a) where there is one defendant, the defendant has filed an acknowledgment of service or a defence;
- (b) where there is more than one defendant, either—
- (i) all the defendants have filed an acknowledgment of service or a defence;

- (ii) at least one defendant has filed an acknowledgment of service or a defence, and the court gives permission;
 - (c) the claim has been listed for a hearing; or
 - (d) judgment has been entered in the claim.
- (4) The court may, on the application of a party or of any person identified in a statement of case—
 - (a) order that a non-party may not obtain a copy of that statement of case under paragraph (1);
 - (b) restrict the persons or classes of persons who may obtain a copy of that statement of case;
 - (c) order that persons or classes of persons may only obtain a copy of that statement of case if it is edited in accordance with the directions of the court; or
 - (d) make such other order as it thinks fit.
- (5) A person wishing to apply for an order under paragraph (4) must file an application notice in accordance with Part 23.
- (6) Where the court makes an order under paragraph (4), a non-party who wishes to obtain a copy of the statement of case, or to obtain an unedited copy of the statement of case, may apply on notice to the party or person identified in the statement of case who requested the order, for permission.

Supply of documents from court records - general

- 5.4D.**—(1) A person wishing to obtain a copy of a document under rule 5.4B or rule 5.4C must pay any prescribed fee and—
- (a) if the court’s permission is required, file an application notice in accordance with Part 23; or
 - (b) if permission is not required, file a written request for the document.
- (2) An application for an order under rule 5.4C(4) or for permission to obtain a copy of a document under rule 5.4B or rule 5.4C (except an application for permission under rule 5.4C(6)) may be made without notice, but the court may direct notice to be given to any person who would be affected by its decision.
- (3) Rules 5.4, 5.4B and 5.4C do not apply in relation to any proceedings in respect of which a rule or practice direction makes different provision.”.