
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 16

DISCLOSURE

General or specific disclosure

16.2.—(1) The court may either on its own initiative or on the application of a party make an order to give general or specific disclosure.

(2) General disclosure requires a party to disclose—

- (a) the documents on which that party relies; and
- (b) the documents which—
 - (i) adversely affect that party's own case;
 - (ii) adversely affect another party's case; or
 - (iii) support another party's case.

(3) An order for specific disclosure is an order that a party must do one or more of the following things—

- (a) disclose documents or classes of documents specified in the order;
- (b) carry out a search to the extent stated in the order; or
- (c) disclose any document located as a result of that search.

(4) A party's duty to disclose documents is limited to documents which are or have been in that party's control.

(5) For the purposes of paragraph (4) a party has or has had a document in that party's control if—

- (a) it is or was in that party's physical possession;
- (b) that party has or has had possession of it; or
- (c) that party has or has had a right to inspect or take copies of it.